



Queensland

Queensland Building and Construction Commission (Mechanical Services Licences) Amendment Regulation 2020

Subordinate Legislation 2020 No. 86

made under the

Queensland Building and Construction Commission Act 1991

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1 Short title

This regulation may be cited as the *Queensland Building and Construction Commission (Mechanical Services Licences) Amendment Regulation 2020*.

2 Regulation amended

This regulation amends the *Queensland Building and Construction Commission Regulation 2018*.

3 Replacement of s 70 (Alternative qualifications and experience for particular licences)

Section 70—

omit, insert—

70 Definitions for subdivision

In this subdivision—

engineering degree means a bachelor degree in engineering recognised under the Australian Qualification Framework or an equivalent authority in another jurisdiction.

plumbing and drainage licence means a licence of a class mentioned in schedule 2, part 18.

relevant apprenticeship, for a licence, means an apprenticeship in work that is within the scope of work for the licence.

safety compliant work means work that complies with the *Work Health and Safety Act 2011*.

70A This subdivision applies to new and existing applications

This subdivision applies to an application mentioned in section 70B, 70C, 70D or 70E if—

- (a) the application was made, but not yet decided, before the commencement; or

- (b) the application is made after the commencement.

70B Alternative qualifications for particular contractor's licences

- (1) Subsection (2) applies to an application for a contractor's licence of a class mentioned in schedule 2, part 47 (Mechanical services—medical gas licence) if—
 - (a) the applicant does not have the technical qualifications stated in the technical qualifications document for the licence class; and
 - (b) the commission is satisfied the applicant has, for at least 6 months, carried out safety compliant work that is within the scope of work for the licence class.
- (2) For section 31(1)(b) of the Act, the qualifications for the licence are—
 - (a) a gasfitting licence; or
 - (b) a relevant apprenticeship; or
 - (c) an engineering degree.
- (3) Subsection (4) applies to an application for a contractor's licence of a class mentioned in schedule 2, part 48 (Mechanical services—plumbing licence) if—
 - (a) the applicant does not have the technical qualifications stated in the technical qualifications document for the licence class; and
 - (b) the commission is satisfied the applicant has, for at least 6 months, carried out work under a plumbing and drainage licence that is within the scope of work for the licence class.

-
- (4) For section 31(1)(b) of the Act, the qualifications for the licence are—
 - (a) a plumbing and drainage licence; or
 - (b) an apprenticeship in plumbing.
 - (5) This section applies to an application mentioned in subsection (1) or (3)—
 - (a) despite section 12; and
 - (b) until the end of 31 December 2020.

70C Alternative qualifications for particular nominee supervisor's licences

- (1) Subsection (2) applies to an application for a nominee supervisor's licence of a class mentioned in schedule 2, part 47 (Mechanical services—medical gas licence) if—
 - (a) the applicant does not have the technical qualifications stated in the technical qualifications document for the licence class; and
 - (b) the commission is satisfied the applicant has, for at least 6 months, carried out safety compliant work that is within the scope of work for the licence class.
- (2) For section 32(1)(a) of the Act, the qualifications for the licence are—
 - (a) a gasfitting licence; or
 - (b) a relevant apprenticeship; or
 - (c) an engineering degree.
- (3) Subsection (4) applies to an application for a nominee supervisor's licence of a class mentioned in schedule 2, part 48 (Mechanical services—plumbing licence) if—
 - (a) the applicant does not have the technical qualifications stated in the technical

- qualifications document for the licence class; and
- (b) the commission is satisfied the applicant has, for at least 6 months, carried out work under a plumbing and drainage licence that is within the scope of work for the licence class.
- (4) For section 32(1)(a) of the Act, the qualifications for the licence are—
- (a) a plumbing and drainage licence; or
 - (b) an apprenticeship in plumbing.
- (5) This section applies to an application mentioned in subsection (1) or (3)—
- (a) despite section 13; and
 - (b) until the end of 31 December 2020.

70D Alternative qualifications for particular site supervisor's licences

- (1) Subsection (2) applies to an application for a site supervisor's licence of a class mentioned in schedule 2, part 47 (Mechanical services—medical gas licence) if—
- (a) the applicant does not have the technical qualifications stated in the technical qualifications document for the licence class; and
 - (b) the commission is satisfied the applicant has, for at least 6 months, carried out safety compliant work that is within the scope of work for the licence class.
- (2) For section 32AA(1)(a) of the Act, the qualifications for the licence are—
- (a) a gasfitting licence; or
 - (b) a relevant apprenticeship; or

- (c) an engineering degree; or
 - (d) the carrying out of medical gas work, before 1 January 2020, for at least 2 years.
- (3) Subsection (4) applies to an application for a site supervisor's licence of a class mentioned in schedule 2, part 48 (Mechanical services—plumbing licence) if—
- (a) the applicant does not have the technical qualifications stated in the technical qualifications document for the licence class; and
 - (b) the commission is satisfied the applicant has, for at least 6 months, carried out work under a plumbing and drainage licence that is within the scope of work for the licence class.
- (4) For sections 32AA(1)(a) of the Act, the qualifications for the licence are—
- (a) a plumbing and drainage licence; or
 - (b) an apprenticeship in plumbing.
- (5) This section applies to an application mentioned in subsection (1) or (3)—
- (a) despite section 14; and
 - (b) until the end of 31 December 2021.

70E Alternative qualifications for particular mechanical services occupational licences

- (1) Subsection (2) applies to an application for a mechanical services occupational licence of a class mentioned in schedule 3A, part 1 (Mechanical services—medical gas occupational licence) if—
- (a) the applicant does not have the technical qualifications stated in the technical

- qualifications document for the licence class; and
- (b) the commission is satisfied the applicant has, for at least 6 months, carried out safety compliant work that is within the scope of work for the licence class.
- (2) For section 32AB(1)(a) of the Act, the qualifications for the licence are—
- (a) a relevant apprenticeship; or
- (b) an engineering degree; or
- (c) the carrying out of medical gas work, before 1 January 2020, for at least 2 years.
- (3) Subsection (4) applies to an application for a mechanical services occupational licence of a class mentioned in schedule 3A, part 2 (Mechanical services—plumbing occupational licence) if—
- (a) the applicant does not have the technical qualifications stated in the technical qualifications document for the licence class; and
- (b) the commission is satisfied the applicant has, for at least 6 months, carried out work that is within the scope of work for the licence class.
- (4) For sections 32AB(1)(a) of the Act, the qualifications for the licence are—
- (a) a restricted licence mentioned in the *Plumbing and Drainage Regulation 2019*, schedule 4, part 3, column 1, item 7 (water plumber—water and sanitary); or
- (b) an apprenticeship in plumbing.
- (5) This section applies to an application mentioned in subsection (1) or (3)—
- (a) despite section 15A; and

(b) until the end of 31 December 2021.

4 Insertion of new pt 9, div 2, sdiv 2A

After section 71—

insert—

Subdivision 2A Minimum financial requirements for particular licence

71A Alternative minimum financial requirements for particular licence

- (1) This section applies to a class of contractor's licence mentioned in schedule 2, part 47 (Mechanical services—medical gas licence).
- (2) Despite schedule 2, part 47, section 6, the *Queensland Building and Construction Commission (Minimum Financial Requirements) Regulation 2018*, parts 3 (other than section 10), 3B, 4 and 4A do not apply in relation to the licence until 31 December 2020.

5 Insertion of new s 73A

After section 73—

insert—

73A Fee for particular application

- (1) This section applies to an application for a class of contractor's licence mentioned in schedule 2, part 47 (Mechanical services—medical gas licence).
- (2) Subsection (3) applies if the applicant must do either of the following—
 - (a) lodge a report under the Corporations Act, section 319 for a reporting year;

- (b) give the ASX copies of ASX annual documents for a reporting year.
- (3) The applicant must give the commission a copy of the most recent report or ASX annual documents.
- (4) If subsection (3) does not apply to the applicant, the applicant must estimate the applicant's maximum revenue for the reporting year and inform the commission of the estimated maximum revenue.
- (5) The commission must use the information given to it under subsection (3) or (4) to decide the applicant's maximum revenue.
- (6) The applicant's maximum revenue as decided under subsection (5) is taken to be the applicant's maximum revenue for section 11H of the *Queensland Building and Construction Commission (Minimum Financial Requirements) Regulation 2018*.
- (7) To remove any doubt, it is declared that the applicant's licensee category, as worked out under this section, applies for the purpose of determining the fee payable for the application under section 33(1)(b)(ii) of the Act.
- (8) This section applies to the application—
 - (a) whether it was made before or after the commencement; and
 - (b) until 31 December 2020.
- (9) In this section—

ASX means ASX Limited ACN 008 624 691.

ASX annual documents means the annual documents required to be given to the ASX under chapter 4, section 4.5 of the ASX listing rules.

ASX listing rules means rules made by the ASX for the listing of corporations on the Australian stock exchange.

reporting year, for an applicant, means the most recent reporting year for the applicant under the *Queensland Building and Construction Commission (Minimum Financial Requirements) Regulation 2018*, schedule 3.

6 Amendment of s 74 (Mechanical services work by employee of person not licensed for the work—Act, s 42CA)

Section 74(2)(b), ‘1 July 2020’—

omit, insert—

1 January 2021

7 Amendment of sch 2 (Classes of licences and licence requirements)

(1) Schedule 2, part 47, section 2—

insert—

(4) Despite subsections (1) to (3), if a licence of this class is subject to a condition imposed by the commission under section 35(1) of the Act that restricts the scope of work for the licence, the scope of work mentioned in subsections (1) to (3) is restricted in accordance with the condition.

(2) Schedule 2, part 48, section 2—

insert—

(5) Despite subsections (1), (2) and (4), if a licence of this class is subject to a condition imposed by the commission under section 35(1) of the Act that restricts the scope of work for the licence, the scope of work mentioned in subsections (1), (2) or (3) is restricted in accordance with the condition.

8 Amendment of sch 3A (Classes and requirements of mechanical services occupational licences)

- (1) Schedule 3A, part 1, section 2—

insert—

- (2) However, if a licence of this class is subject to a condition imposed by the commission under section 35(1) of the Act that restricts the scope of work for the licence, the scope of work mentioned in subsection (1) is restricted in accordance with the condition.

- (2) Schedule 3A, part 2, section 2—

insert—

- (3) Despite subsection (1), if a licence of this class is subject to a condition imposed by the commission under section 35(1) of the Act that restricts the scope of work for the licence, the scope of work mentioned in subsection (1) is restricted in accordance with the condition.

- (3) Schedule 3A, part 3, section 2—

insert—

- (2) However, if a licence of this class is subject to a condition imposed by the commission under section 35(1) of the Act that restricts the scope of work for the licence, the scope of work mentioned in subsection (1) is restricted in accordance with the condition.

ENDNOTES

- 1 Made by the Governor in Council on 11 June 2020.
- 2 Notified on the Queensland legislation website on 12 June 2020.
- 3 The administering agency is the Department of Housing and Public Works.

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