



Queensland

# Queensland Building and Construction Commission and Other Legislation Amendment Regulation 2021

## Subordinate Legislation 2021 No. 37

made under the

*Queensland Building and Construction Commission Act 1991*

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title .....	2
<b>Part 2</b>	<b>Amendment of Building Industry Fairness (Security of Payment) and Other Legislation Amendment Regulation 2020</b>	
2	Regulation amended .....	2
3	Amendment of s 33 (Insertion of new sch 1AA) .....	2
<b>Part 3</b>	<b>Amendment of Queensland Building and Construction Commission and Other Legislation (Fire Protection Licensing) Amendment Regulation 2020</b>	
4	Regulation amended .....	4
5	Amendment of s 17 (Insertion of new s 7A) .....	4
6	Amendment of s 23 (Insertion of new s 18A) .....	5
7	Amendment of s 28 (Insertion of new pt 9, div 4, sdiv 2) .....	5
8	Amendment of s 29 (Amendment of sch 1 (Work that is not building work)) .....	10
9	Amendment of s 31 (Amendment of sch 2 (Classes of licences and licence requirements)) .....	10
10	Amendment of s 32 (Amendment of sch 3 (Classes and requirements of fire protection occupational licences)) .....	11
11	Amendment of s 35 (Insertion of new sch 7B) .....	12
12	Amendment of s 36 (Amendment of sch 8 (Dictionary)) .....	15

## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Queensland Building and Construction Commission and Other Legislation Amendment Regulation 2021*.

## **Part 2 Amendment of Building Industry Fairness (Security of Payment) and Other Legislation Amendment Regulation 2020**

### **2 Regulation amended**

This part amends the *Building Industry Fairness (Security of Payment) and Other Legislation Amendment Regulation 2020*.  
*Editor's note—*

Legislation ultimately amended—

- *Queensland Building and Construction Commission Regulation 2018*

### **3 Amendment of s 33 (Insertion of new sch 1AA)**

(1) Section 33, inserted schedule 1AA, section 1—

*insert—*

(ca) work performed by an unlicensed person as a subcontractor for an appropriately licensed trade contractor if the work is—

- (i) the installation or maintenance of a fire collar, fire-rated penetration or fire-rated joint seal; or

- (ii) the installation or maintenance of a fire and smoke wall or fire-rated ceiling;
  - (da) the certification, inspection or testing of a fire damper that is part of the following for a building—
    - (i) air-conditioning;
    - (ii) an air handling system;
    - (iii) a mechanical ventilation system;
  - (n) work, performed by a person who holds an electrical mechanic licence, that is inspecting or testing emergency lighting systems.
- (2) Section 33, inserted schedule 1AA, section 1(ca) to (k)—  
*renumber* as inserted schedule 1AA, section 1(d) to (m).
- (3) Section 33, inserted schedule 1AA, section 1—  
*insert*—
  - (2) In this section—  
***appropriately licensed trade contractor*** means a licensed contractor who—
    - (a) holds a licence authorising the licensee to have a subcontractor carry out the work mentioned in subsection (1)(d)(i) or (ii) for the licensee; but
    - (b) is not—
      - (i) a licensed builder; or
      - (ii) licensed to carry out completed building inspections.
- (4) Section 33, inserted schedule 1AA, section 2—  
*insert*—

- (g) the certification of a battery-operated smoke alarm in a building that is a class 1a or 2 building under the Building Code of Australia.

## Part 3

# Amendment of Queensland Building and Construction Commission and Other Legislation (Fire Protection Licensing) Amendment Regulation 2020

### 4 Regulation amended

This part amends the *Queensland Building and Construction Commission and Other Legislation (Fire Protection Licensing) Amendment Regulation 2020*.

*Editor's note—*

Legislation ultimately amended—

- *Queensland Building and Construction Commission Regulation 2018*

### 5 Amendment of s 17 (Insertion of new s 7A)

- (1) Section 17, inserted section 7A(1)(a), 'after carrying'—  
*omit, insert—*

after a person carries

- (2) Section 17, inserted section 7A—  
*insert—*

(2A) For subsection (1)(a), the person who prepares the certificate need not be the person who carries out the annual survey.

- (3) Section 17, inserted section 7A(2A) and (3)—

---

*renumber* as inserted section 7A(3) and (4).

## 6 Amendment of s 23 (Insertion of new s 18A)

(1) Section 23, inserted section 18A(3), definition *appropriately licensed contractor*—

*omit, insert*—

***appropriately licensed contractor***, in relation to relevant work, means a person who—

- (a) holds a contractor's licence authorising the person to carry out the relevant work; or
- (b) is otherwise authorised under an Act to carry out the relevant work.

(2) Section 23, inserted section 18A(3), definition *relevant fire protection occupational licence*, paragraphs (b) and (c)—

*omit, insert*—

- (b) schedule 3, part 5, section 1(1); or
- (c) schedule 3, part 10, section 1(1).

## 7 Amendment of s 28 (Insertion of new pt 9, div 4, sdiv 2)

(1) Section 28, inserted section 82—

*insert*—

- (5) Subsection (6) applies if the licence of the former class is a licence of a former class mentioned in—
  - (a) schedule 2, part 28, section 1(3), as in force immediately before the commencement; or

- (b) schedule 3, part 7, section 1(2), as in force immediately before the commencement.
  - (6) Before 1 November 2021, the scope of work for the licence of the new class is taken to include the scope of work for the licence of the former class.
- (2) Section 28, inserted section 83—

*insert—*

- (5) For deciding an application or request mentioned in subsection (2), (3) or (4), if the person making the application or request has the qualifications required for the licence of the former class, the person is taken to have the technical qualifications required, under part 3, division 2, for the licence of the new class.

*Note—*

See also section 85 and schedule 7B, part 2 for additional technical qualifications required for particular licensees.

- (6) Subsection (7) applies if—
  - (a) an application or request mentioned in subsection (2), (3) or (4) relates to a licence of a former class mentioned in—
    - (i) schedule 2, part 28, section 1(3), as in force immediately before the commencement; or
    - (ii) schedule 3, part 7, section 1(2), as in force immediately before the commencement; and
  - (b) the licence of the new class is granted, renewed or restored.
- (7) Before 1 November 2021, the scope of work

for the licence of the new class is taken to include the scope of work for the licence of the former class.

- (3) Section 28, inserted section 85(1)(a)—

*omit, insert—*

(a) immediately before the commencement, a person held a licence of a former class that is taken, under section 82(2), to be a licence of a new class; and

- (4) Section 28, inserted section 85—

*insert—*

(1A) Also, this section applies if—

(a) before the commencement, a person applied for, or for the renewal of, or requested the restoration of, a licence of a former class; and

(b) under section 83(2), (3) or (4), the licence is granted, renewed or restored as a licence of a new class.

- (5) Section 28, inserted section 85(2), after ‘column 3’—

*insert—*

, or an equivalent qualification,

- (6) Section 28, inserted section 85(3) and (4), ‘subsection (2)’—

*omit, insert—*

subsection (3)

- (7) Section 28, inserted section 85(5)—

*insert—*

***equivalent qualification***, of a technical qualification mentioned in schedule 7B, part 2, column 3, means—

- (a) a qualification that replaces or supersedes the technical qualification; or
- (b) another qualification the commission is satisfied is at least equivalent to the technical qualification.

*former class* means a class of licence mentioned in schedule 7B, part 2, column 1.

*new class*, in relation to a former class, means the class of licence mentioned opposite the former class in schedule 7B, part 2, column 2.

- (8) Section 28, inserted section 85(1A) to (5)—  
*renumber* as inserted section 85(2) to (6).

- (9) Section 28, after inserted section 85—  
*insert*—

### **85A Alternative qualifications for applications for particular new licence class**

- (1) Subsection (2) applies in relation to an application for a licence of the class mentioned in schedule 2, part 31, section 1(4) if—
  - (a) the application is made on or after the commencement but before 1 November 2021; and
  - (b) the applicant does not have the technical qualifications required under part 3, division 2 for a licence of the class; and
  - (c) the applicant is the holder of an electrical mechanic licence; and
  - (d) the applicant has, for at least 6 months, carried out work that is the installation

and maintenance of the inputs, outputs and controls associated with fire detection systems or emergency warning and intercom systems; and

- (e) the application is accompanied by evidence of the matters mentioned in paragraph (d).
- (2) For deciding the application, the applicant is taken to have the technical qualifications required under part 3, division 2 for a licence of the class.

### **85B Alternative additional technical qualifications for particular new licence class**

- (1) This section applies in relation to a person who holds a licence of the class mentioned in schedule 2, part 31, section 1(4) if—
- (a) either—
    - (i) the person is taken to hold the licence under section 82(2); or
    - (ii) the licence was granted, renewed or restored under section 83(2), (3) or (4); and
  - (b) the person does not have the additional technical qualifications required under section 85(3) for a licence of the class; and
  - (c) the person is the holder of an electrical mechanic licence; and
  - (d) the person has, for at least 6 months, carried out work that is the installation and maintenance of the inputs, outputs and controls associated with fire

detection systems or emergency warning and intercom systems; and

- (e) before 1 November 2021, the person gives the commission evidence of the matters mentioned in paragraph (d).
- (2) The commission must give the person written notice stating that the person is taken to have the additional technical qualifications required under section 85(3) for a licence of the class.
- (3) On and from the date of the notice, the person is taken to have the additional technical qualifications required under section 85(3) for a licence of the class.

## **8 Amendment of s 29 (Amendment of sch 1 (Work that is not building work))**

Section 29(2)—

*omit.*

## **9 Amendment of s 31 (Amendment of sch 2 (Classes of licences and licence requirements))**

- (1) Section 31(5), inserted schedule 2, part 25, section 3, note, from ‘licensees’—

*omit, insert—*

particular licensees.

- (2) Section 31(5), inserted schedule 2, part 31, section 3, note, from ‘licensees’—

*omit, insert—*

particular licensees.

- (3) Section 31(8), inserted schedule 2, part 33, section 2A(1)—

*omit, insert—*

- 
- (1) This section applies in relation to a licence of the class mentioned in section 1, unless—
- (a) the licensee held the licence immediately before the commencement and continues to hold the licence from the commencement; or
  - (b) before the commencement, the licensee applied for, or for the renewal of, or requested the restoration of, the licence and the application or request is granted after the commencement.
- (4) Section 31(10), inserted schedule 2, part 38, section 2A(1)—  
*omit, insert—*

- (1) This section applies in relation to a licence of the class mentioned in section 1(1) or (2), if—
- (a) the licensee held the licence immediately before the commencement and continues to hold the licence from the commencement; or
  - (b) before the commencement, the licensee applied for, or for the renewal of, or requested the restoration of, the licence and the application or request is granted after the commencement.

## 10 **Amendment of s 32 (Amendment of sch 3 (Classes and requirements of fire protection occupational licences))**

- (1) Section 32(1), inserted schedule 3, part 4, section 3, note, from ‘licensees’—  
*omit, insert—*

particular licensees.

- (2) Section 32(1), inserted schedule 3, part 10, section 3, note, from ‘licensees’—

*omit, insert—*

particular licensees.

- (3) Section 32(4), inserted schedule 3, part 12, section 2A(1)—

*omit, insert—*

- (1) This section applies in relation to a licence of the class mentioned in section 1, unless—

(a) the licensee held the licence immediately before the commencement and continues to hold the licence from the commencement; or

(b) before the commencement, the licensee applied for, or for the renewal of, or requested the restoration of, the licence and the application or request is granted after the commencement.

## **11 Amendment of s 35 (Insertion of new sch 7B)**

- (1) Section 35, inserted schedule 7B, part 2, item 4—

*omit, insert—*

<p>4 fire detection, alarm and warning systems—install and maintain—extra low voltage licence mentioned in schedule 2, part 30, section 1(2), as in force immediately before the commencement</p>	<p>fire protection—electrical stream—install and maintain—fire alarm systems licence mentioned in schedule 2, part 31, section 1(4)</p>	<p>successful completion of—</p> <p>(a) Certificate III in fire protection control (UEE31011) (the <i>certificate</i>); and</p> <p>(b) if the licensee has not successfully completed the certificate on or before the commencement—the competency unit Inspect and test emergency and exit lighting systems (CPPFES2026A); or</p> <p>if the licensee is the holder of an electrical mechanic licence, successful completion of the following competency units—</p> <ul style="list-style-type: none"> <li>• Prevent ozone depleting substance and synthetic greenhouse gas emissions (CPPFES2043A)</li> <li>• Enter and verify programs for fire protection systems (UEEEEC0026)</li> <li>• Install fire detection and warning system apparatus (UEEEEC0041)</li> </ul>
---	---	--

		<ul style="list-style-type: none"><li>• Repairs basic electronic apparatus faults by replacement of components (UEEEEC0060)</li><li>• Verify compliance and functionality of fire protection system installation (UEEEEC0076)</li><li>• Install and maintain cabling for multiple access to telecommunication services (UEEDV0005)</li></ul> <p>1 May 2025</p>
--	--	--

(2) Section 35, inserted schedule 7B, part 2, item 9—  
*omit, insert—*

<p>9 fire detection, alarm and warning systems—install and maintain—extra low voltage occupational licence mentioned in schedule 3, part 9, section 1(2), as in force immediately before the commencement</p>	<p>fire protection—electrical stream—install and maintain—fire alarm systems occupational licence mentioned in schedule 3, part 10, section 1(4)</p>	<p>if the licensee is not the holder of an electrical mechanic licence, successful completion of—</p> <p>(a) Certificate III in fire protection control (UEE31011) (the <i>certificate</i>); and</p> <p>(b) if the licensee has not successfully completed the certificate on or before the commencement—the competency unit Inspect and test emergency and exit lighting systems (CPPFES2026A)</p> <p>1 May 2025</p>
---	--	---

## 12 Amendment of s 36 (Amendment of sch 8 (Dictionary))

- (1) Section 36(2), inserted definition *fire and smoke walls*, ‘schedules 2’—

*omit, insert—*

schedules 1AA, 2

- (2) Section 36(2), inserted definition *inspect and test*, paragraph (c), after ‘paragraphs (a) and (b)’—

*insert—*

, other than a certificate mentioned in section 7A

- (3) Section 36(2), inserted definition *install*, paragraph (b), after ‘other document’—

*insert—*

, other than a certificate mentioned in section 7A,

- (4) Section 36(2), inserted definition *maintain*, paragraph (b), after ‘other document’—

*insert—*

, other than a certificate mentioned in section 7A,

ENDNOTES

- 1 Made by the Governor in Council on 29 April 2021.
- 2 Notified on the Queensland legislation website on 30 April 2021.
- 3 The administering agency is the Department of Energy and Public Works.

© State of Queensland 2021