

Queensland Building and Construction Commission and Other Legislation Amendment Bill 2025

Explanatory Notes

Short title

The short title of the Bill is the Queensland Building and Construction Commission and Other Legislation Amendment Bill 2025 (the Bill).

Policy objectives and the reasons for them

The objectives of the Bill are to:

- ensure a contemporary, modernised regulatory framework for the Queensland Building and Construction Commission (QBCC)
- support the QBCC's transition in delivering more services digitally to improve efficiency and customer experience
- streamline workplace safety notifications to improve productivity in Queensland's building and construction industry.

The 'Building Reg Reno' package of reforms aim to improve productivity within Queensland's building and construction industry while continuing to support efficient, risk-based regulatory effort and appropriate building standards.

Tranches 1 and 2 of the Building Reg Reno reforms commenced with regulation amendments to pause the further rollout of trust accounts and provide immediate regulatory relief and efficiencies for industry. These included removing annual financial reporting requirements for certain QBCC licenses and extending a range of licensing timeframes.

Amendments in the Bill represent Tranche 3 of the reforms.

The QBCC is Queensland's primary building industry regulator. As an independent statutory body, it is responsible for administering several Acts, including:

- *Queensland Building and Construction Commission Act 1991* (QBCC Act)
- *Building Act 1975* (Building Act)
- *Plumbing and Drainage Act 2017* (PD Act).

The legislative frameworks under these Acts include a comprehensive licensing framework (contractor, occupational, building certifier, pool safety inspector and plumbing and drainage licences) as well as a range of other elements such as dispute resolution, building rectification, review processes and the Queensland Home Warranty Scheme.

Over recent years, the QBCC has been focusing on developing more efficient and user-friendly services, including digital communications and platforms to support a more responsive and customer-focused regulatory and service delivery environment. Initiatives to grow the QBCC's digital capability aim to improve efficiency, facilitate digital licensing, improve customer interactions and deliver a more integrated way of working and providing services.

The Queensland Digital Licence app is available for Queenslanders to access a range of licences, including drivers and marine recreational licences and proof-of-age cards. In September 2024, regulation amendments were made to allow QBCC licences to be available on the app.

However, legislative barriers may hinder the QBCC from delivering services, such as digital licensing and electronic interactions with licensees, consumers and other customers, electronically. For example, the QBCC Act currently provides that licences are issued in the form of a card and licence application provisions include specific requirements regarding providing two certified passport-sized photographs. This results in unnecessary inefficiencies and regulatory burden.

Legislative provisions have also been identified that can be simplified and streamlined. Serious safety incidents on building sites can have potentially devastating consequences. A number of changes were made to Queensland legislation regarding workplace safety incidents following the tragic death of Mr Jason Garrels in 2012.

In 2017, amendments to the QBCC Act were made to require licensees to make separate notifications to both the QBCC and the regulator under the *Work Health and Safety Act 2011* (WHS Act) or the *Electrical Safety Act 2002* (ES Act) about serious notifiable safety incidents. The intent was to ensure the QBCC is aware of serious safety incidents on building sites and take appropriate action in relation to QBCC licensees.

Other amendments to the QBCC Act also enabled the QBCC to consider work health and safety issues and expand the grounds upon which the QBCC may take disciplinary action against a licensee, or suspend or cancel a licence. These include where the licensee's work on a building site may have caused the death of a person or grievous bodily harm or a serious risk to the health or safety of a person.

The amendments have resulted in QBCC licensees being required to notify the QBCC and the regulator under the WHS Act or ES Act for the same serious safety incident on a building site. QBCC licensees must also notify the QBCC for breaches of some enforcement actions.

Since then, improvements to internal system processes and information-sharing arrangements between regulators mean there is no longer a need for QBCC licensees to report the same incident to two different regulators.

Achievement of policy objectives

The Bill achieves its objectives by:

- modernising legislation to support the QBCC's transition to a more responsive, efficient and user-friendly regulator
- removing legislative impediments to enable the QBCC's greater use of electronic interactions to deliver services and regulate the building industry
- streamlining workplace safety notification requirements.

Amendments are proposed to the Building Act, PD Act and QBCC Act to remove legislative impediments for the QBCC to embrace digital technology, support the QBCC's initiatives to be a more modern regulator and improve efficiency and customer experience. It is important that legislative provisions reflect modern societal expectations, including that a digital licence is available and that there can be electronic communication.

The Bill removes legislative impediments that restrict the QBCC's ability to provide user-friendly and electronic services. For example amendments will remove the requirement for a QBCC licence to be issued as a hard copy card. The amendments are intended to complement the existing regulatory provisions under the Transport Planning and Coordination Regulation 2017, allowing QBCC licensees to access their licence via the Queensland Digital Licence app.

The proposed legislative amendments will also introduce a pathway to serve documents digitally. Licensees will be required to notify the QBCC of any changes to their provided email address to ensure they receive relevant communications. These changes support efficient and flexible options for the QBCC to provide and receive documents required under relevant legislation and make it easier for recipients to send and receive documents promptly.

Licensees, consumers and other QBCC customers will still be able to choose their desired method of communication with the QBCC, e.g. providing and receiving documents by post, opting out of electronic service of documents, and lodging documents at regional service centres if preferred.

Overall, the Bill will introduce greater operational flexibility, reduce the barriers to transacting business efficiently and support the QBCC's move to a more customer focused environment.

In addition, improvements to internal system processes and matured information-sharing arrangements between regulators mean that notification arrangements to the QBCC of serious safety incidents can be streamlined while still achieving the original policy intent.

Amendments are therefore proposed to the QBCC Act to make the process for reporting a safety matter less complex for QBCC licensees. Instead, if QBCC licensees are required to notify the regulator under the WHS Act or ES Act of a safety matter under that legislation, they would not be required to also notify the QBCC of the same matter. Information sharing arrangements between the QBCC and the regulator under the WHS Act or ES Act will ensure the QBCC continues to be notified of those incidents. There is no change to policy intent, and notification requirements to the regulator under the WHS Act or ES Act remain under that legislation.

Operationally, a change will be made to notification processes under the WHS Act or ES Act to ensure the regulator under the WHS Act or ES Act can promptly provide appropriate information to the QBCC about serious safety matters on building sites through information-sharing arrangements, who can then respond if necessary. For example, section 74B of the QBCC Act provides that QBCC is able to take disciplinary action against a licensee where there is a serious work health and safety incident or risk. This includes where:

- building or other work on a building site under the licensee's control, or carried out under their licence, may have caused a death or grievous bodily harm to a person, or
- there is a serious risk to the health or safety of a person.

The QBCC and the regulator under the WHS Act and ES Act have been working to increase administrative efficiencies and improve current information sharing arrangements, including a more user-friendly and effective incident notification system.

Acts governing both the regulator under the WHS Act or ES Act and the QBCC provide for information sharing arrangements and ensure strict confidentiality of information.

QBCC licensees must still notify the QBCC if they become aware of a person carrying out building or other work on a building site under the licensee's control or on which the licensee is carrying out building work, has contravened or is contravening a notice or injunction under the WHS Act or ES Act.

Alternative ways of achieving policy objectives

The policy objectives can only be achieved through legislative amendments.

Estimated cost for government implementation

The Bill does not introduce any new requirements that would result in additional costs to the Queensland Government or relevant regulators. Instead, the Bill complements and further supports existing work already underway.

Modernising legislation and supporting QBCC services to be provided electronically results in the QBCC adapting existing policies, procedures and services. Work is already underway in the QBCC to increase digital capabilities and service offerings to support increased efficiencies. Other benefits of transacting business electronically include improving customer service, aligning with consumer expectations, streamlining processes and lowering costs of service delivery.

The amendments in the Bill do not require the QBCC to deliver any services electronically, but rather remove legislative impediments that may prevent services from being delivered electronically and support a modernised regulatory environment.

Further, information sharing systems are already in place between the QBCC and OIR regarding workplace notification arrangements.

Consistency with fundamental legislative principles

The Bill has been drafted having regard to the fundamental legislative principles in the *Legislative Standards Act 1992* and is generally consistent with fundamental legislative principles.

The Bill will amend an existing offence provision contained within existing section 54A, which is a potential breach of fundamental legislative principles.

Clause 26 of the Bill proposes to amend section 54A of the QBCC Act and provide that a QBCC licensee who has control of, or is carrying out building work on, a building site and is a person conducting a business or undertaking under the WHS Act or ES Act only needs to notify the regulator under the WHS Act or ES Act of a relevant safety matter. This aims to make the process for reporting a serious safety matter less complex for QBCC licensees, with existing information sharing arrangements ensuring the QBCC receives relevant information from the regulator under the WHS Act or ES Act.

The current section 54A of the QBCC Act requires these licensees to notify both the regulator under the WHS Act and ES Act as well as the QBCC of these relevant safety matters. The existing section already provides a maximum penalty for contraventions of 80 penalty units

(PU) for breaches of current notification requirements, reflecting the serious consequences of these safety matters.

It is proposed that the penalty for failure to comply with the amended provision be adjusted to 100PU. The amended provision does not change the policy intent of the existing provision, i.e. it is intended the QBCC still receives information about serious safety incidents on building sites. Amending the penalty to 100PU is considered to better reflect the serious nature of non-compliance. A penalty of 100PU is also consistent with the penalty framework within the QBCC Act, including for example section 74AM, which provides 100PU for failure of a person in the chain of responsibility for a building product to notify the QBCC of a relevant notifiable incident that was or may have been caused by the use of the building product for an intended use. In addition, 100PU also applies for failure to notify of a relevant serious safety incident under the WHS Act and ES Act.

It is critical that the QBCC receives this information to determine if any investigations and potential disciplinary action are warranted under the QBCC Act. This enables licensees carrying out work and in charge of a building site to be held accountable for ensuring all work is carried out in a safe manner and in accordance with the appropriate standards, codes and legislative requirements.

Clause 33 amends current section 105O to extend powers of investigators to require a person to provide their email address if the investigator reasonably suspects a person has committed an offence against a relevant Act, i.e. the QBCC Act, Building Act or PD Act. Section 105P provides it is an offence to contravene a personal details requirement, with a maximum of 50PU applying. Investigators are appointed under the QBCC Act and given particular powers to ensure the QBCC has available suitably qualified persons to help deal with issues about compliance under the relevant Acts. The QBCC may only appoint an officer or employee of the QBCC, an employee of the QBCC Employing Office or another government entity performing work for the QBCC under a work performance arrangement. The QBCC may also appoint a person as an investigator only if satisfied the person is appropriately qualified.

The extension to powers to require an email address is important to ensure an investigator has relevant contact details of a person they may reasonably suspect of having committed an offence against a relevant Act, particularly in cases that involve risks to health and safety. The existing provision already allows investigators to require a person's name and address, and an investigator must give the person an offence warning when seeking this information. The provision is limited by the definition of a compliance purpose, i.e. reasonable suspicion of an offence against a relevant Act. It is also important to note that the relevant Acts primarily regulate licensees who, by virtue of participating in the regulatory regime through obtaining a licence, have generally accepted compliance and enforcement provisions. The existing safeguards and limitations on the use of this power ensures that lawful interferences are not arbitrary or at risk of abuse. Consequently, extending this power is considered reasonable, necessary and proportionate to achieve the object of ensuring compliance with a relevant Act.

Clause 34 of the Bill amends current section 105T, which applies if an investigator reasonably believes an offence against a relevant Act has been committed and a person may be able to give information about the offence. Currently, the investigator may, by notice given to the person, require the person to give the investigator information related to the offence by a stated reasonable time or attend before the investigator at a stated reasonable time and place to answer questions or produce documents related to the offence.

The Bill clarifies that if a person is required by notice to attend before an investigator under section 105T(2)(b), they may attend using technology unless otherwise specified in the notice. In these circumstances, the technology must allow for the communication to occur in a

reasonably contemporaneous and continuous manner. The amendment aims to provide flexibility for a person to use online arrangements as an option to comply with an attendance requirement. This may be beneficial in certain situations, for example, where physical attendance to a place may be difficult.

Finally, clause 38 of the Bill aims to support the ability for the QBCC and licensees to communicate electronically. It is important for the QBCC to hold correct contact information for QBCC licensees. Consequently, clause 38 provides that if a licensee has provided their email address, residential address or phone number, they must advise the QBCC of any changes within 14 days after the change. It is proposed to provide 10PU for failure to notify of a change to these details as it is considered necessary to deter non-compliance and ensure the QBCC has up to date contact details for QBCC licensees, where that licensee has advised of these details.

There are significant benefits of maintaining accurate records to facilitate communication and service delivery between the regulator and licensee, including details of a residential address where, for example, a licensee enters insolvency and no longer maintains a business address. However, a small penalty of 10PU recognises that while compliance is important, it is relatively low risk and strikes an appropriate balance between the need for accurate records and avoids overly burdensome regulatory requirements. Further, the requirement to advise of a change in personal details only applies if a licensee has provided the QBCC with that information for use under the QBCC Act. Section 101 of the QBCC Act provides for 20PU if a licensee fails to advise of change of circumstances recorded in the licensee register, including a change of a licensee's name and business address.

Consultation

Consultation has occurred with the QBCC and key industry stakeholders with broad support received.

In particular, consultation occurred with the Building Ministerial Advisory Committee (BMAC), which is comprised of key industry stakeholders. The BMAC provides a two-way forum for the Minister for Housing and Public Works and Minister for Youth to engage with, and listen to, key industry stakeholders about matters relevant to the building and construction industry.

Key industry stakeholders represented on the BMAC include: Strata Community Association (Qld), Air Conditioning and Mechanical Contractors' Association, Association of Wall and Ceiling Industries Queensland, Australian Institute of Architects, Australian Institute of Building, Australian Institute of Building Surveyors, Building Design Queensland, Engineers Australia, Fire Protection Association Australia, Housing Industry Association, Landscape Queensland, Local Government Association of Queensland, Master Builders Queensland, Master Electricians Australia, Master Painters Queensland, Master Plumbers' Association of Queensland, National Association of Women in Construction, National Fire Industry Association, prefabAUS, Property Council of Australia (Queensland Division), Property Developer Network, Queensland Major Contractors Association, Royal Institution of Chartered Surveyors and Urban Development Institute of Australia (Queensland).

Consistency with legislation of other jurisdictions

A complex building regulatory framework exists in each Australian state and territory. While there are nationally consistent minimum technical requirements for building work through the National Construction Code, how building industries are regulated remains with jurisdictions. This results in a number of regulatory models, with responsibilities and accountabilities spread across levels of government and in the private sector.

Therefore, while there can be similarities across jurisdictions' building licensing, quality and safety frameworks, the context and regulatory environment in which they operate differs.

While the amendments in the Bill could be seen as consistent with other jurisdictions, as each jurisdiction has a building licensing and regulatory framework, the amendments relate to Queensland's specific licensing and regulatory framework.

That said, jurisdictions are increasingly embracing digital approaches to government service delivery. For example, New South Wales has developed the Service NSW app to make available digital licences, including digital versions of several building and trade licences and credentials, and Victoria offers Digital Accreditation for registered building practitioners.

Notes on provisions

Part 1 Preliminary

Clause 1 Short title

Clause 1 provides that the Act may be cited as the *Queensland Building and Construction Commission and Other Legislation Amendment Bill 2025*.

Clause 2 Commencement

Clause 2 provides that this Act commences by proclamation.

Part 2 Amendment of Building Act 1975

Clause 3 Act amended

Clause 3 provides that this part amends the *Building Act 1975*.

Clause 4 Amendment of s181 (Surrendering licence)

Clause 4 amends section 181 (Surrendering licence) to provide that if a building certifier holds a licence card, and they surrender their licence by notice to the QBCC, the building certifier must, unless they have a reasonable excuse, return the licence card to the QBCC.

The amendment clarifies the requirement to return a licence only applies to licence cards and not licences available electronically.

Clause 5 Amendment of s182 (Obtaining replacement licence)

Clause 5 amends section 182 (Obtaining replacement licence) to provide that if a building certifier has been issued a licence in the form of a licence card, the certifier may apply to the QBCC for a replacement if the card has been damaged, destroyed, lost or stolen. If the QBCC is satisfied the licence card has been damaged, destroyed, lost or stolen, the QBCC must issue a replacement card.

The amendment clarifies the existing provision only applies to physical licence cards and not licences available electronically.

Clause 6 Amendment of s246CD (Surrendering licence)

Clause 6 amends section 246CD (Surrendering licence) to provide that if a pool safety inspector holds a licence card, and they surrender their licence by notice to the QBCC, the pool safety inspector must, unless they have a reasonable excuse, return the licence card to the QBCC.

The amendment clarifies the requirement to return a licence only applies to physical licence cards and not licences available electronically.

Clause 7 Amendment of s246CE (Obtaining replacement licence)

Clause 7 amends section 246CE (Obtaining replacement licence) to provide that if a pool safety inspector has been issued a licence in the form of a licence card, they may apply to the QBCC for a replacement if the card has been damaged, destroyed, lost or stolen. If the QBCC is satisfied the licence card has been damaged, destroyed, lost or stolen, the QBCC must issue a replacement card.

The amendment clarifies the existing provision only applies to physical licence cards and not licences available electronically.

Clause 8 Amendment of Schedule 2 (Dictionary)

Clause 8 inserts a definition of 'licence card' to mean a licence that is a document, other than an electronic document, evidencing the licence.

Part 3 Amendment of Plumbing and Drainage Act 2018

Clause 9 Act amended

Clause 9 provides that this part amends the *Plumbing and Drainage Act 2018*.

Clause 10 Amendment of s38 (Decision on review of licence conditions)

Clause 10 amends section 38 (Decision on review of licence conditions) which applies to a decision by the commissioner on whether to confirm, change or remove licence conditions after a review of the conditions has occurred. If the commissioner decides to change the conditions, section 38(4)(b) provides that an information notice about decision and non-review period must be given to the licensee.

The clause amends section 38(5) to provide that if the licensee holds a licence card, and the commissioner decides to change the conditions, the information notice must also direct the licensee to return the card to the commissioner within 10 business days after receiving the notice.

The amendment clarifies the requirement to return a licence only applies to physical licence cards and not licences available electronically.

Clause 11 Amendment of s40 (Returning licence for amendment or replacement)

Clause 11 amends section 40 (Returning licence for amendment or replacement) which applies if a licensee receives an information notice under section 38 about a decision to change a condition or a notice under section 38 about a decision to remove a condition. The clause amends section 40 to provide the licensee must return their licence card to the commissioner within 10 business days after receiving the notice unless they have a reasonable excuse.

The clause clarifies the existing provision only applies to physical licence cards and not licences available electronically.

Clause 12 Amendment of s42 (Replacing licence)

Clause 12 amends section 42 (Replacing licence) to provide that if a licensee is issued a licence in the form of a licence card, and the card is damaged, destroyed, lost or stolen, the licensee may apply to the commissioner to replace the card. If the commissioner is satisfied the licence card has been damaged, destroyed, lost or stolen, the commissioner must issue a replacement licence card.

The amendment clarifies the existing provision only applies to physical licence cards and not licences available electronically.

Clause 13 Amendment of s62 (Returning suspended or cancelled licence)

Clause 13 amends section 62 (Returning suspended or cancelled licence) to apply if the commissioner or Queensland Civil and Administrative Tribunal suspends or cancels a licence and the licensee holds a licence card. The clause also amends the section to provide the licensee must return the licence card to the commissioner within 10 business days after receiving an information notice about the suspension or cancellation, unless the licensee has a reasonable excuse. If a licence is suspended, the clause also amends the section to provide the commissioner must return the licence card to the licensee as soon as practicable after the suspension ends.

The clause clarifies the existing provision only applies to physical licence cards and not licences available electronically.

Clause 14 Amendment of s63 (Surrendering licence)

Clause 14 amends section 63 (Surrendering licence) to provide that if a licensee holds a licence card, and they surrender their licence by notice given to the commissioner, the licensee must return the licence card to the QBCC Commissioner within 10 business days after the surrender takes effect, unless they have a reasonable excuse.

The amendment clarifies the requirement to return a licence only applies to physical licence cards and not licences available electronically.

Clause 15 Amendment of Schedule 1 (Dictionary)

Clause 15 inserts a definition of 'licence card' to mean a licence that is a document, other than an electronic document, evidencing the licence.

Part 4 Amendment of Queensland Building and Construction Commission Act 1991

Clause 16 Act amended

Clause 16 provides that this part amends the *Queensland Building and Construction Commission Act 1991*.

Clause 17 Amendment of part 3, division 3 heading

Clause 17 amends the heading of Part 3, Division 3 to clarify the division relates to applications for, and grant of, a licence.

Clause 18 Amendment of s33 (Application for licence)

Clause 18 amends section 33 (Application for licence) to provide an application for a licence under this Act must be in the approved form, comply with requirements prescribed by regulation, and be accompanied by a photograph of the applicant in the form required by the commission and the fee prescribed by regulation.

Clause 19 Amendment of s34 (Grant of licence)

Clause 19 amends section 34 (Grant of licence) to remove the requirement for a licence to be issued in the form of a physical card.

Clause 20 Omission of Part 3, Division 3A (Issue of PINs to licensees)

Clause 20 omits Part 3, Division 3A that relates to the commission issuing a licensee a confidential personal identification number (PIN) for use by the licensee in the licensee's dealings with the commission. It is understood that PINs have not been issued for over a decade and are no longer in use.

Clause 21 Amendment of s37A (Commission to advise licensee before licence due for renewal)

Clause 21 amends section 37A (Commission to advise licensee before licence due for renewal) to provide that a notice of renewal must state, if the licensee is an individual and the commission requires a photograph of the licensee, the form in which the photograph is required by the commission.

Clause 22 Amendment of s37B (Applications for renewal of licence)

Clause 22 amends section 37B (Applications for renewal of licence) to provide that an application for renewal of a licence must be accompanied by the photograph of the licensee in the form required by the commission, if a notice under section 37A(2)(b) stated a photograph was required.

Clause 23 Amendment of s51 (Improper use of licence card, certificate, number of PIN)

Clause 23 amends section 51 (Improper use of licence card, certificate, number of PIN) to amend both the heading and section 51(4) to remove reference to a licence card and PIN. This ensures the provision applies to both a hard copy of a licence and a licence that is accessed electronically. It also removes the reference to a PIN.

Clause 24 Amendment of s51A (Other offences relating to unlawful carrying out of building work)

Clause 24 amends section 51A (Other offences relating to unlawful carrying out of building work) to remove reference to a PIN.

Clause 25 Amendment of s53 (Return of licence)

Clause 25 amends section 53 (Return of licence) which applies if a licensee's licence is suspended, cancelled or surrendered or a licensee receives a notice of the imposition, variation or revocation of a condition of the licence. The clause amends the heading to

reference a licence certificate and amends the existing section to provide the return of a licence in these circumstances only applies to physical licence cards and not licences available electronically.

The section is also redrafted to align with modern drafting practice and support readability.

Clause 26 Amendment of s54A (Notification of particular safety matters)

Clause 26 amends section 54A (Notification of particular safety matters). Overall, the provision retains the broad requirement for various classes of QBCC licensees to report to a regulator with information regarding particular safety matters.

The amendments to section 54A seek to recognise various reporting requirements under the WHS Act, the ES Act and the QBCC Act and support information sharing by the regulators.

Given broader reporting obligations under the QBCC Act, the amended provision requires that if a licensee becomes aware of a notifiable incident and they are not required under the WHS Act or ES Act to notify the regulator under those Acts of the incident, they must still notify that regulator.

Existing information-sharing provisions under section 28A (Commission must give particular information to health and safety regulator) and section 28B (Exchange of information between commission and relevant agencies) of the QBCC Act allows the regulator under the WHS Act and ES Act to exchange relevant information with the QBCC. Through the regulator's incident notification system, the regulator will require the person making a notification to identify whether they are a QBCC licensee.

This will ensure if an event or incident occurs on a building site, the regulator under the WHS Act and ES Act will provide appropriate information to the QBCC, who can then respond. It is important to ensure the original policy intent remains the same, i.e. the QBCC receives information about a safety matter on a building site.

The current requirement in section 54A(1)(b) of the QBCC Act for a licensee to notify the QBCC if they become aware of a person carrying out building or other work on a building site under the licensee's control or on which the licensee is carrying out building work, has contravened or is contravening a notice or injunction under the WHS Act or ES Act, remains unchanged.

A penalty of 100 penalty units will apply where a QBCC licensee does not advise the relevant regulator of a safety matter under existing section 54A(1) of the QBCC Act. This aligns to the penalty framework in the QBCC Act, for example section 74AM (Duty to notify notifiable incident), as well as penalties under the WHS Act and ES Act for not notifying the regulator under those Acts of a relevant safety matter.

Section 110 of the QBCC Act already provides for confidentiality of information, with a penalty of 100 penalty units applying if a person contravenes certain confidentiality requirements. There are similar provisions and penalties outlined in section 271 of the WHS Act and section 193 of the ES Act.

Clause 27 Amendment of s56A (Commission may request photographs for licence)

Clause 27 omits section 56A (Commission may request photographs for licence) as the QBCC can already request photographs for a licence through the licence application renewal process provided in sections 37A and 37B.

Clause 28 Amendment of s67G (Building contracts to be in writing)

Clause 28 amends section 67G (Building contracts to be in writing) to remove reference to a contractor's licence 'card' and instead refer only to a contractor's licence. The policy intent of the provision remains unchanged.

Clause 29 Amendment of s71 (Recovery from licensed contractor etc.)

Clause 29 amends section 71 (Recovery from licensed contractor etc.) to remove reference to a licence card being imprinted on a contract and instead refer to a copy of the contractor's licence that was included in, or attached to, a contract. The clause also updates the section only to align with modern business practices and the policy intent of the provision remains unchanged. Further, reference to 'a contract' in amended section 71(4)(b) may also include the plural pursuant to section 32C of the *Acts Interpretation Act 1954* (AIA).

The clause also removes references to PINs.

Clause 30 Amendment of s71I (Who is taken to carry out building work for this part)

Clause 30 amends section 71I (Who is taken to carry out building work for this part) to remove reference to a licence card being imprinted on a contract and instead refer to a copy of the contractor's licence that was included in, or attached to, a contract. The clause updates the section only to align with modern business practices and the policy intent of the provision remains unchanged.

The clause also removes the reference to PINs.

Clause 31 Amendment of s74 (Defences for failure to comply with direction to rectify or remedy)

Clause 31 amends section 74 (Defences for failure to comply with direction to rectify or remedy) to remove reference to a licence card being imprinted on a contract and instead refer to a copy of the contractor's licence that was included in, or attached to, a contract. The clause updates the section to align with modern business practices.

The clause also removes references to PINs.

Clause 32 Amendment of s105L (General powers)

Clause 32 amends section 105L (General powers) to clarify an investigator cannot take a digital device such as a mobile phone for the purpose only to inspect or copy a licence issued by the QBCC.

Clause 33 Amendment of s105O (Power to require name and address)

Clause 33 amends section 105O (Power to require name and address) amends the heading to clarify the section applies to particular information rather than a name or address. It also clarifies the power to require particular information also applies to providing an email address.

Clause 34 Amendment of s105T (Power to require information or attendance)

Clause 34 clarifies that a person who is required by notice to attend before an investigator under section 105T(2)(b), unless otherwise required by the notice, may attend by using

technology allowing reasonably contemporaneous and continuous communication. This will provide flexibility for online arrangements as an option to comply with an attendance requirement.

Clause 35 Amendment of s106 (Seizing evidence at a place that may be entered without consent or warrant)

Clause 35 amends section 106 (Seizing evidence at a place that may be entered without consent or warrant) to clarify the section does not authorise an investigator to seize a digital device such as a mobile phone used to store a licence for the purpose only to inspect or copy the licence.

Clause 36 Amendment of s106A (Seizing evidence at a place that may be entered only with consent or warrant)

Clause 36 amends section 106A (Seizing evidence at a place that may be entered only with consent or warrant) to clarify the section does not authorise an investigator to seize a digital device such as a mobile phone used to store a licence for the purpose only to inspect or copy the licence.

Clause 37 Amendment of s109A (Service of documents)

Clause 37 amends section 109A (Service of documents) to provide that documents served under the QBCC Act may be sent by email to the person's email address last notified to the QBCC by that person for use under the QBCC Act or be made available or given in a way prescribed by regulation. If a document is sent by email, it is taken to be given on the day the email is sent. If the document is made available or given in a way prescribed by regulation, it is taken to be given on the day prescribed by regulation.

The amended provision aligns with section 587 of the *Workers' Compensation and Rehabilitation Act 2003* and section 107A of the *Labour Hire Licensing Act 2017*.

Further, the clause also clarifies that section 109A does not apply to, and does not displace service of document requirements for, proceedings before the Queensland Civil and Administrative Tribunal.

Clause 38 Insertion of new s109C

Clause 38 inserts new section 109C to require a licensee to advise the QBCC of a change in their residential address, email address or phone number within 14 days of the change, if the licensee has previously advised the QBCC of these details for use under the QBCC Act.

It is important for the QBCC to have accurate contact details for QBCC licensees to facilitate communication between the regulator and licensee. It also supports the ability for the QBCC to serve documents by email, where a licensee has advised the QBCC of their email address for use under the QBCC Act, by ensuring that licensee email addresses held by the QBCC are accurate and up to date.

The clause provides 10 penalty units for failure to notify the QBCC of a change of residential address, email address and phone number within 14 days after the change, unless the licensee has a reasonable excuse. This is considered necessary to deter non-compliance and ensure the QBCC has up to date contact details for QBCC licensees. This is considered to strike an appropriate balance between the need for accurate records and avoids overly burdensome regulatory requirements.

Clause 39 Insertion of new sch1, pt20

Clause 39 inserts new Part 20 (Transitional provisions for Queensland Building and Construction Commission and Other Legislation Amendment Act 2025) to provide for relevant transitional provisions following commencement.

Clause 40 Amendment of sch2 (Dictionary)

Clause 40 amends Schedule 2 (Dictionary) to omit the definitions of 'licence card' and 'PIN'.

The clause also inserts a new definition of 'licence card' to mean a licence that is a document, other than an electronic document, evidencing the licence.