


Queensland

*Queensland Building and Construction Commission Act 1991*

# Queensland Building and Construction Commission Regulation 2018

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# Queensland Building and Construction Commission Regulation 2018

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# Queensland Building and Construction Commission Regulation 2018

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Queensland Building and Construction Commission Regulation 2018*.

### 2 Commencement

This regulation commences on 1 September 2018.

## Part 2 Interpretation

### 3 Dictionary

The dictionary in schedule 8 defines particular words used in this regulation.

### 4 Number of storeys of buildings

For deciding the number of storeys of a building, other than for section 67WE(1)(c) of the Act, the lowest storey is not counted if it consists mainly of a car park.

*Note—*

For calculating the number of storeys for section 67WE(1)(c) of the Act, see also section 29.

### 5 Work that is not building work—Act, sch 2, definition *building work*

(1) For schedule 2 of the Act, definition *building work*, work stated in schedule 1 is not building work.



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(2) To remove any doubt, it is declared that subsection (1) does not stop applying to work stated in schedule 1 merely because the work is carried out in combination with other work stated in schedule 1.

## 6 Licensed builder—Act, sch 2, definition *licensed builder*

For schedule 2 of the Act, definition *licensed builder*, a person is a licensed builder if the person is the holder of a builder contractor's licence.

## 6AA Work that is not fire protection work—Act, s 30CA

For section 30CA(2)(b) of the Act, work of a type stated in schedule 1AA is prescribed not to be fire protection work.

## 6A Work that is not mechanical services work—Act, sch 2, definition *mechanical services work*

For schedule 2 of the Act, definition *mechanical services work*, paragraph (k), the work mentioned in schedule 1A is prescribed.

## 6B Meaning of occupational licence—Act, sch 2, definition *occupational licence*

For schedule 2 of the Act, definition *occupational licence*, paragraph (a), the following Acts are prescribed—

(a) the *Plumbing and Drainage Act 2018*;

(b) the *Petroleum and Gas (Production and Safety) Act 2004*, to the extent it applies to gas work as defined under that Act;

(c) the *Medicines and Poisons Act 2019*, to the extent it applies to a pest control activity as defined under that Act.



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## 7 Scope of work for a licence—incidental work of another class

(1) This section applies if, for a licence class under schedule 2 (the ***relevant class***), the scope of work for the class includes incidental work of another class.

(2) A licensee under the relevant class may carry out, or engage another person to carry out, building work with a total value of $3,300 or less—

(a) that is within the scope of work under a licence class other than the relevant class; and

(b) that is incidental to building work being carried out under the relevant class; and

(c) that is—

(i) for work for which an occupational licence, fire protection licence or mechanical services licence is required—carried out by a licensee who holds a licence to carry out the work; or

(ii) otherwise—carried out by the licensee or a licensee who holds a licence to carry out the work.

(3) To remove any doubt, a licensee under the relevant class may do the following—

(a) personally carry out work mentioned in subsection (2)(c)(ii);

(b) engage a person who holds an appropriate licence to carry out work mentioned in subsection (2)(c)(i) or (ii).

## 7A Meaning of *certify* in relation to fire protection equipment

(1) ***Certify***, in relation to fire protection equipment of a stated type, for schedule 2, parts 22A to 31 and schedule 3, means—

(a) prepare a certificate stating that, after a person carries out an annual survey of the equipment, it is considered no changes have affected the equipment that would cause it not to meet any of its design requirements; or



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(b) prepare 1 or more certificates relating to either or both of the following matters—

(i) the installation of the equipment;

(ii) whether the equipment meets its design requirements.

(2) If 2 or more certificates are prepared for fire protection equipment under subsection (1)(b), the certificates need not be prepared by the same person.

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

(4) In this section—

***certificate*** includes a statement and record, however called.

***survey*** means a visual inspection of fire protection equipment to identify if the equipment has been altered, damaged or compromised.

# Part 3 Licences

## Division 1 Classes of licences

### 8 Classes of contractor's licence—Act, s 30

Contractors' licences are divided into the classes stated in schedule 2.

*Note—*

For classes of contractors' licences that are continued for section 30E of the Act, see sections 78 to 80 and schedule 7A, parts 1 to 3.

### 9 Classes of nominee supervisor's licence—Act, s 30A

Nominee supervisors' licences are divided into the classes stated in schedule 2.



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*Note—*

For classes of nominee supervisors' licences that are continued for section 30E of the Act, see sections 79 and 80 and schedule 7A, parts 2 and 3.

### 10 Classes of site supervisor's licence—Act, s 30B

Site supervisors' licences are divided into the classes stated in schedule 2 other than the classes stated in any of parts 22A to 33.

### 11 Classes of fire protection occupational licence—Act, s 30C

Fire protection occupational licences are divided into the classes stated in schedule 3.

*Note—*

For classes of fire protection occupational licences that are continued for section 30E of the Act, see section 81 and schedule 7A, part 4.

### 11A Classes of mechanical services occupational licence—Act, s 30D

Mechanical services occupational licences are divided into the classes stated in schedule 3A.

## Division 2 Entitlement to licences

### 12 Qualifications and experience for contractor's licence—Act, s 31

(1) For section 31(1)(b) of the Act, the qualifications and experience in relation to a licence are the qualifications and experience stated in schedule 2 for the relevant class of licence.

(2) Also, for a class of licence other than a class mentioned in schedule 2, any of parts 18, 19, 22A to 33, 36 and 56, a



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combination of 2 or more of the following is a qualification for the class if the commission is satisfied the combination is at least equivalent to the required competency for the class—

(a) successful completion of an apprenticeship;

(b) a recognition certificate;

(c) a qualification or statement of attainment of the required competency for any class of licence mentioned in schedule 2;

(d) a written statement issued by an approved authority that the individual has the required competency for the class of licence.

(3) In this section—

***approved authority*** means—

(a) a registered training organisation; or

(b) another entity approved by the commission.

***recognition certificate*** means a recognition certificate issued under the repealed *Vocational Education, Training and Employment Act 2000*, that has not been cancelled.

***required competency***, for a class of licence, means units of competency approved by the commission as the minimum technical requirements for the class.

***statement of attainment*** means a VET statement of attainment under the *National Vocational Education and Training Regulator Act 2011* (Cwlth).

## 13 Qualifications and experience for nominee supervisor's licence—Act, s 32

For section 32(1)(a) of the Act, the qualifications and experience for a nominee supervisor's licence are the technical qualifications, managerial qualifications, if any, and experience stated in schedule 2 for the relevant class of licence.



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### 14 Qualifications for site supervisor's licence—Act, s 32AA

For section 32AA(1)(a) of the Act, the qualifications for a site supervisor's licence are the technical qualifications stated in schedule 2 for the relevant class of licence.

### 15 Qualifications for fire protection occupational licence—Act, s 32AB

For section 32AB(1)(a) of the Act, the qualifications for a fire protection occupational licence are the technical qualifications stated in schedule 3 for the relevant class of licence.

### 15A Qualifications for mechanical services occupational licence—Act, s 32AB

For section 32AB(1)(a) of the Act, the qualifications for a mechanical services occupational licence are the technical qualifications stated in schedule 3A for the relevant class of licence.

## Division 3 Grant of licences

### 16 Applications for licence—Act, s 33

(1) For section 33(1)(b) of the Act, an application for a licence must—

(a) be made to the commission; and

(b) be accompanied by—

(i) the relevant documentary evidence; and

(ii) for an application for a contractor's licence—the matters required under the minimum financial requirements; and

(iii) the licence application fee for the application for the licence, and the licence fee for the licence, stated in schedule 7.



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(2) The applicant or, if the applicant is a company, an officer of the company must, at the request of the commission—

(a) attend an interview with an officer of the commission to answer questions and provide information about the application; and

(b) provide the commission with any further evidence it reasonably requires to decide the application.

(3) If the applicant, or the officer, does not, without a reasonable excuse, attend an interview or provide evidence required under this section, the commission may reject the application on that ground.

(4) Subsection (5) applies to an application if—

(a) the applicant is a company; and

(b) the commission is satisfied the company's main object is to conduct training for persons to undertake building work.

(5) Payment of the licence application fee for the application for the licence, and the licence fee for the licence, is waived.

(6) In this section—

***relevant documentary evidence*** means documentary evidence, satisfactory to the commission, of—

(a) for an application for a contractor's licence—

(i) if the applicant is an individual—the applicant's identity, qualifications and experience; or

(ii) if the applicant is a company—the identity, qualifications and experience of the applicant's executive officers and nominee; or

(b) for an application for a nominee supervisor's licence—the applicant's identity, qualifications and experience; or

(c) for an application for a site supervisor's licence—the applicant's identity and qualifications.



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### 17 Applications for renewal of licence—Act, s 37B

(1) For section 37B(2) of the Act, the licence fee for a renewal of a licence must be paid at or before 4.30p.m. on the day the licence is due to expire.

(2) Payment of the licence fee for a renewal of a licence is waived if—

(a) the licensee is a company; and

(b) the commission is satisfied the company's main object is to conduct training for persons to undertake building work.

## Division 4 Miscellaneous

### 18 Fire protection work—Act, s 42C

(1) For section 42C(2)(a) of the Act, the fire protection work mentioned in schedule 4, column 1 is prescribed.

(2) For section 42C(2)(b) of the Act, the technical qualifications mentioned in schedule 4, column 2 are prescribed for the fire protection work mentioned in schedule 4, column 1.

### 18A Circumstances prescribed for exemption from Act, s 42C(1)—Act, s 42C

(1) This section applies if, immediately before the commencement, a person was carrying out work (the ***relevant work***) that, on the commencement, would be within the scope of work for a relevant fire protection occupational licence.

(2) For section 42C(3A) of the Act, the circumstances prescribed are—

(a) the person carried out the relevant work for an appropriately licensed contractor before the commencement; and



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(b) the person continues to carry out the relevant work for an appropriately licensed contractor from the commencement; and

(c) the person applies for the relevant fire protection occupational licence on or before the required application day for the licence; and

(d) the person's application mentioned in paragraph (c) has not been withdrawn or decided.

(3) In this section—

***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.

***relevant fire protection occupational licence*** means a fire protection occupational licence of a class mentioned in—

(a) schedule 3, part 1A, section 1(1), (3), (4) or (5); or

(b) schedule 3, part 5, section 1(1); or

(c) schedule 3, part 10, section 1(1).

***required application day*** means—

(a) for the relevant fire protection occupational licence mentioned in schedule 3, part 1A, section 1—1 May 2035; or

(b) for another relevant fire protection occupational licence—1 May 2024.

## 19 Refund of licence fee

(1) The commission may refund the unexpired part of the licence fee paid by a licensee if—

(a) the licensee surrenders the licence before the expiry day for the licence; or



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(b) the licensee dies during the licence period.

(2) The unexpired part is the amount worked out using the formula—

$$\frac{\mathbf{LF} \times \mathbf{WM}}{\mathbf{12} \times \mathbf{Y}}$$

where—

***LF*** means the licence fee paid by the licensee, whether for a 1 year or a 3 year period.

***WM*** means the number of whole months before the expiry date for the licence.

***Y*** means the number of years for which the licence was renewed.

(3) For subsection (2), a whole month means a month beginning on the day of the calendar month on which the licence was issued and ending on the day before the corresponding day of the next calendar month.

*Examples of a whole month—*

- for a licence issued on 1 September in a year—a month beginning on the first day of any month and ending on the last day of that month
- for a licence issued on 7 March in a year—a month beginning on the seventh day of any month and ending on the sixth day of the next month

# Part 4 Owner-builder permits

## 20 Prescribed course—Act, s 43D, definition *owner-builder course*

For section 43D of the Act, definition *owner-builder course*, the course prescribed is the Course in Preparation for Owner Builder Permit 10274NAT or a course the commission considers is at least equivalent to that course.



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## 21 Exceptional circumstances for granting application for owner-builder permit—Act, s 44B

For section 44B(4)(a) of the Act, the following are exceptional circumstances—

(a) the work to be carried out would help an applicant who is suffering from a serious medical condition;

(b) the work to be carried out would help a person who is living with the applicant and suffering from a serious medical condition;

(c) the work to be carried out would help an applicant who is suffering severe financial hardship;

(d) the work to be carried out would help a person who is living with the applicant and suffering severe financial hardship.

## 22 Warnings—Act, s 47

(1) The notice to be given to a prospective purchaser of land under section 47(1) of the Act must—

(a) state that building work detailed in the notice has been carried out under an owner-builder permit by a person named in the notice; and

(b) contain a warning in the following terms—

‘WARNING—THE BUILDING WORK TO WHICH THIS NOTICE RELATES IS NOT COVERED BY INSURANCE UNDER THE QUEENSLAND BUILDING AND CONSTRUCTION COMMISSION ACT 1991.’.

(2) The notice must be given in duplicate, and the purchaser must sign 1 copy of the notice and return it to the vendor on or before signing the contract.



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# Part 5 Disqualified individuals

## 23 Demerit offences—Act, s 67AR

For section 67AR of the Act, each of the following is a demerit offence—

(a) an offence against a provision of the Act stated in schedule 5, column 1;

(b) a contravention of a requirement imposed under a provision of the Act stated in schedule 5, column 1.

## 24 Demerit points—Act, s 67AW

(1) For section 67AW(2)(a) of the Act, the number of points allocated to a demerit offence is the number stated opposite the offence in schedule 5, column 2.

(2) However, each conviction of a person for a demerit offence against section 73 of the Act is allocated a total of 10 demerit points, inclusive of the number of demerit points stated opposite the offence in schedule 5, column 2, if the commission is satisfied the building work to which the offence relates—

(a) is work relating to the structural performance, safety or integrity of a building; or

(b) causes a hazard to public health, public safety or the environment generally; or

(c) causes a person to suffer significant financial loss.



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# Part 6 Statutory insurance scheme

## Division 1 Name of scheme

### 25 Name of statutory insurance scheme—Act, s 67X

For section 67X(4) of the Act, the name of the statutory insurance scheme is the Queensland Home Warranty Scheme.

## Division 2 Work under the scheme

### 26 Work not covered under the statutory insurance scheme—Act, s 67WB

For section 67WB(1)(f) of the Act, the following work is prescribed—

(a) work on or for a duplex or multiple dwelling if the duplex or multiple dwelling is more than 3 storeys;

*Examples for paragraph (a)—*

- work for tiling the kitchen in a single residential unit in a 4-storey duplex
- work for renovating the bathroom of a single residential unit in a 10-storey multiple dwelling

(b) work on or for a building used or proposed to be used for a purpose related to the use of a duplex, or proposed duplex, of more than 3 storeys;

(c) work on or for a building used or proposed to be used for a purpose related to the use of a multiple dwelling, or proposed multiple dwelling, of more than 3 storeys;

(d) work on or for a building that is—

(i) on, or proposed to be on, the site of a residence or proposed residence; and



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(ii) used, or proposed to be used, primarily for a purpose that is not related to the use of the residence or proposed residence;

(e) work on or for a class 1b, 3, 4, 5, 6, 7b, 8 or 9 building;

(f) work on or for a class 7a building unless the building is, or is proposed to be, used with a class 2 building;

(g) work for the erection, construction or installation of a swimming pool that is, or is proposed to be, used primarily for a purpose that is not related to the use of a residence or proposed residence;

(h) work for the erection, construction or installation of a structure that is not fixed.

*Example for paragraph (h)—*

work for installing a portable spa pool

## 27 Primary insurable work—Act, s 67WC

For section 67WC(1)(e) of the Act, the following building work is prescribed—

(a) building work for the renovation, alteration, extension, improvement or repair of the building envelope for a residence or related roofed building;

*Examples for paragraph (a)—*

- painting an external wall of a residence or related roofed building
- extending the building envelope for a residence by constructing a patio

(b) building work for a structure attached to the external part of a residence or related roofed building if the structure does not have any other supporting structure;

*Examples for paragraph (b)—*

- an awning or handrail that is attached to a residence and does not have any other supporting structure
- a soffit or cladding



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(c) building work for a structure attached to the external part of a residence or related roofed building if the structure is for—

(i) the primary water supply to the residence or related roofed building; or

(ii) sewerage or drainage for the residence or related roofed building; or

(iii) stormwater discharge for the residence or related roofed building;

*Examples for paragraph (c)—*

- installing a water tank for the primary water supply to a residence
- altering an existing water pipe for the primary water supply to a residence
- repairing a downpipe or gutter that drains stormwater from a related roofed building to a stormwater drain
- extending a sanitary drain that connects a residence to a main of a sewerage system

(d) building work for an elevated platform, including a verandah and deck, that is attached to a residence or related roofed building;

(e) building work for stairs, a ramp or a similar structure providing access to a residence or related roofed building if the stairs, ramp or structure is, or is to be, permanently attached to the residence or related roofed building;

(f) building work for the installation, repair or replacement of support structures for a residence or related roofed building.

*Examples for paragraph (f)—*

- replacement of a stump for a residence or related roofed building
- installation or repair of a retaining wall that supports a residence or related roofed building
- installation of underpinning for a residence or related roofed building



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## 28 Work that is not primary insurable work—Act, s 67WC

(1) For section 67WC(2)(e) of the Act, the following work is prescribed—

(a) work mentioned in schedule 1, section 26, 29, 30, 32, 36, 40 or 45;

(b) installation of electrical appliances intended to be permanently fixed to a residence or related roofed building;

(c) installation, renovation, repair or replacement of any of the following—

(i) a cubbyhouse;

(ii) a structure for housing animals;

*Example for subparagraph (ii)—*

a doghouse

(iii) a shade sail or fixed umbrella;

(iv) telephone or data cables;

(v) a water meter;

(vi) a water tank that is not for the primary water supply to a residence or related roofed building;

(d) construction of a slab if—

(i) the slab is not within, or not attached or connected to, the building envelope of a residence or related roofed building; or

(ii) the work for the construction of the slab does not include the erection or construction of a residence, related roofed building or swimming pool on the slab.

(2) In this section—

***electrical appliance*** means an instrument, apparatus or device that is connected to an electricity supply by means of a flexible cord plug and socket outlet.



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### 29 Calculating number of storeys of building—Act, s 67WE

For section 67WE(4) of the Act, the number of storeys of a building is calculated by excluding 1 storey of the building if more than 50% of the floor area of at least 1 storey of the building is designed to accommodate motor vehicles.

*Example—*

If a building has 3 storeys containing residential units and another storey of which more than 50% of the floor area is designed to accommodate motor vehicles, the number of storeys of the building is 3.

## Division 3 Assistance

### 30 Terms of cover—Act, s 67Y

(1) For section 67Y of the Act, the terms of cover are stated in schedule 6.

(2) The terms of cover apply to the following work—

(a) residential construction work;

(b) work performed by either of the following persons if the work is associated with residential construction work—

(i) an architect in the architect's professional practice;

(ii) an engineer in the engineer's professional practice.

(3) The terms of cover under the statutory insurance scheme for residential construction work are the terms of cover stated in schedule 6 when—

(a) if the consumer for the work obtains optional additional cover—the optional additional cover comes into force for the work; or

(b) otherwise—cover under the statutory insurance scheme comes into force for the work.

*Note—*

See section 68I of the Act for when cover under the statutory insurance scheme comes into force for residential construction work.



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## 31 Optional additional cover—Act, s 67Z

(1) For section 67Z(4) of the Act, schedule 6 provides for other matters relating to optional additional cover.

(2) For section 67Z(5) of the Act, definition *optional additional cover*, the additional assistance provided to a person and the additional compensation to be paid under the statutory insurance scheme are stated in schedule 6.

## 32 Associate of building contractor not entitled to assistance under statutory insurance scheme—Act, s 68

(1) For section 68(4) of the Act, if a building contractor carries out residential construction work, a person who is an associate of the building contractor is not entitled to assistance under the statutory insurance scheme in relation to the work.

(2) In this section—

***associate***, of a building contractor, means—

(a) if the building contractor is an individual—

(i) the individual's spouse or child; or

(ii) a person who is a trustee of a trust of which the individual is a trustee or beneficiary; or

(iii) a person who is a trustee of a trust of which an associate of the individual is a trustee or beneficiary; or

(iv) a corporation of which the individual is an executive officer; or

(v) a corporation in which the individual or the individual's spouse or child holds a controlling interest or is able to substantially influence the corporation's affairs; or

(b) if the building contractor is a corporation—

(i) an executive officer of the corporation; or



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(ii) a person who holds a controlling interest in the corporation or is able to substantially influence the corporation's affairs; or

*Examples for subparagraph (ii)—*

- a shareholder with a significant shareholding
- a financier
- a senior employee
- an executive officer of another corporation that holds a controlling interest in the corporation

(iii) the spouse or child of a person mentioned in subparagraph (i), (ii) or (vii); or

(iv) a person who is a trustee of a trust of which the corporation is a trustee or beneficiary; or

(v) a person who is a trustee of a trust of which an associate of the corporation is a trustee or beneficiary; or

(vi) a related body corporate of the corporation; or

(vii) the corporation's nominee.

***building contractor*** does not include a subcontractor who carries out building work for a building contractor.

***related body corporate*** see the Corporations Act, section 50.

## Division 4 Calculating insurable value

### 33 Application of division—Act, s 68D

This division prescribes, for section 68D(5) of the Act, the way to calculate the insurable value of particular residential construction work.

### 34 Work for multiple dwellings

(1) This section applies if residential construction work includes any of the following work—



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(a) residential construction work for the erection or construction of a multiple dwelling;

(b) residential construction work for the alteration or repair of the footings or slab of a multiple dwelling;

(c) residential construction work for the renovation, alteration, extension, repair or replacement of all or part of the roof, including its supporting structure, and guttering of a multiple dwelling;

(d) residential construction work for the renovation, alteration, extension, improvement or repair of the common property for a community titles scheme if the work is in or on a multiple dwelling in the community titles scheme;

(e) residential construction work for the renovation, alteration, extension, improvement or repair of 2 or more residential units in a multiple dwelling if the residential units are owned by the same person.

(2) The insurable value of the residential construction work for each living unit for which the work is to be carried out is calculated by dividing the insurable value of the residential construction work by the number of living units for which the work is to be carried out.

*Note—*

See also sections 38 and 39.

(3) However, this section applies to residential construction work mentioned in subsection (1)(c), (d) or (e) only if the insurable value of the work is—

(a) for work mentioned in subsection (1)(c)—more than $5,000; or

(b) for work mentioned in subsection (1)(d) or (e)—more than $20,000.



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## 35 Work for duplexes

(1) This section applies if residential construction work includes any of the following work and section 34 does not apply in relation to the work—

(a) residential construction work for the erection or construction of a duplex;

(b) residential construction work for the alteration or repair of the footings or slab of a duplex;

(c) residential construction work for the renovation, alteration, extension, repair or replacement of all or part of the roof, including its supporting structure, and guttering of a duplex;

(d) residential construction work for the renovation, alteration, extension, improvement or repair of the common property for a community titles scheme if the work is in or on a duplex in the community titles scheme;

(e) residential construction work for the renovation, alteration, extension, improvement or repair of both residential units in a duplex.

(2) The insurable value of the residential construction work for each living unit for which the work is to be carried out is calculated by dividing the insurable value of the residential construction work by the number of living units for which the work is to be carried out.

*Note—*

See also sections 38 and 39.

(3) However, this section applies to residential construction work mentioned in subsection (1)(c), (d) or (e) only if the insurable value of the work is—

(a) for work mentioned in subsection (1)(c)—more than $5,000; or

(b) for work mentioned in subsection (1)(d) or (e)—more than $20,000.



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## 36 Work for 2 or more detached dwellings

(1) This section applies if—

(a) residential construction work includes building work for 2 or more detached dwellings; and

(b) section 34 or 35 does not apply in relation to the work.

(2) The insurable value of the residential construction work for each living unit is calculated by dividing the insurable value of the residential construction work by the number of living units for which the work is to be carried out.

*Note—*

See also section 39.

## 37 Reference to particular work only includes primary building work

(1) In this division, a reference to the following work only includes building work that is primary building work—

(a) residential construction work mentioned in section 34(1)(b), (c) or (d);

(b) residential construction work mentioned in section 35(1)(b), (c) or (d).

(2) However, for calculating an amount mentioned in the following sections, residential construction work that is not primary building work is included—

(a) section 34(1)(c) or (d)(ii);

(b) section 35(1)(c) or (d)(ii).

(3) In this section—

***primary building work*** means relevant work for a duplex or multiple dwelling if—

(a) the relevant work is—

(i) within the building envelope, or for the renovation, alteration, extension, improvement or repair of the



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building envelope, for the duplex or multiple dwelling; or

(ii) for the guttering of a duplex or multiple dwelling; and

(b) the insurable value of the relevant work is more than the regulated amount within the meaning of section 67WC of the Act.

***relevant work***, for a duplex or multiple dwelling—

(a) means any of the following work that is primary insurable work—

(i) building work that affects the structural performance of the duplex or multiple dwelling;

(ii) building work for the relocation or replacement of a roof, wall, internal partition, floor or foundation for the duplex or multiple dwelling;

(iii) building work for the replacement or refitting of fixtures or fittings in a bathroom or kitchen in the duplex or multiple dwelling;

(iv) building work for an unenclosed, elevated platform or verandah, including a deck, attached to the duplex or multiple dwelling;

(v) building work that increases the covered floor area of the duplex or multiple dwelling;

(vi) building work for the installation or repair of the primary water supply to, or sewerage or drainage for, the duplex or multiple dwelling; and

(b) does not include painting.

## 38 Residential unit for which residential construction work carried out

(1) This section applies if—



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(a) residential construction work is for the renovation, alteration, extension, improvement or repair of the common property for a community titles scheme; and

(b) the work is in or on a duplex or multiple dwelling in the community titles scheme.

(2) The work is taken to be carried out for all residential units in the duplex or multiple dwelling.

(3) However, subsection (2) does not apply if the residential construction work is only for common property the subject of an exclusive use by-law under the *Body Corporate and Community Management Act 1997*.

### 39 Living units

For this division and schedule 6—

(a) a single detached dwelling is taken to be 1 living unit; and

(b) a residential unit is taken to be 1 living unit; and

(c) a duplex is taken to be 2 living units.

## Division 5 Miscellaneous

### 40 Matters for notice of cover—Act, s 68F

(1) For section 68F(2) of the Act, the following matters must be included in a notice of cover for residential construction work—

(a) a description of the work;

(b) the name and licence number of the licensed contractor carrying out, or who is to carry out, the work;

(c) the address, including the lot on plan description, of the site where the work is being or is to be carried out;

(d) an amount representing the commission's assessment of the insurable value of the work when issuing the notice;



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(e) the insurance premium paid for the work;

(f) whether optional additional cover has been obtained for the work;

(g) general information about when cover under the statutory insurance scheme comes into force;

(h) general information about the period within which a claim under the statutory insurance scheme must be made.

(2) In this section—

***licensed contractor*** see schedule 6, section 2.

## 41 Refund of part of insurance premium—Act, s 70C

(1) For section 70C of the Act, this section prescribes how to calculate the part of an insurance premium refundable because a variation of the value of residential construction work results in a decrease in the value of the work.

(2) The refundable part of the insurance premium is the difference between the amount of the premium paid for the residential construction work before the variation and the amount of the premium that would have been payable on the decreased value.

## 42 Amount for tenders for rectification work—Act, s 71A

The amount prescribed for section 71A(4) of the Act is $20,000.

## 43 When work is taken to have started—Act, s 71F

(1) For section 71F of the Act, residential construction work is taken to start when—

(a) if the work includes the erection or construction of a footing system or slab or the provision of sewerage or drainage on a site—the erection or construction of the



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footing system or slab, or the provision of sewerage or drainage, physically starts on the site; or

(b) otherwise—work for the renovation, alteration, extension, improvement or repair of an existing building on a site physically starts on the site.

(2) In this section—

***physically starts***, for residential construction work, does not include starting any of the following—

(a) the preparation of plans or specifications for the performance of the work;

(b) design work;

(c) administration services;

(d) earthmoving or excavating;

(e) site work related to the residential construction work.

## 44 Insurance information statement

(1) An interested person for land or a manufactured home may, on payment of the fee stated in schedule 7 for a request for an insurance information statement, ask the commission for an insurance information statement about the land or manufactured home.

(2) The commission must comply with the request.

(3) In this section—

***home owner***, of a manufactured home, means a home owner under the *Manufactured Homes (Residential Parks) Act 2003*.

***interested person***, for land or a manufactured home, means—

(a) an owner of the land; or

(b) a home owner of the manufactured home; or

(c) a prospective purchaser of the land or manufactured home; or



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(d) the agent of a person mentioned in paragraph (a), (b) or (c).

***owner***, of land, includes the body corporate that under an approved determination of native title under the *Native Title Act 1993* (Cwlth) has the exclusive right to regulate possession, occupation, use and enjoyment of the land.

*Note—*

See also schedule 2 of the Act, definition *owner*.

***prospective purchaser***, of land or a manufactured home, means a person who the commission is satisfied—

(a) if the land or manufactured home is offered or advertised for sale—is investigating purchasing the land or manufactured home; or

(b) has entered into a contract with the owner of the land or the home owner of the manufactured home for the purchase of the land or manufactured home.

# Part 7 Domestic building contracts

## 45 Level 2 amount—Act, sch 1B, s 7

For schedule 1B of the Act, section 7(2), definition *level 2 amount*, the prescribed amount is $20,000.

## 46 Building that is not a home—Act, sch 1B, s 9

For schedule 1B of the Act, section 9(2), each of the following is declared not to be a home—

(a) premises not intended to be used for permanent habitation;

(b) a guesthouse, hostel or similar establishment;

(c) a motel, residential club, residential hotel, residential part of a licensed premises or a serviced apartment;



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(d) a hospital, nursing home, aged care home, hostel or retirement village;

(e) residential premises associated with a hospital or educational institution;

(f) residential premises specifically set aside as a place at which specialised care services are supplied to children or disabled persons residing at the place;

(g) a prison or similar establishment;

(h) a caravan.

### 47 Publication of consumer building guide—Act, sch 1B, s 46

For schedule 1B of the Act, section 46(1), the commission must publish the consumer building guide on the commission's website.

## Part 8 General

### 48 Single amount to be transferred from General Statutory Fund to Insurance Fund—Act, s 25

For section 25(4) of the Act, the single amount is $2,769,000.

### 48A Relevant agencies for exchange of information—Act, s 28B

For section 28B(4) of the Act, definition *relevant agency*, paragraph (d), each of the following agencies is prescribed—

(a) an agency of the Commonwealth or another State that has functions similar to all or some of the functions of the commission;

(b) an agency of the Commonwealth or another State that has functions similar to the functions of any of the following entities—



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(i) the Queensland Police Service;

(ii) the Director of Public Prosecutions appointed under the *Director of Public Prosecutions Act 1984*;

(iii) the Crime and Corruption Commission;

(iv) a health and safety regulator within the meaning of section 28A of the Act;

(v) the WHS prosecutor under the *Work Health and Safety Act 2011*;

(c) an agency of the Commonwealth or another State that is a member of the Phoenix Taskforce prescribed under the *Taxation Administration Act 1953* (Cwlth), schedule 1, section 355-70(12), in the entity's capacity as a member of the taskforce;

(d) the Australian Securities and Investments Commission;

(e) an agency of the Commonwealth or another State that has functions including the promotion of competition and fair trading or providing consumer protection.

## 49 Signs to be exhibited—Act, s 52

For section 52 of the Act, a sign must—

(a) be made of weatherproof materials; and

(b) have a surface area of at least 0.5m$^2$; and

(c) be printed in letters at least 5cm high and placed in a way that can be easily read from the nearest street alignment.

## 50 Advertisements—Act, s 54

For section 54(c) of the Act, the information to be included in an advertisement under section 54(a) and (b) of the Act must—

(a) if written—be easily read; or



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(b) if spoken—be no less audible and clear than other spoken material contained in the advertisement.

## 51 Notification of nominee—Act, s 55

(1) The notice required by section 55 of the Act must be in writing and contain the following information—

(a) the name under which the company is licensed;

(b) the licence number and class of licence held by the company;

(c) the full name, address and licence number of the former nominee;

(d) the date on which the former nominee ceased to be a nominee of the company;

(e) for a change of nominee—

(i) the full name, address and licence number of the new nominee; and

(ii) the date on which the new nominee became the nominee of the company.

(2) The notice must also contain the name of a director of the company or an officer authorised by the company to give the notice, and be signed by the director or officer.

## 52 Partnerships—Act, s 56

(1) For section 56(1)(c) of the Act, an advertisement must, in addition to stating the name under which the licensed contractor is licensed, state—

(a) that the contractor is licensed under the Act; and

(b) the contractor's licence number.

(2) The information mentioned in subsection (1) must—

(a) if written—be able to be easily read; or



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(b) if spoken—be no less audible and clear than other spoken material contained in the advertisement.

## 53 Warning that contract is a construction management trade contract—Act, s 67V

(1) For section 67V(2) of the Act, the following form of warning is prescribed—

'APPROVED WARNING UNDER SECTION 67V OF THE QUEENSLAND BUILDING AND CONSTRUCTION COMMISSION ACT 1991

This contract is a construction management trade contract, not a subcontract.

You should be aware that, unlike a subcontract, under this contract the contracting party responsible for making payments to you (whether directly to you, or through the construction manager identified in this contract) is not required to demonstrate financial capacity to undertake the project under the *Queensland Building and Construction Commission Act 1991* or any other legislation.

You should make your own enquiries to satisfy yourself that the contracting party responsible for making payments to you under this contract has the financial capacity to fulfil its financial obligations to you.'.

(2) The warning in subsection (1) must be—

(a) on the first page of the contract; and

(b) in bold type of at least 12 point font size.

## 53A Period to rectify or remediate under direction—Act, s 72

For section 72(4) of the Act, the period—

(a) starts on the day the direction is made, as stated in the direction; and

(b) ends on the day that is 35 days after the day mentioned in paragraph (a).



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## 54 Interest—Act, s 77

(1) For section 77(3)(c) of the Act, interest is payable on the amount of damages awarded—

(a) if the parties have entered into a contract—at the rate provided under the contract; or

(b) at the rate agreed between the parties; or

(c) otherwise—at the rate of 10%.

(2) The interest is payable on and from the day after the day the amount became payable until and including the day the amount is paid.

## 55 Particulars in register—Act, s 99

(1) For section 99(2)(e) of the Act, the particulars are the following—

(a) if applicable, the licensee's ABN;

(b) if the licensee is a company—the licensee's ACN;

(c) for a licensee who holds a licence that authorises the licensee to carry out residential construction work—

(i) the value of residential construction work carried out by the licensee other than work carried out as a subcontractor; and

(ii) the number of projects involving residential construction work for which the licensee has carried out, or agreed to carry out, building work as a licensee; and

(iii) if the licensee is a company—the full name and business address of the secretary of the company;

(d) the licensee's current allowable annual turnover category;

(e) if the licensee is a company and the nominee, a licensed director or a licensed secretary of the company is, or within the last 10 years was, a nominee, licensed director or licensed secretary of another company (the



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***other company***) that was a licensee at the relevant time—the name of the other company.

(2) If the secretary of a company mentioned in subsection (1)(c)(iii) does not have a business address, the register must instead contain the secretary's residential address.

(3) In this section—

***allowable annual turnover***, for an applicant for a licence or a licensee, means the allowable annual turnover calculated for the applicant or licensee under the minimum financial requirements.

***allowable annual turnover category***, for a licensee, means the category designated, under the minimum financial requirements, for the licensee's allowable annual turnover.

***licensed director*** means a director of a company if—

(a) the company is, or is required to be, a licensee; and

(b) the director is also, or is also required to be, a licensee.

***licensed secretary*** means a secretary of a company if—

(a) the company is, or is required to be, a licensee; and

(b) the secretary is also, or is also required to be, a licensee.

***relevant time*** means any time during which the person mentioned in subsection (1)(e) is or was a nominee, a licensed director or a licensed secretary of the other company.

## 56 Prescribed persons and ways to examine building products or samples—Act, s 106O

(1) For section 106O(4) of the Act, the prescribed classes of person for examining a building product or sample are—

(a) if an Australian Standard states a way to examine the building product or sample—

(i) persons accredited by NATA to examine the building product or sample; and



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(ii) persons accredited by another entity to examine the building product or sample, if the accreditation is recognised by NATA under a written agreement between NATA and the entity; or

(b) if paragraph (a) does not apply—persons the commissioner is satisfied are appropriately qualified to examine the building product or sample in the way mentioned in subsection (2)(b).

(2) For section 106O(4) of the Act, the prescribed way to examine a building product or sample is—

(a) if an Australian Standard states a way to examine the building product or sample—the stated way; or

(b) if paragraph (a) does not apply—a way the commissioner is satisfied is appropriate for examining the building product or sample for the purposes of part 6AA of the Act.

(3) The commissioner must keep a record of persons mentioned in subsection (1)(b).

(4) In this section—

***NATA*** means the National Association of Testing Authorities Australia ABN 59 004 379 748.

## 56A Act for which confidential information may be disclosed, accessed or used—Act, s 110

For section 110(3)(c)(ii) of the Act, the *Building Industry Fairness (Security of Payment) Act 2017* is prescribed.

## 57 Board's policies approved—Act, sch 1, s 76

For schedule 1, section 76 of the Act, the following policies are approved—

(a) Rectification of Building Work made by the board on 16 May 2014;



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(b) Minimum Financial Requirements made by the board on 28 August 2015.

### 58 Fees

(1) The fees payable under the Act are stated in schedule 7.

(2) A reference in schedule 7 to a particular category applying to a licence is a reference to the category of that name that applies under the minimum financial requirements.

# Part 9 Savings and transitional provisions

## Division 1 Transitional provisions for SL No. 138 of 2018

### 59 Definition for division

In this division—

***expired regulation*** means the expired *Queensland Building and Construction Commission Regulation 2003*.

### 60 Licences that may be held and renewed after commencement—Act, s 30

(1) For section 30(4) of the Act, the following classes of licence are specified—

- building restricted to alterations and additions
- building restricted to external finishes
- building restricted to building removal
- building restricted to renovations, repairs and maintenance
- building restricted to repairs and maintenance



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- building restricted to non-structural renovations
- carpentry (formwork)
- carpentry restricted to framing
- carpentry restricted to lattice and other timber work
- concreting restricted to concrete repairs
- concreting restricted to light concreting
- concreting restricted to minor repairs
- concreting restricted to special finishes
- specialised contracting—screw-in foundations
- floor finishing and covering restricted to floor sanding and finishing—timber floors
- floor finishing and covering restricted to install floating flooring
- floor finishing and covering restricted to install strip flooring (non-structural)
- floor finishing and covering restricted to seamless flooring
- floor finishing and covering restricted to install cork flooring
- floor finishing and covering restricted to install parquetry flooring
- painting restricted to roof painting
- painting restricted to special finishes
- plastering drywall restricted to cornice fixing
- plastering drywall restricted to partition installation
- plastering drywall restricted to plaster setting
- plastering drywall restricted to suspended ceiling fixing
- plastering drywall restricted to wallboard fixing
- plumbing and draining restricted to plumbing



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- plumbing and draining restricted to wall cladding
- plumbing and draining restricted to skylight and ventilator installation
- plumbing and draining restricted to tanks—water supply
- specialised contracting—solid fuel heater installation
- refrigeration, air conditioning and mechanical services restricted to multipackaged residential air conditioning equipment and plant
- refrigeration, air conditioning and mechanical services restricted to residential evaporative cooling equipment
- refrigeration, air conditioning and mechanical services restricted to self-contained window package residential air conditioning installation
- roof tiling restricted to roof tile maintenance
- structural landscaping restricted to fences
- structural landscaping restricted to retaining walls
- swimming pool and spa construction restricted to finishes.

*Note—*

See also section 43 of the expired regulation.

(2) While a licensee holds a class of licence in subsection (1), the provisions of schedule 2 of the repealed *Queensland Building Services Authority Regulation 1992* as in force immediately before 1 September 2003 are taken to continue to apply to the licence.

## 61 Contractors' licences and nominee supervisors' licences that may be held and renewed after commencement—Act, s 30

(1) For section 30(4) of the Act—

(a) the following classes of contractors' licence are specified—



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(i) fire suppression systems—special hazards;

(ii) fire suppression systems—special hazards restricted to carrying out certain work;

(iii) fire suppression systems—special hazards restricted to certification of, and preparation of reports about, certain work; and

(b) the following classes of nominee supervisor's licence are specified—

(i) fire suppression systems—special hazards;

(ii) fire suppression systems—special hazards restricted to carrying out certain work;

(iii) fire suppression systems—special hazards restricted to certification of, and preparation of reports about, certain work.

*Note—*

See also sections 50 and 51 of the expired regulation.

(2) While a licensee holds a class of licence in subsection (1), the provisions of schedule 2 of the expired regulation as in force immediately before 1 January 2009 are taken to continue to apply to the licence.

## 62 Existing competencies of persons to hold technical qualifications—sprinkler and suppression systems (reticulated water-based)—inspect and test

(1) This section applies if an applicant—

(a) has satisfactorily completed the following competencies—

(i) Test fire protection systems for pressure BCPFS2005A;

(ii) Test and maintain automatic fire sprinklers BCPFS3009A; and

(b) gives the commission evidence that—



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(i) the applicant was employed, before 1 January 2009, in the fire protection industry; and

(ii) the applicant's duties in that employment included the inspection and testing of sprinkler and suppression systems.

(2) The applicant is taken to hold the technical qualifications for a fire protection occupational licence in the class of sprinkler and suppression systems (reticulated water-based)—inspect and test.

## 63 Existing competencies of persons to hold technical qualifications for certain classes of licences

(1) This section applies if—

(a) under the expired regulation as in force immediately before 1 January 2009, completion of a course satisfied the technical requirements for a licence mentioned in column 1 of the table; and

(b) a person gives the commission evidence that the person—

(i) was enrolled in the course before 1 January 2009; and

(ii) successfully completed the course before 1 January 2011.

(2) The person is taken to satisfy the technical qualifications for a licence of a class mentioned in column 2 of the table shown opposite the licence in column 1 of the table.



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**Table**

| | Column 1 | Column 2 |
|---|---|---|
| 1 | fire detection systems | fire detection, alarm and warning systems—certify<br>fire detection, alarm and warning systems—install and maintain—extra low voltage |
| 2 | fire detection systems restricted to carrying out certain work | fire detection, alarm and warning systems—install and maintain—extra low voltage |
| 3 | fire detection systems restricted certification of, and preparation of reports about, certain work | fire detection, alarm and warning systems—certify |
| 4 | fire equipment—passive (wall and ceiling lining) | passive fire protection—fire and smoke walls and ceilings—certify<br>plastering drywall licence |
| 5 | fire equipment—passive (penetration and joint sealing) | passive fire protection—fire collars, penetrations and joint sealing—certify, install and maintain |
| 6 | fire equipment—passive (fire doors and fire shutters) | passive fire protection—fire doors and shutters—certify |
| 7 | fire equipment—passive (fire doors and fire shutters) restricted to carrying out certain work | passive fire protection—fire doors and shutters—inspect and test |
| 8 | fire equipment—passive (fire doors and fire shutters) restricted to certification of, and preparation of reports about, certain work | passive fire protection—fire doors and shutters—certify |



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| | Column 1 | Column 2 |
|---|---|---|
| 9 | fire fighting appliances | fire hydrants and hose reels—inspect and test<br>portable fire equipment and hose reels (hose reels down stream of stop cock only)—certify<br>portable fire equipment and hose reels (hose reels down stream of stop cock only)—install and maintain |
| 10 | fire fighting appliances restricted to carrying out certain work | portable fire equipment and hose reels (hose reels down stream of stop cock only)—install and maintain |
| 11 | fire fighting appliances restricted to certification of, and preparation of reports about, certain work | fire hydrants and hose reels—inspect and test<br>portable fire equipment and hose reels (hose reels down stream of stop cock only)—certify |
| 12 | fire hose reels and fire hydrants | fire hydrants and hose reels—certify<br>fire hydrants and hose reels—install and maintain |
| 13 | fire hose reels and fire hydrants restricted to carrying out certain work | fire hydrants and hose reels—install and maintain |
| 14 | fire hose reels and fire hydrants restricted to certification of, and preparation of reports about, certain work | fire hydrants and hose reels—certify |
| 15 | fixed fire pump sets | fire pumps—certify<br>fire pumps—install and maintain |



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| | Column 1 | Column 2 |
|---|---|---|
| 16 | fixed fire pump sets restricted to carrying out certain work | fire pumps—install and maintain |
| 17 | fixed fire pump sets restricted to certification of, and preparation of reports about, certain work | fire pumps—certify |
| 18 | fire sprinkler systems (domestic and residential) | sprinkler and suppression systems (reticulated water-based)—restricted to domestic or residential type—certify<br>sprinkler and suppression systems (reticulated water-based)—restricted to domestic or residential type—install and maintain |
| 19 | fire sprinkler systems (domestic and residential) restricted to carrying out certain work | sprinkler and suppression systems (reticulated water-based)—restricted to domestic or residential type—install and maintain |
| 20 | fire sprinkler systems (domestic and residential) restricted to certification of, and preparation of reports about, certain work | sprinkler and suppression systems (reticulated water-based)—restricted to domestic or residential type—certify |



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| | Column 1 | Column 2 |
|---|---|---|
| 21 | fire sprinkler systems (other than domestic and residential) | sprinkler and suppression systems (reticulated water-based)—restricted to commercial or industrial type—certify<br>sprinkler and suppression systems (reticulated water-based)—restricted to commercial or industrial type—install and maintain |
| 22 | fire sprinkler systems (other than domestic and residential) restricted to carrying out certain work | sprinkler and suppression systems (reticulated water-based)—restricted to commercial or industrial type—install and maintain |
| 23 | fire sprinkler systems (other than domestic and residential) restricted to certification of, and preparation of reports about, certain work | sprinkler and suppression systems (reticulated water-based)—restricted to commercial or industrial type—certify |
| 24 | fire sprinkler systems (domestic and residential); and<br>fire sprinkler systems (other than domestic and residential) | sprinkler and suppression systems (reticulated water-based)—certify<br>sprinkler and suppression systems (reticulated water-based)—install and maintain |
| 25 | fire sprinkler systems (domestic and residential) restricted to carrying out certain work; and<br>fire sprinkler systems (other than domestic and residential) restricted to carrying out certain work | sprinkler and suppression systems (reticulated water-based)—install and maintain |



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| | Column 1 | Column 2 |
|---|---|---|
| 26 | fire sprinkler systems (domestic and residential) restricted to certification of, and preparation of reports about, certain work; and<br><br>fire sprinkler systems (other than domestic and residential) restricted to certification of, and preparation of reports about, certain work | sprinkler and suppression systems (reticulated water-based)—certify |

## 64 Existing competencies of persons to hold technical qualifications—portable fire equipment and hose reels (hose reels down stream of stop clock only) licences

(1) This section applies if a person gives the commission evidence that the person—

(a) was enrolled in the competency unit called 'Service portable fire extinguishers in the workshop PRMPFES14B' before 6 November 2009; and

(b) successfully completed the competency unit before 1 January 2011.

(2) The person is taken to have satisfied the technical qualifications for a licence mentioned in—

(a) schedule 2, part 29, section 3; or

(b) schedule 3, part 8, section 3.

## 65 References to expired regulation

In a document, a reference to the expired regulation is, if the context permits, taken to be as a reference to this regulation.



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# Division 2 Transitional provisions for Queensland Building and Construction Commission (Mechanical Services Licences) and Other Legislation Amendment Regulation 2019

## Subdivision 1 Licences and applications

### 66 Replacement of particular licence classes

(1) This section applies if, immediately before the commencement, a person held a licence of a class mentioned in column 1 of the table below (a ***previous class***).

(2) The licence of the previous class is taken to be a licence of the class mentioned opposite the previous class in column 2 of the table (the ***new class***).

(3) If, immediately before the commencement, the licence of the previous class was subject to any conditions, the licence of the new class is subject to the conditions.

(4) Unless the licence of the new class is sooner suspended or cancelled, the renewal day for the licence is the day that would have been the renewal day for the licence of the previous class if it had continued as a licence of the previous class.

| **Column 1** | **Column 2** |
|---|---|
| **Previous class of licence** | **New class of licence** |
| refrigeration, air conditioning and mechanical services including unlimited design licence mentioned in schedule 2, part 47 as in force immediately before the commencement | mechanical services—air-conditioning and refrigeration (unlimited design) licence mentioned in schedule 2, part 48A |



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| Column 1 | Column 2 |
|---|---|
| **Previous class of licence** | **New class of licence** |
| refrigeration, air conditioning and mechanical services including limited design licence mentioned in schedule 2, part 48 as in force immediately before the commencement | mechanical services—air-conditioning and refrigeration (limited design) licence mentioned in schedule 2, part 48B |

## 67 Pending application for, or renewal or restoration of, previous licence classes

(1) 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 class mentioned in column 1 of the table below (a ***previous class***); and

(b) immediately before the commencement, the application or request had not been decided or otherwise finally dealt with.

(2) An application for a licence of the previous class is taken to be an application for a licence of the class mentioned opposite the previous class in column 2 of the table (the ***new class***).

(3) An application for the renewal of a licence of the previous class is taken to be an application for the renewal of a licence of the new class.

(4) A request for the restoration of a licence of the previous class is taken to be a request for the restoration of a licence of the new class.

(5) Subsection (6) applies in relation to an application for a licence of the previous class if, immediately before the commencement, the applicant had the qualifications for the licence mentioned opposite the previous class in column 3 of the table.



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(6) For deciding the application, the applicant is taken to have the qualifications required for a licence of the new class.

(7) Subsection (8) applies in relation to an application for the renewal of a licence of the previous class, if the applicant held the licence immediately before the commencement.

(8) For deciding the application, the applicant is taken to have the qualifications required for a licence of the new class.

(9) For dealing with a request for the restoration of a licence of the previous class, the licence of the previous class is taken to have been a licence of the new class immediately before it was cancelled.

| **Column 1** | **Column 2** | **Column 3** |
|---|---|---|
| **Previous class of licence** | **New class of licence** | **Accepted qualifications for new class of licence** |
| refrigeration, air conditioning and mechanical services including unlimited design licence mentioned in previous schedule 2, part 47 | mechanical services—air-conditioning and refrigeration (unlimited design) licence mentioned in schedule 2, part 48A | for any licence of the new class—the technical qualifications stated in previous schedule 2, part 47, section 3; or<br>for a contractor's licence of the new class—a qualification for a licence of the previous class, to which section 12(2) applied immediately before the commencement |



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| Column 1<br>Previous class of licence | Column 2<br>New class of licence | Column 3<br>Accepted qualifications for new class of licence |
|---|---|---|
| refrigeration, air conditioning and mechanical services including limited design licence mentioned in previous schedule 2, part 48 | mechanical services—air-conditioning and refrigeration (limited design) licence mentioned in schedule 2, part 48B | for any licence of the new class—the technical qualifications stated in previous schedule 2, part 48, section 3; or<br>for a contractor's licence of the new class—a qualification for a licence of the previous class, to which section 12(2) applied immediately before the commencement |

(10) In this section—

***previous***, in relation to a provision, means the provision as in force immediately before the commencement.

## 68 Pending application for, or renewal of, particular licences

(1) This section applies if—

(a) before the commencement, a person applied for, or for the renewal of, a licence of a class mentioned in column 1 of the table below (the ***licence applied for***); and

(b) immediately before the commencement, the application had not been decided; and

(c) before the application is decided but no later than 1 April 2020, the person, by written notice, asks the commission to amend the application under subsection (2).

(2) Before deciding the application, the commission must amend the application to include a licence of the class mentioned



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opposite the licence applied for in column 2 of the table (the ***additional licence***).

(3) If the application is amended under subsection (2) to include a mechanical services—plumbing licence as the additional licence—

(a) no additional fee is payable for the application; and

(b) no fee is payable for the grant or renewal of the additional licence.

(4) Subsection (5) applies in relation to an application for the licence applied for if, immediately before the commencement, the applicant had the qualifications mentioned opposite the licence in column 3 of the table.

(5) For deciding the application, the applicant is taken to have the qualifications required for the additional licence.

(6) Subsection (7) applies in relation to an application for, or for the renewal of, the licence applied for if the applicant does not have the technical qualifications stated in the technical qualifications document for the additional licence.

(7) For deciding the application, the experience for the additional licence for section 31(1)(b) or 32(1)(a) of the Act is the experience mentioned opposite the additional licence in column 4 of the table.



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| Column 1<br>Licence applied for | Column 2<br>Additional licence | Column 3<br>Accepted qualifications for additional licence | Column 4<br>Alternative experience requirement for additional licence |
|---|---|---|---|
| plumbing and drainage licence mentioned in schedule 2, part 18 | mechanical services—plumbing licence mentioned in schedule 2, part 48 | the technical qualifications stated in schedule 2, part 18, section 3 | the commission is satisfied the applicant has carried out, whether before or after the commencement, mechanical services work for at least 6 months |
| gasfitting licence mentioned in schedule 2, part 36 | mechanical services—medical gas licence mentioned in schedule 2, part 47 | the technical qualifications stated in schedule 2, part 36, section 3 and successful completion of the competency unit called 'Install medical gas pipeline system (CPCPMS3034A)' | the commission is satisfied the applicant has carried out medical gas work, in compliance with the *Work Health and Safety Act 2011*, for at least 6 months |

## 69 Pending application for water plumber—water and sanitary licence

(1) This section applies if—

(a) before the commencement, a person applied under the *Plumbing and Drainage Act 2018* for a water plumber—water and sanitary licence; and

(b) immediately before the commencement, the application (the ***PDA application***) had not been decided; and



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(c) before the PDA application is decided but no later than 1 April 2020, the person, by written notice, asks the commission to confirm that an application is taken to have been made under subsection (2).

(2) The person is taken to have also made an application for a mechanical services—plumbing occupational licence (the ***deemed application***).

(3) The commission must, as soon as practicable after receiving the notice mentioned in subsection (1)(c), give the person written confirmation that the person is taken to have made the deemed application.

(4) The deemed application must be decided with the PDA application.

(5) No fee is payable for the deemed application or the grant of the mechanical services—plumbing occupational licence.

(6) In this section—

***mechanical services—plumbing occupational licence*** means a licence of the class mentioned in schedule 3A, part 2.

***water plumber—water and sanitary licence*** means the restricted licence mentioned in the *Plumbing and Drainage Regulation 2019*, schedule 4, part 3, item 7.

## Subdivision 2 Qualifications and experience for licences

### 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.



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***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—



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(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.



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(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



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(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



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(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.



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### 71 Deferral of experience requirements for particular licences

(1) This section applies in relation to a licence of a class mentioned in column 1 of the table below.

(2) The section mentioned opposite the licence class in column 2 of the table does not apply in relation to a person who applies for a licence of the class before 1 January 2022.

| Column 1 | Column 2 |
|---|---|
| **Licence class** | **Deferred experience requirement** |
| mechanical services—medical gas | schedule 2, part 47, section 5 |
| mechanical services—plumbing | schedule 2, part 48, section 5 |
| mechanical services—air-conditioning and refrigeration (unlimited design) | schedule 2, part 48A, section 5 |
| mechanical services—air-conditioning and refrigeration (limited design) | schedule 2, part 48B, section 5 |

## 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.



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## Subdivision 3 Fees for licences

### 72 Fee for mechanical services plumbing licence not payable—relevant licence held

(1) This section applies if—

(a) before 1 April 2020, a person applies for a licence of a class mentioned in column 1 of the table below; and

(b) the person holds a licence of the class mentioned opposite the licence class applied for in column 2 of the table.

(2) No fee is payable for the application or the grant of the licence applied for.

| Column 1 | Column 2 |
|---|---|
| **Licence class applied for** | **Relevant licence class held** |
| mechanical services—plumbing licence mentioned in schedule 2, part 48 | plumbing and drainage licence mentioned in schedule 2, part 18 |
| mechanical services—plumbing occupational licence mentioned in schedule 3A, part 2 | water plumber—water and sanitary licence mentioned in the *Plumbing and Drainage Regulation 2019*, schedule 4, part 3, item 7 |

### 73 Fee for mechanical services plumbing licence not payable—prior relevant experience

(1) This section applies if—

(a) immediately before the commencement, a person held a contractor's licence mentioned in schedule 2, part 47 or 48, as in force immediately before the commencement; and

(b) the person personally carried out or employed another person to carry out mechanical services plumbing work



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under the licence during the 6 months before the commencement; and

(c) before 1 July 2020, the person applies for a mechanical services—plumbing licence of the class mentioned in schedule 2, part 48 (the ***licence applied for***); and

(d) the person—

(i) has the technical qualifications for the licence applied for; or

(ii) employs a nominee supervisor who holds a mechanical services—plumbing licence.

(2) No fee is payable for the application or the grant of the licence applied for.

(3) In this section—

***mechanical services plumbing work*** means constructing, installing, replacing, repairing, altering, maintaining, testing or commissioning a mechanical heating or cooling system in a building that is associated with the heating and cooling of that building.

## 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



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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.



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## Subdivision 4 Mechanical services work by existing employees

### 74 Mechanical services work by employee of person not licensed for the work—Act, s 42CA

(1) For section 42CA(2) of the Act, mechanical services work personally carried out by an individual (the ***affected individual***) is prescribed if—

(a) immediately before the commencement—

(i) a person (the ***employer***) was carrying on a business that included carrying out the mechanical services work; and

(ii) the affected individual was an officer, employee or subcontractor of the employer and was personally carrying out the mechanical services work for the employer; and

(b) from the commencement—

(i) the mechanical services work would be within the scope of work for a mechanical services licence (a ***relevant licence***) if the licence were held by the employer; and

(ii) the affected individual has continued to personally carry out the mechanical services work for the employer.

(2) This section stops applying on the first of the following days—

(a) if the employer applies for a relevant licence—the day the application is granted or refused;

(b) 1 January 2021.



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### 75 Mechanical services work by employee of licensed contractor for the work—Act, s 42CA

(1) For section 42CA(2) of the Act, mechanical services work personally carried out by an individual is prescribed if—

(a) the individual is an officer, employee or subcontractor of a licensed contractor and personally carries out the mechanical services work under the contractor's licence; and

(b) the mechanical services work is within the scope of work for the class of licence.

(2) However, subsection (1) does not apply if the individual is—

(a) a nominee supervisor providing supervisory services for, or personally supervising, the mechanical services work; or

(b) an apprentice who, from the commencement, completes an apprenticeship for which the apprentice has been personally carrying out the mechanical services work in a calling that requires the apprentice to carry out the work.

(3) This section stops applying on 1 January 2022.

## Division 3 Transitional provision for Queensland Building and Construction Commission and Other Legislation Amendment Regulation 2019

### 76 Refund of licence fees paid for particular contractor's licences

(1) This section applies if, during the relevant period, an individual—

(a) applied for or requested—



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(i) a relevant contractor's licence for 1 year under section 33 of the Act; or

(ii) the renewal of a relevant contractor's licence for 1 year under section 37B of the Act; or

(iii) the restoration of a relevant contractor's licence for 1 year under section 39 of the Act; and

(b) paid the commission a licence fee for the licence.

(2) The commission must refund the licence fee to the individual.

(3) In this section—

***relevant contractor's licence*** means a contractor's licence to which any of categories 3 to 7 applies.

***relevant period*** means the period starting on 1 September 2018 and ending on the commencement.

# Division 4 Savings and transitional provisions for Queensland Building and Construction Commission and Other Legislation (Fire Protection Licensing) Amendment Regulation 2020

## Subdivision 1 Continuing licences

### 77 Licences of particular classes that may continue to be held and renewed—Act, s 30E

For section 30E of the Act, each section in this subdivision (a ***relevant section***) provides for a licence of a particular class to continue to be held and renewed by a person who held the licence immediately before the commencement of the relevant section.



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## 78 Continuation of particular licences mentioned in repealed Queensland Building Services Authority Regulation 1992

(1) This section applies in relation to a contractor's licence or supervisor's licence of a class (each the ***continuing licence class***) mentioned in schedule 2 of the repealed regulation and stated in schedule 7A, part 1, column 1.

*Note—*

See section 60 under which the relevant licence classes are specified as classes that were able to be held and renewed under section 30(4) of the Act.

(2) The licence may continue to be held and renewed by a person who held the licence immediately before the commencement.

(3) While the person holds the licence, each of the following provisions of the repealed regulation continue to apply in relation to the licence—

(a) sections 6 to 8;

(b) the provisions of the repealed regulation, schedule 2 stated opposite the continuing licence class in schedule 7A, part 1, column 2.

(4) In this section and schedule 7A, part 1—

***repealed regulation*** means the repealed *Queensland Building Services Authority Regulation 1992*.

## 79 Continuation of particular licences mentioned in expired Queensland Building and Construction Commission Regulation 2003

(1) This section applies in relation to a contractor's licence or nominee supervisor's licence of a class (each the ***continuing licence class***) mentioned in a former provision of the expired regulation and stated in schedule 7A, part 2, column 1.

*Notes—*

1 See section 61(1)(a) and (2) under which the relevant classes of contractors' licences are specified as classes that were able to be held and renewed under section 30(4) of the Act.



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2 See section 61(1)(b) and (2) under which the relevant former provisions of schedule 2 of the expired regulation were taken to have continued to apply to the relevant classes of nominee supervisors' licences.

(2) The licence may continue to be held and renewed by a person who held the licence immediately before the commencement.

(3) While the person holds the licence, each of the following provisions of the expired regulation continue to apply in relation to the licence—

(a) former sections 14, 14A, 15 and 16;

(b) each former provision stated opposite the continuing licence class in schedule 7A, part 2, column 2.

(4) In this section and schedule 7A, part 2—

***expired regulation*** means the expired *Queensland Building and Construction Commission Regulation 2003*.

***former***, in relation to a provision of the expired regulation, means the provision as in force immediately before 1 January 2009.

## 80 Continuation of particular contractors' and nominee supervisors' licences mentioned in former provisions

(1) This section applies in relation to a contractor's licence or nominee supervisor's licence of a class (each the ***continuing licence class***) mentioned in a former provision of schedule 2 of this regulation and stated in schedule 7A, part 3, column 1.

(2) The licence may continue to be held and renewed by a person who held the licence immediately before the commencement.

(3) While the person holds the licence, each former provision of this regulation stated opposite the continuing licence class in schedule 7A, part 3, column 2 continues to apply in relation to the licence.

(4) In this section and schedule 7A, part 3—

***former***, in relation to a provision of this regulation, means the provision as in force immediately before the commencement.



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### 81 Continuation of particular fire protection occupational licences mentioned in former provisions

(1) This section applies in relation to a fire protection occupational licence of a class mentioned in a former provision of schedule 3 of this regulation and stated in schedule 7A, part 4, column 1 (the ***continuing licence class***).

(2) The licence may continue to be held and renewed by a person who held the licence immediately before the commencement.

(3) While the person holds the licence, each former provision of this regulation stated opposite the continuing licence class in schedule 7A, part 4, column 2 continues to apply in relation to the licence.

(4) In this section and schedule 7A, part 4—

***former***, in relation to a provision of this regulation, means the provision as in force immediately before the commencement.

## Subdivision 2 Other transitional provisions

### 82 Replacement of former classes of licences

(1) This section applies if, immediately before the commencement, a person held a licence of a class mentioned in schedule 7B, part 1 or 2, column 1 (a ***former class***).

(2) The licence of the former class is taken to be a licence of the class mentioned opposite the former class in schedule 7B, part 1 or 2, column 2 (the ***new class***).

(3) If, immediately before the commencement, the licence of the former class was subject to any conditions, the licence of the new class is subject to the conditions.

(4) Unless the licence of the new class is sooner suspended or cancelled, the renewal day for the licence is the day that would have been the renewal day for the licence of the former class if it had continued as a licence of the former class.

(5) Subsection (6) applies if the licence of the former class is a licence of a former class mentioned in—



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(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.

## 83 Pending application for, or renewal or restoration of, former licence classes

(1) 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 class mentioned in schedule 7B, part 1 or 2, column 1 (a ***former class***); and

(b) immediately before the commencement, the application or request had not been decided or otherwise finally dealt with.

(2) An application for a licence of the former class is taken to be an application for a licence of the class mentioned opposite the former class in schedule 7B, part 1 or 2, column 2 (the ***new class***).

(3) An application for renewal of a licence of the former class is taken to be an application for renewal of a licence of the new class.

(4) A request for the restoration of a licence of the former class is taken to be a request for the restoration of a licence of the new class.

(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.



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*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.

## 84 Existing competencies for technical qualifications for particular new licence classes

(1) This section applies if—

(a) immediately before the commencement, completion of a course would have satisfied a technical qualification for a licence of a class mentioned in schedule 7B, part 1, column 1 (a ***former class***); and

(b) a person gives the commission evidence that the person—

(i) was enrolled in the course before the commencement; and

(ii) successfully completes the course within 1 year after the commencement.

(2) The person is taken to satisfy the technical qualification for a licence of the class mentioned opposite the former class in schedule 7B, part 1, column 2.



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## 85 Additional qualifications for particular new licence classes—Act, ss 31, 32, 32AB

(1) This section applies if—

(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

(b) the person continues to hold the licence of the new class from the commencement.

(2) 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.

(3) For section 31(1)(b), 32(1)(a) or 32AB(1)(a) of the Act, the person must have the technical qualification mentioned opposite the former class in schedule 7B, part 2, column 3, or an equivalent qualification, no later than the required qualification day.

(4) The requirement for the person to have the technical qualification under subsection (3) is subject to any condition mentioned opposite the former class in schedule 7B, part 2, column 3.

(5) To remove any doubt, it is declared that subsection (3) does not limit a requirement for the person to have another qualification under section 12, 13 or 15 for the licence of the new class.

(6) In this section—

***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.



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***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.

***required qualification day*** means the day mentioned opposite the former class in schedule 7B, part 2, column 3.

## 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.



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## 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.



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# Division 5 Transitional provision for Queensland Building and Construction Commission (Mechanical Services Licences) Amendment Regulation 2021

## 86 Alternative qualification for mechanical services—air-conditioning and refrigeration occupational licence

(1) This section applies to an application for a mechanical services occupational licence of a class mentioned in schedule 3A, part 3 (Mechanical services—air-conditioning and refrigeration occupational licence) if—

(a) either—

(i) the application was made, but not decided, before the commencement; or

(ii) the application is made after the commencement but before 1 October 2021; and

(b) the applicant does not have the technical qualifications stated in the technical qualifications document for the licence class; and

(c) the commission is satisfied the applicant has, for at least 6 months, carried out work that—

(i) is within the scope of work for the licence class; and

(ii) complies with the *Work Health and Safety Act 2011*.

(2) For section 32AB(1)(a) of the Act, the qualification for the licence is the carrying out of air-conditioning and refrigeration work, before 1 January 2020, for at least 2 years.

(3) This section applies to the application—

(a) despite section 15A; and

(b) until the end of 31 December 2021.



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(4) In this section—

***air-conditioning and refrigeration work*** means constructing, installing, replacing, repairing, altering, maintaining, testing or commissioning air-conditioning, air handling systems and refrigeration for a building.

# Division 6 Transitional provisions for Queensland Building and Construction Commission (Fire Protection Licensing) Amendment Regulation 2021

## Subdivision 1 Preliminary

### 87 Definition for division

In this division—

***former***, for a provision of this regulation, means the provision as in force immediately before 1 May 2021.

*Notes—*

1 The *Queensland Building and Construction Commission and Other Legislation (Fire Protection Licensing) Amendment Regulation 2020*, part 4, division 3 commenced on 1 May 2021.

2 See also sections 80, 81, 82 and 83.

## Subdivision 2 Scope of work for particular transitioned licences

### 88 Scope of work for particular transitioned licences

(1) This section applies in relation to a licence (the ***transitioned licence***) if—



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(a) the transitioned licence was taken, under section 82(2), to be a licence of the class mentioned in schedule 2, part 26, section 1(4); and

(b) immediately before 1 May 2021, the transitioned licence was a licence of a relevant former class.

(2) This section also applies in relation to a licence (also the ***transitioned licence***) if—

(a) the transitioned licence is of the class mentioned in schedule 2, part 26, section 1(4); and

(b) the transitioned licence was granted, renewed or restored under section 83(2), (3) or (4); and

(c) the application or request mentioned in section 83(2), (3) or (4) related to a licence of a relevant former class.

(3) However, this section does not apply in relation to the transitioned licence—

(a) before 31 March 2022; or

(b) while—

(i) if the licensee is a company—the licensee's nominee holds 1 or more of the required qualifications; or

(ii) otherwise—the licensee holds 1 or more of the required qualifications.

(4) The scope of work for the transitioned licence is taken to be—

(a) install and maintain fire hydrant systems, with or without pumps; and

(b) install and maintain fire hose reels, with or without pumps; and

(c) install fire collars, if the installation is incidental to work mentioned in paragraph (a) or (b).

(5) This section applies despite sections 82, 83 and 84 and schedule 2, part 26, section 2(5).

(6) In this section—



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***relevant former class***, of licence, means a class of licence mentioned in—

(a) schedule 2, former part 27, section 1(2); or

(b) schedule 2, former part 28, section 1(2).

***required qualifications*** means—

(a) successful completion of Certificate III in fire protection (CPC32813); or

(b) a current restricted licence mentioned in the *Plumbing and Drainage Regulation 2019*, schedule 4, part 3, column 1, item 5 (water plumber—fire protection (commercial and industrial)); or

(c) a current plumbers licence, or current provisional plumbers licence, with an endorsement mentioned in the *Plumbing and Drainage Regulation 2019*, schedule 4, part 4, column 1, item 3 (fire protection—commercial and industrial); or

(d) the technical qualifications for a licence of the class mentioned in schedule 2, part 26, section 1(4).

## Subdivision 3 Applications for licences of particular former classes

### 89 Definitions for subdivision

In this subdivision—

***continuing provision***, for a licence of a relevant former class, means a former provision of this regulation stated opposite the class in—

(a) schedule 7A, part 3, column 2; or

(b) schedule 7A, part 4, column 2.

***relevant former class***, of licence, means a class of licence mentioned in—



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(a) schedule 7A, part 3, column 1; or

(b) schedule 7A, part 4, column 1.

## 90 Existing applications for licences of relevant former classes

(1) This section applies if—

(a) before 1 May 2021, a person made an application for a licence of a relevant former class; and

(b) immediately before the commencement, the application had not been decided, withdrawn or otherwise finally dealt with.

(2) The commission may decide the application as if each continuing provision for the licence had continued in force from 1 May 2021.

(3) If the commission grants the application, the licence may be held and renewed by the person as if each continuing provision for the licence had continued in force from 1 May 2021.

## 91 New applications for licences of relevant former classes

(1) This section applies if—

(a) before 1 May 2021, a person made an application (the ***initial application***) for a licence of a relevant former class; and

(b) on or after 1 May 2021, but before the commencement—

(i) the commission rejected the application; or

(ii) the commission otherwise refused to grant the application; or

(iii) the application was withdrawn.

(2) The person may, before 1 May 2022, make an application (the ***further application***) for a licence of the relevant former class.



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(3) Payment of a fee mentioned in schedule 7, item 1, 2, 3 or 4 is waived for the further application if the fee, as it was in force under schedule 7 from time to time before 31 May 2021—

(a) was paid in relation to the initial application; and

(b) has not been refunded before the making of the further application.

(4) The commission may decide the further application as if each continuing provision for the licence had continued in force from 1 May 2021.

(5) If the further application is granted, the licence may be held and renewed by the person as if each continuing provision for the licence had continued in force from 1 May 2021.



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# Schedule 1 Work that is not building work

section 5

## 1 Work for a farm building or farm fence

(1) Work mentioned in schedule 2 of the Act, definition *building work*, any of paragraphs (a) to (f), if—

(a) the work is for a farm building; and

(b) after the work is completed, the value of the farm building is not more than $27,500.

(2) Work mentioned in schedule 2 of the Act, definition *building work*, paragraph (a), (b) or (f), if the work is for a farm fence.

(3) In this section—

***farm building*** means a building—

(a) on land used wholly or primarily for agricultural or pastoral purposes; and

(b) used, or intended to be used, for agricultural or pastoral purposes; and

(c) that is not a residence.

***farm fence*** means—

(a) a fence—

(i) on land used wholly or primarily for agricultural or pastoral purposes; and

(ii) used, or intended to be used, for agricultural or pastoral purposes; or

(b) a gate or grid associated with a fence mentioned in paragraph (a).

## 2 Work of a value of $3,300 or less

Work of a value of $3,300 or less, unless—



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(a) subject to section 33(3) of this schedule, the work is within the scope of work of a fire protection licence; or

(b) the work is within the scope of work of a licence provided for in schedule 2, any of parts 11 to 14, 18, 19, 36, 51 or 56; or

(c) the work is within the scope of work of another licence provided for in schedule 2, and is carried out by a licensee as part of a contract for building work of which the total value is more than $3,300; or

(d) the work is within the scope of work of a licence provided for in schedule 2, part 38 and the value of the work is more than $1,100; or

(e) subject to section 33(4) of this schedule, the work is mechanical services work within the scope of work for a mechanical services licence.

## 3 Giving of free advice by building industry organisations

Giving of free advice by an organisation the membership of which is drawn wholly or predominantly from the building industry.

## 4 Work performed by architects

Work performed by an architect in the architect's professional practice, including, for example, carrying out a completed building inspection.

## 5 Work performed by engineers

Work performed by an engineer in the engineer's professional practice.

## 6 Work performed by licensed surveyors

Work performed by a licensed surveyor in the surveyor's professional practice.



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## 7 Work performed by the Commonwealth or its agencies

Work performed by the Commonwealth or an instrumentality or agency of the Commonwealth, but not work performed for the Commonwealth or an instrumentality or agency by an independent contractor.

## 8 Work performed by the State or its agencies

Work performed by the State or an instrumentality or agency of the State, but not work performed for the State or an instrumentality or agency by an independent contractor.

## 9 Work performed by local governments

Work performed by a local government, but not work performed for a local government by an independent contractor.

## 10 Work performed by charities or community organisations

(1) Work performed by a charitable or community organisation for its own use, if the commission gives the organisation written notice the work can be excluded from schedule 2 of the Act, definition *building work*, given the qualifications and experience of persons who supervise the work.

(2) However, this exclusion does not apply to residential construction work.

(3) In this section—

***community organisation*** means an organisation formed to promote the interests of a particular community or community group.

## 11 Work for water reticulation systems, sewerage systems or stormwater drains

(1) Construction, extension, repair or replacement of a water reticulation system, sewerage system or stormwater drain,



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other than works connecting a particular building to a main of the system or drain.

(2) In this section—

***building*** includes a proposed building.

## 12 Work for public utility easements

(1) Construction, maintenance or repair on a public utility easement.

(2) In this section—

***public utility easement*** see the *Land Title Act 1994*, section 81A.

## 13 Work on busways and tunnels

(1) Construction, maintenance or repair of a busway or a tunnel for a busway.

(2) In this section—

***busway*** means—

(a) a route especially designed and constructed for, and dedicated to, the priority movement of buses for passenger transport purposes; or

(b) places for the taking on and letting off of bus passengers using the busway; or

(c) a causeway or culvert in, on, or under a busway that is associated with the busway; or

(d) a structure in, on, or under a busway that is associated with the busway.

## 14 Work on roads and tunnels

(1) Construction, maintenance or repair of a road or a tunnel for a road.

(2) In this section—



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***driveway*** means—

(a) a surface constructed—

(i) on a private property; and

(ii) for the purpose of driving or riding of motor vehicles to or from the property and a road; and

(iii) for which the right to use the surface is restricted to persons with an interest in the property and their invitees; or

(b) a surface constructed—

(i) between the boundary of a private property and that part of a road used for the driving or riding of motor vehicles; and

(ii) for the purpose of driving or riding of motor vehicles to or from the property and the road.

***road***—

(a) means an area of land—

(i) whether surveyed or unsurveyed, dedicated, notified or declared to be a road for public use; or

(ii) whether surveyed or unsurveyed, taken under an Act, for the purpose of a road for public use; or

(iii) developed, or to be developed, for the public use of driving or riding of motor vehicles; and

(b) includes—

(i) a street, esplanade, highway, pathway, thoroughfare, toll road, track or stock route; and

(ii) a causeway or culvert in, on, or under a road that is associated with the road; and

(iii) a structure in, on, or under a road that is associated with the road; and

(c) does not include a driveway.



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## 15 Work on bikeways and footpaths

(1) Construction, maintenance or repair of a bikeway or footpath or a tunnel for a bikeway or footpath.

(2) In this section—

***bikeway***—

(a) means a path that has as 1 of its main purposes the public use of the path for riding bicycles; but

(b) does not include a path contained within private property.

***footpath***—

(a) means a path that has as 1 of its main purposes the public use of the path by pedestrian traffic; but

(b) does not include a path contained within private property.

## 16 Work on public bridges

Construction, maintenance or repair of a bridge, other than a bridge on private property.

## 17 Work for railway tracks

Construction, maintenance or repair of railway tracks, signals or associated structures, unless the structures are buildings for residential purposes, or are storage or service facilities.

## 18 Work for airport runways

Construction, maintenance or repair of airport runways, taxiways and aprons.

## 19 Work on harbours, wharfs and other maritime structures

Construction, maintenance or repair of harbours, wharfs and other maritime structures, unless the structures are buildings for residential purposes, or are storage or service facilities.



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## 20 Electrical work

Electrical work under the *Electrical Safety Act 2002*.

## 22 Work for dams

Construction, maintenance or repair of a dam.

## 23 Work for communications for broadcasting

Construction, maintenance or repair of communications installations performed for a public company or other public body engaged in radio or television broadcasting or in some other form of communications business or undertaking.

## 24 Work for unsupported signs

Construction, maintenance or repair of a sign that does not have a supporting structure.

*Example—*

a sign that consists of only a flat sheet of acrylic resin, fabric, metal or wood

## 25 Work for supporting structures for signs

Construction, maintenance or repair of a supporting structure for a sign if—

(a) the value of building work for the supporting structure is less than $5,000; or

(b) the top of the sign or supporting structure, whichever is higher, is less than 3m above the surface immediately below the sign or structure, including, for example, the ground, or a road or path on which an individual may travel, whether in a vehicle, while walking, or in any other way.

## 26 Erecting scaffolding

Erection of scaffolding.



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### 27 Installation of manufacturing equipment

Installation of manufacturing equipment or equipment for hoisting, conveying or transporting materials or products, including luggage, mail or primary produce, but not including the installation of fixed structures providing shelter for the equipment.

### 28 Construction work in mining

Construction work in mining.

### 29 Work for curtains, blinds and internal window shutters

Hanging of curtains or installing, maintaining or repairing blinds or internal window shutters, other than fire shutters.

### 30 Laying carpets, floating floors or vinyl

(1) Laying of carpets, floating floors or vinyl.

(2) In this section—

***floating floor*** means a floor that covers a subfloor but is not fixed to the subfloor.

### 31 Work for monuments, fountains and other works of art

Work consisting of monumental masonry, sculpture, or the erection or construction of statues, fountains or other works of art, other than work affecting the structure of a building.

### 32 Earthmoving and excavating

Work consisting of earthmoving and excavating.

### 33 Particular work performed personally by owners of land

(1) Work, other than work within the scope of work of an occupational licence, performed personally by the owner of the land on which the work is performed if—



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(a) the value of the work is not more than $11,000; or

(b) under the *Building Act 1975*, chapter 2, the work is, for the *Planning Act 2016*, accepted development.

(2) Work within the scope of work of a licence under the *Plumbing and Drainage Act 2018* performed personally by the owner of the land on which the work is performed if—

(a) the owner holds a licence, other than a provisional licence, under the *Plumbing and Drainage Act 2018* that authorises the carrying out of the work; and

(b) the value of the work is no more than $11,000.

(3) Work within the scope of work of a fire protection licence performed personally by the owner of the land on which the work is performed—

(a) if the value of the work is no more than $1,100; or

(b) if—

(i) the owner holds a fire protection occupational licence that authorises the carrying out of the work; and

(ii) the work is carried out on a class 1a or attached class 10a building; and

(iii) the value of the work is no more than $11,000.

(4) Work that is mechanical services work within the scope of work for a mechanical services licence, if—

(a) the work is performed personally by the owner of the land on which the work is performed; and

(b) the value of the work is no more than $1,100.

## 34 Certification work by building certifiers

Certification work performed by a building certifier under the *Building Act 1975* in the certifier's professional practice.



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### 35 Particular work performed by registered valuers

Services performed by a registered valuer under the *Valuers Registration Act 1992* in the valuer's professional practice.

### 36 Laying asphalt or bitumen

Laying of asphalt or bitumen.

### 37 Work done under the Work Health and Safety Regulation

Work done under the *Work Health and Safety Regulation 2011*, chapter 8, part 8.3.

### 38 Work for assessment of insurance claims

An inspection, investigation or report for assessment of an insurance claim.

### 39 Work performed by locksmiths

Work of the type usually performed by a locksmith, whether performed by a locksmith or another person.

### 40 Preparing or installing insulation

Work consisting of the preparation for, or installation of, insulation for acoustic or thermal control.

### 41 Interior design

(1) Preparation of plans or specifications for building work for the interior design of a building if the work does not relate to a part of the building that is loadbearing or a structural member.

(2) Contract administration for the interior design of a building.

### 42 Assessment of energy efficiency of buildings

Assessment of the energy efficiency of a building.



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### 43 Inspecting or testing emergency lighting systems

Work, performed by a person who holds an electrical mechanic licence, that is inspecting or testing emergency lighting systems.

### 45 Installation of insect screens

Work consisting of installation of insect screens, other than—

(a) screens used for security; and

(b) screens used for a particular material or system designed for the prevention of termite infestation.

### 46 Line marking

Work consisting of line marking.

### 47 Work performed by fire safety advisers

Work performed by a fire safety adviser under the *Building Fire Safety Regulation 2008*.

### 48 Pool safety inspections by pool safety inspectors

(1) Performance of a pool safety inspection function by a pool safety inspector under the *Building Act 1975*, other than a pool safety inspection function mentioned in section 231C(b) of that Act.

(2) In this section—

***pool safety inspection function*** see the *Building Act 1975*, section 231C.

***pool safety inspector*** see the *Building Act 1975*, schedule 2.

### 49 Work for strand wire fences

(1) Construction, maintenance or repair of a strand wire fence with no concrete footing.



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(2) In this section—

***strand wire fence*** means a structure serving as an enclosure, barrier or boundary made of posts, pickets or stakes joined together by strands of wire.

## 50 Installation of solar hot water systems

(1) Installation, repair or maintenance of a solar hot water system if—

(a) a person, who is the holder of an unrestricted electrical contractor licence (the ***electrical contractor***), undertakes to carry out the work for a consumer; and

(b) the electrical contractor only carries out the part of the work that is electrical work under the *Electrical Safety Act 2002*; and

(c) that part of the work that is not electrical work under the *Electrical Safety Act 2002* (the ***non-electrical work***) is carried out by a person who—

(i) holds, under the Act, a contractor's licence of the appropriate class for the non-electrical work; and

(ii) is engaged by the electrical contractor to carry out the non-electrical work.

(2) However, this exclusion applies only for the purpose of section 42 of the Act.

(3) In this section—

***solar hot water system*** includes any part of a water heating system designed to heat water using light or heat from the sun.

## 51 Installation of photovoltaic solar panels

(1) Installation, repair or maintenance of a photovoltaic solar panel if the work is carried out by a person who is the holder of an unrestricted electrical contractor licence.

(2) However, this exclusion applies only for the purpose of section 42 of the Act.



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## 52 Laying wet pour rubber

(1) Laying of wet pour rubber, including the laying of a blended mix of graded rubber particles and binder to provide a continuous surface.

(2) However, this exclusion applies only for the purpose of section 42 of the Act.

## 53 Work for off-site manufacture of roof trusses or wall frames

Work consisting of—

(a) the design and off-site manufacture of a roof truss or wall frame; or

(b) the preparation of—

(i) plans or specifications for the off-site manufacture of a roof truss or wall frame; or

(ii) plans, specifications or instructions for the installation of a roof truss or wall frame that is manufactured off-site.

## 54 Installation of fire collars

(1) Installation of a fire collar by a licensed electrical worker that is incidental to electrical work performed by the licensed electrical worker under the *Electrical Safety Act 2002*.

(2) Installation of a fire collar that is incidental to electrical work performed under the *Electrical Safety Act 2002* as part of a business or undertaking conducted by a licensed electrical contractor under that Act.

(3) Installation of a fire collar by a registered cabling provider that is incidental to cabling work performed by the registered cabling provider under the *Telecommunications Act 1997* (Cwlth).

(4) In this section—

***licensed electrical contractor*** see the *Electrical Safety Act 2002*, schedule 2.



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***licensed electrical worker*** see the *Electrical Safety Act 2002*, schedule 2.

***registered cabling provider*** see the *Telecommunications Cabling Provider Rules 2014* (Cwlth), section 3.1(6).



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# Schedule 1AA Work that is not fire protection work

section 6AA

## 1 Work relating to fire protection equipment mentioned in paragraph (a) or (f) to (j) of definition in schedule 2 of the Act

(1) Work relating to equipment mentioned in schedule 2 of the Act, definition *fire protection equipment*, paragraph (a) or any of paragraphs (f) to (j), if the work is any of the following—

(a) work, other than work relating to emergency lighting, of a value of no more than $1,100;

(b) electrical work under the *Electrical Safety Act 2002*;

(c) the installation of a fire collar as mentioned in schedule 1, section 54;

(d) 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;

(e) the installation, maintenance, certification or inspection, including testing, of—

(i) masonry brick or block walls; or

(ii) pre-cast or in situ tilt-up concrete panels, but not including any fire-rated grout associated with the panels;

(f) 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;



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(iii) a mechanical ventilation system;

(g) certification work performed by a building certifier under the *Building Act 1975* in the certifier's professional practice;

(h) work performed by a registered professional engineer under the *Professional Engineers Act 2002* in performing a professional engineering service under that Act;

(i) work performed by a fire safety adviser, for a high occupancy building, under the *Building Fire Safety Regulation 2008*;

(j) preparation of a building industry professional statement, by a building industry professional, under the *Building Regulation 2006*, part 4A;

*Note—*

See the *Building Regulation 2021*, part 11, division 2.

(k) an inspection, investigation or report for assessment of an insurance claim;

(l) work performed by the State or an instrumentality or agency of the State, but not work performed for the State or an instrumentality or agency by an independent contractor;

(m) work performed by a local government, but not work performed for the local government by an independent contractor;

(n) work, performed by a person who holds an electrical mechanic licence, that is inspecting or testing emergency lighting systems.

(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—



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(i) a licensed builder; or

(ii) licensed to carry out completed building inspections.

## 2 Work relating to fire protection equipment mentioned in paragraphs (b) to (e) of definition in schedule 2 of the Act

Work relating to equipment mentioned in schedule 2 of the Act, definition *fire protection equipment*, any of paragraphs (b) to (e), if the work is any of the following—

(a) work of a value of no more than $1,100 performed personally by the owner of the land on which the work is performed;

(b) work on a class 1a building, if the work is—

(i) of a value of no more than $11,000; and

(ii) performed personally by the owner of the land on which the work is performed; and

(iii) authorised under a fire protection occupational licence held by the owner;

(c) certification work performed by a building certifier under the *Building Act 1975* in the certifier's professional practice;

(d) work performed by a registered professional engineer under the *Professional Engineers Act 2002* in performing a professional engineering service under that Act;

(e) electrical work under the *Electrical Safety Act 2002* relating to a fire or smoke detection system, heat or smoke alarm or another alarm system or emergency warning and communication system;

(f) work performed by a local government or the State, but not work performed for the local government or the State by an independent contractor;



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(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.

# Schedule 1A Work that is not mechanical services work

section 6A

1 the following work that would be mechanical services work other than for being prescribed under section 6A of this regulation and this schedule—

- work carried out on a class 1a or class 10 building
- work carried out on a building located on land to which the *Geothermal Energy Act 2010*, *Greenhouse Gas Storage Act 2009*, *Mineral Resources Act 1989*, *Petroleum Act 1923* or *Petroleum and Gas (Production and Safety) Act 2004* applies
- work carried out as part of an environmentally relevant activity prescribed under the *Environmental Protection Regulation 2019*, schedule 2, any of sections 5 to 14, 19, 22 to 25, 28 to 33, 36, 38 to 42, 44, 45, 55, 61, 63 or 64
- work carried out as part of a resource activity under the *Environmental Protection Act 1994* including an ancillary activity under that Act that is an environmentally relevant activity prescribed under the *Environmental Protection Regulation 2019*, schedule 2, any of sections 6 to 14, 19, 22, 25, 28 to 33, 36, 38, 40 to 42, 44, 45, 63 or 64

2 work to which schedule 1, section 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 17, 20, 34, 37, 38, 40, 42 or 47 applies



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# Schedule 2 Classes of licences and licence requirements

sections 8 to 10 and 12 to 14

## Part 1 Air handling duct installation licence

### 1 Licence class

Air handling duct installation.

### 2 Scope of work

(1) Install ductwork and enclosures for air conditioning, air handling and mechanical ventilation systems.

(2) Incidental work of another class.

### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

### 4 Managerial qualifications

An approved managerial qualification.

### 5 Financial requirements

The relevant minimum financial requirements.



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# Part 2 Brick and segmental paving licence

## 1 Licence class

Brick and segmental paving.

## 2 Scope of work

(1) Lay segmental or unit paving, including surface preparation.

(2) Concrete work for brick and segmental paving.

(3) Incidental work of another class.

## 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

## 4 Managerial qualifications

An approved managerial qualification.

## 5 Financial requirements

The relevant minimum financial requirements.

# Part 3 Bricklaying and blocklaying licence

## 1 Licence class

Bricklaying and blocklaying.

## 2 Scope of work

(1) Brick or block construction, including surface preparation.



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(2) Build straight masonry steps and stairs with or without landings.

(3) Lay segmental or unit paving.

(4) Lay glass blocks.

(5) Construct battered masonry surfaces.

(6) Install prefabricated window or door frames.

(7) Concreting to simple forms, including installation of formwork, reinforcement and concrete.

(8) Incidental work of another class.

### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

### 4 Managerial qualifications

An approved managerial qualification.

### 5 Financial requirements

The relevant minimum financial requirements.

## Part 4 Builder—low rise licence

### 1 Licence class

Builder—low rise.

### 2 Scope of work

(1) Building work on a class 1 or class 10 building.

(2) Building work on classes 2 to 9 buildings with a gross floor area not more than 2,000m$^2$, but not including Type A or Type B construction.



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(3) Building work that consists of non-structural work on a building, regardless of—

(a) the class for the building; or

(b) the gross floor area of the building.

(4) Prepare plans and specifications that are—

(a) for the licensee's personal use; or

(b) for use in building work to be performed by the licensee personally.

(5) However, the scope of work does not include—

(a) a completed building inspection for an interested party for the building; or

(b) personally carrying out any building work for which—

(i) a fire protection licence or mechanical services licence is required; or

(ii) an occupational licence is required unless the licensee holds the occupational licence; or

(c) for building work mentioned in subsection (3)—directly or indirectly causing the work to be carried out or providing building work services for the work if—

(i) a fire protection licence or mechanical services licence is required for the work; and

(ii) the work is—

(A) for Type A or Type B construction on classes 2 to 9 buildings; or

(B) on classes 2 to 9 buildings with a gross floor area more than 2,000$m^2$.

(6) Despite subsection (5)(b)(i) and (c)(i), the scope of work, for building work carried out until 2 May 2035, includes carrying out building work for which, other than for this subsection, a relevant fire protection licence would be required.

(7) In this section—



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***relevant fire protection licence*** means a fire protection licence of a class mentioned in—

(a) part 22A, section 1(3) or (4); or

(b) schedule 3, part 1A, section 1(3) or (4).

## 3 Technical qualifications—contractor's and nominee supervisor's licences

The technical qualifications stated in the technical qualifications document for the licence class applied for.

## 4 Technical qualifications—site supervisor's licence

The technical qualifications stated in the technical qualifications document for the licence class applied for.

## 5 Experience requirements

The experience requirements are the following—

(a) for a person who has a technical qualification required under part 3 or 16—2 years experience in—

(i) the scope of work for the class; or

(ii) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class;

(b) otherwise—4 years experience in—

(i) the scope of work for the class; or

(ii) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class.

## 6 Financial requirements

The relevant minimum financial requirements.



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# Part 5 Builder—medium rise licence

## 1 Licence class

Builder—medium rise.

## 2 Scope of work

(1) Building work on a class 1 or class 10 building.

(2) Building work to a maximum of 3 storeys, but not including Type A construction on classes 4 to 9 buildings.

(3) Building work that consists of non-structural work on a building, regardless of—

(a) the class for the building; or

(b) the gross floor area of the building.

(4) Prepare plans and specifications that are—

(a) for the licensee's personal use; or

(b) for use in building work to be performed by the licensee personally.

(5) However, the scope of work does not include—

(a) a completed building inspection for an interested party for the building; or

(b) personally carrying out any building work for which—

(i) a fire protection licence or mechanical services licence is required; or

(ii) an occupational licence is required unless the licensee holds the occupational licence; or

(c) for building work mentioned in subsection (3)—directly or indirectly causing the work to be carried out or providing building work services for the work if—

(i) a fire protection licence or mechanical services licence is required for the work; and

(ii) the work is—



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(A) for Type A construction on classes 4 to 9 buildings; or

(B) to more than 3 storeys.

(6) Despite subsection (5)(b)(i) and (c)(i), the scope of work, for building work carried out until 2 May 2035, includes carrying out building work for which, other than for this subsection, a relevant fire protection licence would be required.

(7) In this section—

***relevant fire protection licence*** means a fire protection licence of a class mentioned in—

(a) part 22A, section 1(3) or (4); or

(b) schedule 3, part 1A, section 1(3) or (4).

## 3 Technical qualifications—contractor's and nominee supervisor's licences

The technical qualifications stated in the technical qualifications document for the licence class applied for.

## 4 Technical qualifications—site supervisor's licence

The technical qualifications stated in the technical qualifications document for the licence class applied for.

## 5 Experience requirements

The experience requirements are the following—

(a) for a person who has a technical qualification required under part 3 or 16—2 years experience in—

(i) the scope of work for the class; or

(ii) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class;

(b) otherwise—4 years experience in—

(i) the scope of work for the class; or



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(ii) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class.

### 6 Financial requirements

The relevant minimum financial requirements.

## Part 6 Builder—open licence

### 1 Licence classes

(1) Builder—open.

(2) Builder—project management services.

### 2 Scope of work

(1) For the licence class mentioned in section 1(1)—

(a) building work on all classes of buildings; and

(b) prepare plans and specifications that are—

(i) for the licensee's personal use; or

(ii) for use in building work to be performed by the licensee personally.

(2) However, the scope of work does not include—

(a) a completed building inspection for an interested party for the building; or

(b) personally carrying out any building work for which—

(i) a fire protection licence or mechanical services licence is required; or

(ii) an occupational licence is required unless the licensee holds the occupational licence.

(3) Despite subsection (2)(b)(i), the scope of work, for building work carried out until 2 May 2035, includes carrying out



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building work for which, other than for this subsection, a relevant fire protection licence would be required.

(4) For the licence class mentioned in section 1(2)—

(a) provide any of the following services for a consumer or a principal, for all classes of building work—

(i) administration services;

(ii) advisory services;

(iii) management services, other than coordinating the scheduling of building work by building contractors including as agent for another person; and

(b) perform the following functions of a superintendent under a building contract, if appointed as a superintendent under the contract—

(i) administer the contract for a principal for the contract;

(ii) certify timing, quality and cost matters under the contract.

(5) However, the scope of work does not include performing building work services under a construction management contract.

(6) In this section—

***certify***, for the definition *superintendent*, means to give advice or a report, including a certificate.

***relevant fire protection licence*** means a fire protection licence of a class mentioned in—

(a) part 22A, section 1(3) or (4); or

(b) schedule 3, part 1A, section 1(3) or (4).

***superintendent***, under a building contract, means a person who is not a party to the contract and is appointed under the contract to perform the following—

(a) administer the contract for a principal for the contract;



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(b) certify timing, quality and cost matters under the contract.

## 3 Technical qualifications—contractor's and nominee supervisor's licences

The technical qualifications stated in the technical qualifications document for the licence class applied for.

## 4 Technical qualifications—site supervisor's licence

The technical qualifications stated in the technical qualifications document for the licence class applied for.

## 5 Experience requirements

(1) For the licence class mentioned in section 1(1), the experience requirements are the following—

(a) for a person who has a technical qualification required under part 3 or 16—2 years experience in—

(i) the scope of work for the class; or

(ii) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class;

(b) otherwise—4 years experience in—

(i) the scope of work for the class; or

(ii) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class.

(2) For the licence class mentioned in section 1(2), the experience requirements are 4 years experience in—

(a) the scope of work for the class; or

(b) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class.



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### 6 Financial requirements

The relevant minimum financial requirements.

## Part 7 Builder restricted to kitchen, bathroom and laundry installation licence

### 1 Licence class

Builder restricted to kitchen, bathroom and laundry installation.

### 2 Scope of work

(1) Install, refurbish, restore and repair a kitchen, bathroom or laundry on-site in—

(a) a class 1 or class 10 building; or

(b) classes 2 to 9 buildings if the gross floor area of the kitchen, bathroom or laundry is not more than $50m^2$.

(2) Prepare plans and specifications that are—

(a) for the licensee's personal use; or

(b) for use in building work to be performed by the licensee personally.

(3) However, the scope of work does not include—

(a) building work that may affect the structural performance of the building; or

(b) personally carrying out any building work for which—

(i) a fire protection licence or mechanical services licence is required; or

(ii) an occupational licence is required unless the licensee holds the occupational licence.



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### 3 Technical qualifications—contractor's and nominee supervisor's licences

The technical qualifications stated in the technical qualifications document for the licence class applied for.

### 4 Technical qualifications—site supervisor's licence

The technical qualifications stated in the technical qualifications document for the licence class applied for.

### 5 Experience requirements

The experience requirements are the following—

(a) for a person who has a technical qualification required under part 3, 15, 16, 18, 34, 37, 39, 40, 43 to 46, 50, 54, 58 or 59—2 years experience in—

(i) the scope of work for the class; or

(ii) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class;

(b) otherwise—4 years experience in—

(i) the scope of work for the class; or

(ii) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class.

### 6 Financial requirements

The relevant minimum financial requirements.



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# Part 8 Builder restricted to shopfitting licence

## 1 Licence class

Builder restricted to shopfitting.

## 2 Scope of work

(1) Building work associated with the internal fitout of a shop or office, including shopfronts but not including Type A or Type B construction.

(2) Prepare plans and specifications that are—

(a) for the licensee's personal use; or

(b) for use in building work to be performed by the licensee personally.

(3) However, the scope of work does not include personally carrying out any building work for which—

(a) a fire protection licence or mechanical services licence is required; or

(b) an occupational licence is required unless the licensee holds the occupational licence.

## 3 Technical qualifications—contractor's and nominee supervisor's licences

The technical qualifications stated in the technical qualifications document for the licence class applied for.

## 4 Technical qualifications—site supervisor's licence

The technical qualifications stated in the technical qualifications document for the licence class applied for.



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### 5 Experience requirements

The experience requirements are the following—

(a) for a person who has a technical qualification required under part 3, 15, 16, 18, 34, 37, 39, 40, 43 to 46, 50, 54, 58 or 59—2 years experience in—

(i) the scope of work for the class; or

(ii) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class;

(b) otherwise—4 years experience in—

(i) the scope of work for the class; or

(ii) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class.

### 6 Financial requirements

The relevant minimum financial requirements.

## Part 9 Builder restricted to special structures licence

### 1 Licence classes

(1) Builder restricted to special structures (shade sails).

(2) Builder restricted to special structures (signs).

### 2 Scope of work

(1) For the licence class mentioned in section 1(1)—

(a) construction, installation, maintenance or repair of membrane shade structures, including metal brackets, cables and structural members for the structures; and

(b) concreting work for footings for the structures; and



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(c) prepare plans and specifications for membrane shade structures that are—

(i) for the licensee's personal use; or

(ii) for use in building work to be performed by the licensee personally.

(2) For the licence class mentioned in section 1(2)—

(a) construction, installation, maintenance or repair of signs and supporting structures for signs; and

(b) concreting work for footings for supporting structures for signs; and

(c) prepare plans and specifications for signs and supporting structures for signs that are—

(i) for the licensee's personal use; or

(ii) for use in building work to be performed by the licensee personally.

(3) For both licence classes mentioned in section 1, incidental work of another class.

(4) However, the scope of work for the licence classes does not include personally carrying out any building work for which—

(a) a fire protection licence or mechanical services licence is required; or

(b) an occupational licence is required unless the licensee holds the occupational licence.

## 3 Technical qualifications—contractor's and nominee supervisor's licences

The technical qualifications stated in the technical qualifications document for the licence class applied for.

## 4 Technical qualifications—site supervisor's licence

The technical qualifications stated in the technical qualifications document for the licence class applied for.



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### 5 Experience requirements

The experience requirements are the following—

(a) for a person who has a technical qualification required under part 3, 15, 16, 18, 34, 37, 39, 40, 43 to 46, 50, 54, 58 or 59—2 years experience in—

(i) the scope of work for the class; or

(ii) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class;

(b) otherwise—4 years experience in—

(i) the scope of work for the class; or

(ii) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class.

### 6 Financial requirements

The relevant minimum financial requirements.

## Part 10 Builder restricted to structural landscaping licence

### 1 Licence class

Builder restricted to structural landscaping.

### 2 Scope of work

(1) Prepare, fabricate and erect carports, decking, fences, gates, gazebos, ornamental structures, pergolas, ponds and water features, prefabricated sheds, including associated concrete slabs, with a floor area of not more than $10m^2$, and retaining walls and structures.

(2) Construct artificial landform structures requiring a fabricated internal structure.



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(3) Prepare site, excavate, lay paving or concrete associated with landscaping.

(4) Install irrigation for landscaping works.

(5) Install, erect and construct playground equipment.

(6) Prepare plans and specifications that are—

(a) for the licensee's personal use; or

(b) for use in building work to be performed by the licensee personally.

(7) Construct, maintain and repair a tennis court or another sporting court, including, for example, the following—

(a) prepare or excavate the site;

(b) concrete for the construction, maintenance or repair of the court;

(c) apply materials or treatments to the surface of the court.

(8) However, the scope of work does not include personally carrying out any building work for which—

(a) a fire protection licence or mechanical services licence is required; or

(b) an occupational licence is required unless the licensee holds the occupational licence.

## 3 Technical qualifications—contractor's and nominee supervisor's licences

The technical qualifications stated in the technical qualifications document for the licence class applied for.

## 4 Technical qualifications—site supervisor's licence

The technical qualifications stated in the technical qualifications document for the licence class applied for.

## 5 Experience requirements

The experience requirements are the following—



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(a) for a person who has a technical qualification required under part 3, 15, 16, 18, 34, 37, 39, 40, 43 to 46, 50, 54, 58 or 59—2 years experience in—

(i) the scope of work for the class; or

(ii) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class;

(b) otherwise—4 years experience in—

(i) the scope of work for the class; or

(ii) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class.

### 6 Financial requirements

The relevant minimum financial requirements.

## Part 11 Building design—low rise licence

### 1 Licence class

Building design—low rise.

### 2 Scope of work

(1) Prepare plans and specifications for class 1 and class 10 buildings.

(2) Prepare plans and specifications for classes 2 to 9 buildings with a gross floor area of not more that 2,000$m^2$, but not including Type A and Type B construction.

(3) Contract administration in relation to building work designed by the licensee.



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### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

### 4 Experience requirements

Two years experience, that may include experience gained during an apprenticeship or other training, in—

(a) the scope of work for the class; or

(b) other work, if the commission considers experience in the other work is at least equivalent to experience in the scope of work for the class.

### 5 Financial requirements

The relevant minimum financial requirements.

## Part 12 Building design—medium rise licence

### 1 Licence class

Building design—medium rise.

### 2 Scope of work

(1) Prepare plans and specifications for buildings to a maximum of 3 storeys above a storey used for the parking of vehicles, but not including Type A construction other than class 2, 3 or 9 buildings.

(2) Contract administration in relation to building work designed by the licensee.



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### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

### 4 Experience requirements

Two years experience, that may include experience gained during an apprenticeship or other training, in—

(a) the scope of work for the class; or

(b) other work, if the commission considers experience in the other work is at least equivalent to experience in the scope of work for the class.

### 5 Financial requirements

The relevant minimum financial requirements.

## Part 13 Building design—open licence

### 1 Licence class

Building design—open.

### 2 Scope of work

(1) Prepare plans and specifications for buildings of any height or floor area.

(2) Contract administration in relation to building work designed by the licensee.

### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.



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### 4 Experience requirements

Two years experience, that may include experience gained during an apprenticeship or other training, in—

(a) the scope of work for the class; or

(b) other work, if the commission considers experience in the other work is at least equivalent to experience in the scope of work for the class.

### 5 Financial requirements

The relevant minimum financial requirements.

## Part 14 Completed residential building inspection licence

### 1 Licence class

Completed residential building inspection.

### 2 Scope of work

A completed building inspection, including an inspection and preparation of a report in accordance with Australian Standard 4349.1-2007 'Inspection of buildings-Pre-purchase inspections-Residential buildings'.

### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

### 4 Experience requirements

Five years experience—

(a) in the scope of work for any of the following licence classes—



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(i) builder—low rise;

(ii) builder—medium rise;

(iii) builder—open; or

(b) as a building surveyor, assistant building surveyor or building surveyor technician.

### 5 Financial requirements

The relevant minimum financial requirements.

## Part 15 Cabinetmaking licence

### 1 Licence class

Cabinetmaking.

### 2 Scope of work

(1) Install, refurbish, restore or repair kitchen, bathroom, laundry and other fitted cabinets and fitments on-site.

(2) Incidental work of another class.

### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

### 4 Managerial qualifications

An approved managerial qualification.

### 5 Financial requirements

The relevant minimum financial requirements.



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# Part 16 Carpentry licence

## 1 Licence class

Carpentry.

## 2 Scope of work

(1) Construct and erect timber and steel wall framing and roof structures.

(2) Construct and erect non-loadbearing internal partition walls.

(3) Install windows and doors including framing.

(4) Erect ceiling and subfloor framing.

(5) Install timber and sheet flooring.

(6) Install exterior cladding, fascias and soffits.

(7) Install metal roofing.

(8) Construct timber stairs.

(9) Fix internal linings, panelling and mouldings.

(10) Install door and window locks and furniture.

(11) Restore and renovate doors, windows and frames.

(12) Install fitments.

(13) Concreting to simple forms, including install formwork, reinforcement and concrete.

(14) Erect and strip formwork, including slip form and jump form formwork.

(15) Incidental work of another class.

(16) In this section—

***door*** includes a fire door or fire shutter.



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### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

### 4 Managerial qualifications

An approved managerial qualification.

### 5 Financial requirements

The relevant minimum financial requirements.

## Part 17 Concreting licence

### 1 Licence class

Concreting.

### 2 Scope of work

(1) Concreting including install formwork, reinforcement and concrete.

(2) Incidental work of another class.

### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

### 4 Managerial qualifications

An approved managerial qualification.

### 5 Financial requirements

The relevant minimum financial requirements.



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# Part 18 Plumbing and drainage licence

## 1 Licence class

Plumbing and drainage.

## 2 Scope of work

(1) Installing, commissioning, maintaining and testing plumbing and drainage services in all classes of buildings and premises, including, but not limited to, the following—

(a) compressed air, heating, steam, vacuum or ventilation systems;

(b) irrigation;

(c) metal fascias and gutters;

(d) on-site domestic waste water management systems;

(e) roof and wall cladding;

(f) skylights;

(g) fire hydrants, with or without pumps;

(h) fire hose reels, with or without pumps.

(2) Installation of fire collars that is incidental to work mentioned in subsection (1).

(3) Prepare plans and specifications for plumbing or drainage work that are—

(a) for the licensee's personal use; or

(b) for use in plumbing or drainage work to be performed by the licensee personally.

(4) Incidental work of another class.

(5) In this section—

***plumbing or drainage work*** see the *Plumbing and Drainage Act 2018*, schedule 1.



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### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

### 4 Experience requirements

One year's experience, other than experience gained during an apprenticeship, in building work within the scope of work mentioned in the *Plumbing and Drainage Regulation 2019*, schedule 4, parts 1 and 2.

### 5 Managerial qualifications

An approved managerial qualification.

### 6 Financial requirements

The relevant minimum financial requirements.

## Part 19 Drainage licence

### 1 Licence class

Drainage.

### 2 Scope of work

(1) Installing, commissioning, maintaining and testing above and below ground waste water, stormwater and sanitary drainage systems, including on-site domestic waste water management systems.

(2) Prepare plans and specifications for drainage work that are—

(a) for the licensee's personal use; or

(b) for use in drainage work to be performed by the licensee personally.

(3) Incidental work of another class.



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### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

### 4 Managerial qualifications

An approved managerial qualification.

### 5 Financial requirements

The relevant minimum financial requirements.

## Part 20 Drainage—on-site sewage facility licence

### 1 Licence class

(1) Maintenance.

(2) Maintenance and installation.

### 2 Scope of work

(1) For the licence class mentioned in section 1(1), building work within the scope of work mentioned in the *Plumbing and Drainage Regulation 2019*, schedule 4, part 3, item 8, column 2, paragraph (a) for a drainer—on-site sewage facility licence.

(2) For the licence class mentioned in section 1(2), building work within the scope of work mentioned in the *Plumbing and Drainage Regulation 2019*, schedule 4, part 3, item 8, column 2, paragraph (b) for a drainer—on-site sewage facility licence.

### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.



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### 4 Managerial qualifications

An approved managerial qualification.

### 5 Financial requirements

The relevant minimum financial requirements.

### 6 Definition for part

In this part—

***drainer—on-site sewage facility licence*** means the restricted licence of that name issued under the *Plumbing and Drainage Act 2018*.

## Part 21 Irrigation licence

### 1 Licence class

Irrigation.

### 2 Scope of work

(1) Assess, select and install irrigation equipment for various landscaping situations, including, for example, overhead, mini-sprinkle, dripper and pop-up sprinklers, irrigation systems, filters, timers, injectors, pressure pumps and pipe installations.

(2) Installing and commissioning solar heating systems for swimming pools.

(3) Incidental work of another class.

(4) However, the scope of work does not include personally carrying out any building work for which an occupational licence is required, unless the licensee holds an occupational licence.



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### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

### 4 Managerial qualifications

An approved managerial qualification.

### 5 Financial requirements

The relevant minimum financial requirements.

## Part 22A Fire protection—passive stream licences

### 1 Licence classes

(1) Certify.

(2) Install and maintain—fire doors and fire shutters.

(3) Install and maintain—fire collars, fire-rated penetrations and fire-rated joint sealing.

(4) Install and maintain—fire and smoke walls and fire-rated ceilings.

(5) Inspect and test.

### 2 Scope of work

(1) For the licence class mentioned in section 1(1), certify fire doors, fire shutters, fire dampers, fire collars, fire-rated penetrations, fire-rated joint sealing, fire and smoke walls and fire-rated ceilings.

(2) For the licence class mentioned in section 1(2), install and maintain fire doors and fire shutters.



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(3) For the licence class mentioned in section 1(3), install and maintain fire collars, fire-rated penetrations and fire-rated joint sealing.

(4) For the licence class mentioned in section 1(4), install and maintain fire and smoke walls and fire-rated ceilings.

(5) For the licence class mentioned in section 1(5), inspect and test fire doors, fire shutters, fire dampers, fire collars, fire-rated penetrations, fire-rated joint sealing, fire and smoke walls and fire-rated ceilings.

## 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

## 4 Managerial qualifications

An approved managerial qualification.

## 5 Experience requirements

Two years experience, that may include experience gained during an apprenticeship or other training, in—

(a) the scope of the work for the class; or

(b) other work, if the commission considers experience in the other work is at least equivalent to experience in the scope of work for the class.

## 6 Financial requirements

The relevant minimum financial requirements.



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# Part 25 Fire protection—special hazard fire system stream licences

## 1 Licence classes

(1) Certify.

(2) Install and maintain.

## 2 Scope of work

(1) For the licence class mentioned in section 1(1), certify relevant special hazard fire systems.

(2) For the licence class mentioned in section 1(2)—

(a) install and maintain relevant special hazard fire systems; and

(b) install fire collars, if the installation is incidental to work mentioned in paragraph (a).

(3) However, the scope of work for the licence class mentioned in section 1(1) or (2) does not include certifying, installing or maintaining electrical monitoring systems or electrical controls for a relevant special hazard fire system.

## 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

*Note—*

See also section 85 and schedule 7B, part 2, items 1 to 3 for additional technical qualifications required for particular licensees.

## 4 Managerial qualifications

An approved managerial qualification.



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### 5 Experience requirements

Two years experience, that may include experience gained during an apprenticeship or other training, in—

(a) the scope of the work for the class; or

(b) other work, if the commission considers experience in the other work is at least equivalent to experience in the scope of work for the class.

### 6 Financial requirements

The relevant minimum financial requirements.

## Part 26 Fire protection—water-based fire system stream licences

### 1 Licence classes

(1) Design.

(2) Certify.

(3) Install and maintain.

(4) Install and maintain—restricted to commercial and industrial types.

(5) Install and maintain—restricted to domestic and residential types.

### 2 Scope of work

(1) For the licence class mentioned in section 1(1)—

(a) design fire hydrant systems, with or without pumps; and

(b) design fire hose reel systems, with or without pumps; and

(c) design commercial and industrial fire sprinkler systems, domestic fire sprinkler systems and residential fire sprinkler systems.



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(2) However, the scope of work for the licence class mentioned in section 1(1) does not include professional engineering services under the *Professional Engineers Act 2002*.

(3) For the licence class mentioned in section 1(2)—

(a) certify fire sprinkler systems; and

(b) certify fire hydrant systems, with or without pumps; and

(c) certify fire hose reels, with or without pumps.

(4) For the licence class mentioned in section 1(3)—

(a) install and maintain fire sprinkler systems; and

(b) install and maintain fire hydrant systems, with or without pumps; and

(c) install and maintain fire hose reels, with or without pumps; and

(d) install fire collars, if the installation is incidental to work mentioned in paragraph (a), (b) or (c).

(5) For the licence class mentioned in section 1(4)—

(a) install and maintain commercial and industrial fire sprinkler systems; and

(b) install and maintain fire hydrant systems, with or without pumps; and

(c) install and maintain fire hose reels, with or without pumps; and

(d) install fire collars, if the installation is incidental to work mentioned in paragraph (a), (b) or (c).

(6) For the licence class mentioned in section 1(5)—

(a) install and maintain domestic fire sprinkler systems and residential fire sprinkler systems; and

(b) install and maintain fire hydrant systems, with or without pumps; and

(c) install and maintain fire hose reels, with or without pumps; and



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(d) install fire collars, if the installation is incidental to work mentioned in paragraph (a), (b) or (c).

### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

### 4 Managerial qualifications

An approved managerial qualification.

### 5 Experience requirements

Two years experience, that may include experience gained during an apprenticeship or other training, in—

(a) the scope of the work for the class; or

(b) other work, if the commission considers experience in the other work is at least equivalent to experience in the scope of work for the class.

### 6 Financial requirements

The relevant minimum financial requirements.

## Part 29 Fire protection—portables stream licences

### 1 Licence classes

(1) Certify.

(2) Install and maintain.

### 2 Scope of work

(1) For the licence class mentioned in section 1(1), certify portable firefighting appliances and fire hose reel systems



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downstream of the point of attachment of the fire hose to the drum.

(2) For the licence class mentioned in section 1(2)—

(a) install and maintain portable firefighting appliances; and

(b) maintain, but not including inspecting and testing, fire hose reel systems downstream of the point of attachment of the fire hose to the drum; and

(c) inspect and test unpumped fire hose reel systems; and

(d) inspect and test unpumped fire hydrant systems, restricted to carrying out the tasks mentioned in the 6–monthly fire hydrant service schedules under AS 1851; and

(e) inspect and test portable firefighting appliances.

## 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

## 4 Managerial qualifications

An approved managerial qualification.

## 5 Experience requirements

Two years experience, that may include experience gained during an apprenticeship or other training, in—

(a) the scope of the work for the class; or

(b) other work, if the commission considers experience in the other work is at least equivalent to experience in the scope of work for the class.

## 6 Financial requirements

The relevant minimum financial requirements.



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# Part 31 Fire protection—electrical stream licences

## 1 Licence classes

(1) Design—fire alarm systems.

(2) Certify—fire alarm systems.

(3) Certify—emergency lighting.

(4) Install and maintain—fire alarm systems.

(5) Inspect and test—emergency lighting.

## 2 Scope of work

(1) For the licence class mentioned in section 1(1), design fire alarm systems.

(2) However, the scope of work for the licence class mentioned in section 1(1) does not include professional engineering services under the *Professional Engineers Act 2002*.

(3) For the licence class mentioned in section 1(2), certify fire alarm systems.

(4) For the licence class mentioned in section 1(3), certify emergency lighting.

(5) For the licence class mentioned in section 1(4)—

(a) install and maintain fire alarm systems, restricted to systems that are extra-low voltage; and

(b) install fire collars, if the installation is incidental to work mentioned in paragraph (a).

(6) For the licence class mentioned in section 1(5), inspect and test emergency lighting.

## 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.



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*Note—*

For the licence classes mentioned in section 1(3) and (4), see also section 85 and schedule 7B, part 2, items 4 and 5 for additional technical qualifications required for particular licensees.

### 4 Managerial qualifications

An approved managerial qualification.

### 5 Experience requirements

Two years experience, that may include experience gained during an apprenticeship or other training, in—

(a) the scope of the work for the class; or

(b) other work, if the commission considers experience in the other work is at least equivalent to experience in the scope of work for the class.

### 6 Financial requirements

The relevant minimum financial requirements.

## Part 33 Fire safety professional licence

### 1 Licence class

Fire safety professional.

### 2 Scope of work

(1) This section applies subject to section 2A.

(2) The inspection of, or reporting on, buildings, including existing, temporary or special structures, against fire performance legislation, including, for example, the *Building Act 1975*, and the Building Code of Australia.



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## 2A Restriction on scope of work for particular licences

(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.

(2) The scope of work mentioned in section 2(2) is restricted to the inspection of, or reporting on, buildings of a class for which the licensee holds an appropriate accreditation.

(3) In this section—

***accreditation*** means an accreditation mentioned in the *Building Act 1975*, section 185.

***appropriate accreditation***, for the inspection of, or reporting on, buildings of a class, means an accreditation the licensee is required to hold to be issued with a building certifier licence allowing the licensee to perform building certifying functions for buildings of the class.

***building certifier licence*** means a licence as a building certifier issued under the *Building Act 1975*, chapter 6, part 3.

## 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

## 4 Experience requirements

Two years experience, that may include experience gained during an apprenticeship or other training, in—

(a) the scope of work for the class; or



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(b) other work, if the commission considers experience in the other work is at least equivalent to experience in the scope of the work for the class.

### 5 Financial requirements

The relevant minimum financial requirements.

## Part 34 Floor finishing and covering (hard sector) licence

### 1 Licence class

Floor finishing and covering (hard sector).

### 2 Scope of work

(1) Prepare, sand, and apply coatings to, timber floors.

(2) Install and repair cork flooring, including prepare, sand, and apply coating systems.

(3) Install and repair mosaic and block parquetry flooring, including prepare, sand, and apply coating systems.

(4) Install pre-finished manufactured and engineered timber flooring.

(5) Install and repair non-structural strip timber flooring, including prepare, sand, and apply coating systems.

(6) Prepare, apply and finish epoxy and seamless floor coverings.

(7) Incidental work of another class.

### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.



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### 4 Managerial qualifications

An approved managerial qualification.

### 5 Financial requirements

The relevant minimum financial requirements.

## Part 35 Foundation work (piling and anchors) licence

### 1 Licence class

Foundation work—piling and anchors.

### 2 Scope of work

(1) Excavate and install support.

(2) Construct underpinning.

(3) Concreting for foundation work, including install formwork, reinforcement and concrete.

(4) Install piling, including driven piles, cast-in piles, groutcrete piles, compressed piles, bored cast-in-place piles and screw piles.

(5) Dewater site, including sump and permanent dewatering systems.

(6) Incidental work of another class.

### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

### 4 Managerial qualifications

An approved managerial qualification.



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### 5 Financial requirements

The relevant minimum financial requirements.

## Part 36 Gasfitting licence

### 1 Licence class

Gasfitting.

### 2 Scope of work

(1) Installing, commissioning, maintaining, testing, altering, repairing and servicing a gas system in any building.

(2) Installation of fire collars that is incidental to work mentioned in subsection (1).

(3) Incidental work of another class.

(4) However, the scope of work does not include—

(a) for a gasfitter who holds only a gas work authorisation—

(i) gas work that can be carried out only by a gasfitter who holds a gas work licence; or

(ii) gas work the gasfitter must not carry out under a condition or limitation imposed under the *Petroleum and Gas (Production and Safety) Act 2004* on the gas work authorisation; or

(b) for a gasfitter who holds only a gas work licence—

(i) gas work that can be carried out only by a gasfitter who holds a gas work authorisation; or

(ii) gas work the gasfitter must not carry out under a condition or limitation imposed under the *Petroleum and Gas (Production and Safety) Act 2004* on the gas work licence.



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### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

### 4 Managerial qualifications

An approved managerial qualification.

### 5 Financial requirements

The relevant minimum financial requirements.

### 6 Definitions for part

In this part—

***gas system*** see the *Petroleum and Gas (Production and Safety) Act 2004*, schedule 2.

***gas work*** see the *Petroleum and Gas (Production and Safety) Act 2004*, section 725.

***gas work authorisation*** means a gas work authorisation under the *Petroleum and Gas (Production and Safety) Act 2004*.

***gas work licence*** means a gas work licence under the *Petroleum and Gas (Production and Safety) Act 2004*.

## Part 37 Glass, glazing and aluminium licence

### 1 Licence class

Glass, glazing and aluminium.

### 2 Scope of work

(1) Glaze and reglaze buildings.

(2) Fabricate and install windows and doors in buildings.



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(3) Fabricate and install shower screens and metal framed sliding wardrobe doors whether mirrored or otherwise.

(4) Fabricate and install security screens and doors.

(5) Fabricate, install and reglaze commercial glazing including shopfronts, windows, doors, toughened glass assemblies, aluminium glazing systems, curtain walling systems, balustrading and watertight glazing.

(6) Fabricate and install fixed mirrors.

(7) Fabricate, install and reglaze architectural engineered glazing, including suspended and overhead glazing and structural balustrading.

(8) Construct and repair leadlight panels.

(9) Apply film patterns and designs to glass.

(10) Incidental work of another class.

### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

### 4 Managerial qualifications

An approved managerial qualification.

### 5 Financial requirements

The relevant minimum financial requirements.

## Part 38 Hydraulic services design licences

### 1 Licence classes

(1) Hydraulic services design.

(2) Hydraulic services design excluding design of on-site domestic waste water management.

## 2 Scope of work

(1) For the licence class mentioned in section 1(1), prepare plans, specifications and documents associated with the following building services—

(a) sanitary drainage, soil waste and venting;

(b) trade waste drainage, plumbing and venting;

(c) cold and hot water;

(d) rainwater and stormwater drainage;

(e) gas services;

(f) fire hydrant and hose reel services, with or without pumps;

(g) domestic fire sprinkler systems;

(h) on-site domestic waste water management.

(2) For the licence class mentioned in section 1(2), prepare plans, specifications and documents associated with the building services mentioned in subsection (1)(a) to (g).

## 2A Extension of scope of work for particular licences

(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.

(2) The scope of work for the licence class includes preparing plans, specifications and documents associated with—



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(a) commercial and industrial fire sprinkler systems; and

(b) residential fire sprinkler systems.

### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

### 4 Experience requirements

Two years experience, that may include experience gained during an apprenticeship or other training, in—

(a) the scope of work for the class; or

(b) other work, if the commission considers experience in the other work is at least equivalent to experience in the scope of work for the class.

### 5 Financial requirements

The relevant minimum financial requirements.

## Part 39 Joinery licence

### 1 Licence class

Joinery.

### 2 Scope of work

(1) Install subfloor framing, including bearers and joists.

(2) Construct and erect wall framing including install internal linings, assemble partition frames and install curtain walling.

(3) Manufacture, assemble and fit components for door and window frames, doors and sashes, and for stairs.

(4) Manufacture, assemble and install joinery unit components.



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(5) Prepare surfaces and apply paint and other finishes for joinery.

(6) Cut and install glass for joinery.

(7) Use aluminium, including fabricate, assemble, construct framework and manufacture aluminium grills and louvres.

(8) Incidental work of another class.

(9) In this section—

***door*** includes a fire door or a fire shutter.

### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

### 4 Managerial qualifications

An approved managerial qualification.

### 5 Financial requirements

The relevant minimum financial requirements.

## Part 40 Structural metal fabrication and erection licence

### 1 Licence class

Structural metal fabrication and erection.

### 2 Scope of work

(1) Prepare, fabricate and erect structural and non-structural metal components.

(2) Incidental work of another class.



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### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

### 4 Managerial qualifications

An approved managerial qualification.

### 5 Financial requirements

The relevant minimum financial requirements.

## Part 41 Non-structural metal fabrication and installation licence

### 1 Licence class

Non-structural metal fabrication and installation.

### 2 Scope of work

Prepare, fabricate and erect non-structural metal components.

### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

### 4 Managerial qualifications

An approved managerial qualification.

### 5 Financial requirements

The relevant minimum financial requirements.



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# Part 42 Metal fascias and gutters licence

## 1 Licence class

Metal fascias and gutters.

## 2 Scope of work

(1) Fabricate and install rainwater goods including, and associated with, metal fascias and gutters.

(2) Fabricate and install external flashings and associated soffits, fascias and gutters.

(3) Incidental work of another class.

## 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

## 4 Managerial qualifications

An approved managerial qualification.

## 5 Financial requirements

The relevant minimum financial requirements.

# Part 43 Roof and wall cladding licence

## 1 Licence class

Roof and wall cladding.



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## 2 Scope of work

(1) Select and install roof cladding other than terracotta and concrete roof tiles.

(2) Fabricate and install rainwater goods.

(3) Flash penetrations through roofs and walls, including, for example, install skylights and ventilators.

(4) Design, fabricate and install external flashings, metal ceilings, associated soffits and fascias.

(5) Erect fixed or operating box type louvre units.

(6) Disconnect and reconnect air distribution equipment throughout roof or wall cladding.

(7) Design roof drainage components.

(8) Design penetrations associated with mechanical services, including large penetration water management.

(9) Refurbish and maintain roofs, excluding painting roofs.

(10) Incidental work of another class.

## 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

## 4 Managerial qualifications

An approved managerial qualification.

## 5 Financial requirements

The relevant minimum financial requirements.



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# Part 44 Painting and decorating licence

## 1 Licence class

(1) Painting and decorating.

(2) Painting and decorating, excluding applying cement render.

## 2 Scope of work

(1) For the licence class mentioned in section 1(1)—

(a) apply paint or other substance for protective, decorative or technical purposes, including colour matching; and

(b) apply texture coatings; and

(c) apply wallpaper; and

(d) prepare surfaces for application of paint or other protective, decorative or technical materials; and

(e) apply cement render to no more than 8mm thickness; and

(f) incidental work of another class.

(2) For the licence class mentioned in section 1(2), the scope of work mentioned in subsection (1)(a) to (d) and (f).

## 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

## 4 Managerial qualifications

An approved managerial qualification.

## 5 Financial requirements

The relevant minimum financial requirements.



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# Part 45 Plastering drywall licence

## 1 Licence class

Plastering drywall.

## 2 Scope of work

(1) Construct and install non-loadbearing partition wall frames and ceiling frames, including fix plasterboard, plasterglass and fibre cement sheets and cornices and finishing joints.

(2) Construct and install non-loadbearing fire-rated walls and ceilings, autoclaved aerated masonry wall and ceiling systems.

(3) Install suspended ceiling systems.

(4) Install cast plaster blockwork.

(5) Apply or install waterproofing and damp-proofing for plastering drywall.

(6) Incidental work of another class.

## 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

## 4 Managerial qualifications

An approved managerial qualification.

## 5 Financial requirements

The relevant minimum financial requirements.



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# Part 46 Plastering solid licence

## 1 Licence class

(1) Plastering solid.

(2) Plastering solid, excluding applying paint for decorative, protective or technical purposes.

## 2 Scope of work

(1) For the licence class mentioned in section 1(1)—

(a) concrete work for solid plastering, including installing formwork, reinforcement and concrete; and

(b) fix steel for solid plastering; and

(c) cut with oxyacetylene for solid plastering; and

(d) apply float and set coats for hard plaster-flat surfaces; and

(e) apply solid render; and

(f) apply trowelled texture-coat finishes; and

(g) install pre-cast decorative mouldings; and

(h) install cast plaster blockwork; and

(i) construct plaster mouldings; and

(j) conite construction; and

(k) apply paint for decorative, protective or technical purposes; and

(l) incidental work of another class.

(2) For the licence class mentioned in section 1(2), the scope of work mentioned in subsection (1)(a) to (j) and (l).

## 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.



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### 4 Managerial qualifications

An approved managerial qualification.

### 5 Financial requirements

The relevant minimum financial requirements.

## Part 47 Mechanical services—medical gas licence

### 1 Licence class

Mechanical services—medical gas.

### 2 Scope of work

(1) Constructing, installing, replacing, repairing, altering, maintaining, testing or commissioning a medical gas system in a building.

(2) Installation of fire collars that is incidental to work mentioned in subsection (1).

(3) Incidental work of another class.

(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.

### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

*Note—*

See section 70 of this regulation for alternative qualifications for a licence of this class applying before 1 July 2020.



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### 4 Managerial qualifications

An approved managerial qualification.

### 5 Experience requirements

Two years experience, other than experience gained during an apprenticeship, in—

(a) the scope of work for the class; or

(b) other work, if the commission considers experience in the other work is at least equivalent to experience in the scope of work for that class.

*Notes—*

1 See section 70 of this regulation for other experience requirements for a licence of this class applying before 1 July 2020.

2 Under section 71 of this regulation, this section does not apply in relation to a person applying for a licence of this class before 1 January 2022.

### 6 Financial requirements

The relevant minimum financial requirements.

## Part 48 Mechanical services—plumbing licence

### 1 Licence class

Mechanical services—plumbing.

### 2 Scope of work

(1) Constructing, installing, replacing, repairing, altering, maintaining, testing or commissioning a mechanical heating or cooling system in a building that is associated with the heating and cooling of that building.



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(2) Installation of fire collars that is incidental to work mentioned in subsection (1).

(3) However, the scope of work mentioned in subsections (1) and (2) does not include work associated with a substance if, under the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* (Cwlth), a licence is required to—

(a) manufacture, import or export the substance; or

(b) manufacture or import equipment containing the substance or using the substance in its operation.

(4) Incidental work of another class.

(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 subsection (1), (2) or (3) is restricted in accordance with the condition.

## 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

*Note—*

See section 70 of this regulation for alternative qualifications for a licence of this class applying before 1 July 2020.

## 4 Managerial qualifications

An approved managerial qualification.

## 5 Experience requirements

Two years experience, other than experience gained during an apprenticeship, in—

(a) the scope of work for the class; or

(b) other work, if the commission considers experience in the other work is at least equivalent to experience in the scope of work for that class.



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*Notes—*

1 See section 70 of this regulation for other experience requirements for a licence of this class applying before 1 July 2020.

2 Under section 71 of this regulation, this section does not apply in relation to a person applying for a licence of this class before 1 January 2022.

### 6 Financial requirements

The relevant minimum financial requirements.

## Part 48A Mechanical services—air-conditioning and refrigeration (unlimited design) licence

### 1 Licence class

Mechanical services—air-conditioning and refrigeration (unlimited design).

### 2 Scope of work

(1) Mechanical services work involving a relevant activity.

(2) The following building work—

(a) building work involving a relevant activity;

(b) constructing, installing, replacing, repairing, altering, maintaining, testing or commissioning a mechanical ventilation system in a building;

(c) designing and preparing plans and specifications for a mechanical ventilation system in a building—

(i) for the licensee's personal use; or

(ii) for use in building work to be performed by the licensee personally.



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(3) Installation of fire collars that is incidental to work mentioned in subsection (1) or (2).

(4) Incidental work of another class.

(5) In this section—

***relevant activity*** means—

(a) constructing, installing, replacing, repairing, altering, maintaining, testing or commissioning any of the following for a building—

(i) air-conditioning;

(ii) air handling systems;

(iii) equipment in which a refrigerant gas is, or is to be, used;

(iv) refrigeration; or

(b) designing and preparing plans and specifications for a thing mentioned in paragraph (a)(i), (ii), (iii) or (iv)—

(i) for the licensee's personal use; or

(ii) for use in building work to be performed by the licensee personally.

## 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

## 4 Managerial qualifications

An approved managerial qualification.

## 5 Experience requirements

(1) Two years experience, other than experience gained during an apprenticeship, in—

(a) the scope of work for the class; or



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(b) other work, if the commission considers experience in the other work is at least equivalent to experience in the scope of work for that class.

(2) Despite subsection (1)(a), if a person has 2 years experience in carrying out work within the scope of work for a mechanical services—air-conditioning and refrigeration occupational licence, the person is not required to have experience in design work.

(3) In this section—

***design work*** means the work mentioned in section 2(2)(c) or (4), definition *relevant activity*, paragraph (b).

***mechanical services—air-conditioning and refrigeration occupational licence*** means a licence of the class mentioned in schedule 3A, part 3.

*Note—*

Under section 71 of this regulation, this section does not apply in relation to a person applying for a licence of this class before 1 January 2022.

### 6 Financial requirements

The relevant minimum financial requirements.

## Part 48B Mechanical services—air-conditioning and refrigeration (limited design) licence

### 1 Licence class

Mechanical services—air-conditioning and refrigeration (limited design).

### 2 Scope of work

(1) Mechanical services work involving a relevant activity.



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(2) The following building work—

(a) building work involving a relevant activity;

(b) constructing, installing, replacing, repairing, altering, maintaining, testing or commissioning a mechanical ventilation system in a building.

(3) Installation of fire collars that is incidental to work mentioned in subsection (1) or (2).

(4) Design and prepare plans and specifications for—

(a) air-conditioning and mechanical ventilation and air handling systems for a building—

(i) that is not more than 3 storeys; and

(ii) that has a floor area of not more than 2,000$m^2$; and

(iii) for which the plant capacity for any 1 system for the building is not more than 34kW; or

(b) refrigeration systems for a building.

(5) However, the scope of work mentioned in subsection (4) only includes plans and specifications—

(a) to the extent the plans and specifications are for air-conditioning and mechanical ventilation and air handling systems for a building—if the systems do not form part of a fire or smoke hazard management system for the building; and

(b) that are—

(i) for the licensee's personal use; and

(ii) for use in building work to be performed by the licensee personally.

(6) Incidental work of another class.

(7) In this section—

***relevant activity*** means constructing, installing, replacing, repairing, altering, maintaining, testing or commissioning any of the following for a building—

(a) air-conditioning;



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(b) air handling systems;

(c) equipment in which a refrigerant gas is, or is to be, used;

(d) refrigeration.

## 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

## 4 Managerial qualifications

An approved managerial qualification.

## 5 Experience requirements

(1) Two years experience, other than experience gained during an apprenticeship, in—

(a) the scope of work for the class; or

(b) other work, if the commission considers experience in the other work is at least equivalent to experience in the scope of work for that class.

(2) Despite subsection (1)(a), if a person has 2 years experience in carrying out work within the scope of work for a mechanical services—air-conditioning and refrigeration occupational licence, the person is not required to have experience in design work.

(3) In this section—

***design work*** means work to which section 2(3) applies.

***mechanical services—air-conditioning and refrigeration occupational licence*** means a licence of the class mentioned in schedule 3A, part 3.

*Note—*

Under section 71 of this regulation, this section does not apply in relation to a person applying for a licence of this class before 1 January 2022.



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### 6 Financial requirements

The relevant minimum financial requirements.

## Part 49 Sheds, carports and garages licence

### 1 Licence class

Sheds, carports and garages.

### 2 Scope of work

(1) The following building work for sheds, carports and garages that are class 10a buildings with a floor area of not more than $100m^2$—

(a) prepare, fabricate and erect metal components;

(b) prepare site for, and install, concrete floor slab.

(2) Incidental work of another class.

### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

### 4 Managerial qualifications

An approved managerial qualification.

### 5 Financial requirements

The relevant minimum financial requirements.



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# Part 50 Shopfitting (trade) licence

## 1 Licence class

Shopfitting (trade).

## 2 Scope of work

(1) The following for shopfitting—

(a) set out, fabricate and assemble cabinets, showcases, wall units, counters and work stations;

(b) set out, fabricate and assemble shopfronts, commercial entries, bulkheads and component fittings;

(c) install subfloor framing, including bearers, joists and ladder frames;

(d) construct and erect wall and ceiling framing including install internal linings, assemble partition frames and install curtain walling;

(e) manufacture, assemble and fit components for door and window frames, doors and sashes;

(f) manufacture, assemble and install stairs;

(g) manufacture, assemble and install joinery unit components;

(h) apply paint and other finishes, including prepare surfaces;

(i) cut and install glass;

(j) aluminium work, including fabricate, assemble or construct framework and manufacture aluminium grills and louvres.

(2) Incidental work of another class.

## 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.



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### 4 Managerial qualifications

An approved managerial qualification.

### 5 Financial requirements

The relevant minimum financial requirements.

## Part 51 Site classifier licences

### 1 Licence classes

(1) Site classifier.

(2) Site classifier excluding on-site domestic waste water management.

### 2 Scope of work

(1) For the licence class mentioned in section 1(1)—

(a) site survey, including use dumpy and laser levelling equipment; and

(b) sample, test and assess materials on building sites, including moisture testing, particle distribution testing, and field strength testing; and

(c) classify building sites through the interpretation of site and laboratory data; and

(d) prepare plans, specifications and documents for on-site domestic waste water management.

(2) For the licence class mentioned in section 1(2), the work mentioned in subsection (1)(a) to (c).

### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.



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### 4 Managerial qualifications

An approved managerial qualification.

### 5 Financial requirements

The relevant minimum financial requirements.

## Part 52 Steel fixing licence

### 1 Licence class

Steel fixing.

### 2 Scope of work

(1) Place reinforcement steel in footing trenches, for on-ground slabs, and on formwork in preparation for the placement of concrete.

(2) Incidental work of another class.

### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

### 4 Managerial qualifications

An approved managerial qualification.

### 5 Financial requirements

The relevant minimum financial requirements.



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# Part 53 Stonemasonry licence

## 1 Licence class

Stonemasonry.

## 2 Scope of work

(1) Work with stone, including, for example, finish, lay, machine, renovate and shape.

(2) Construct with stone, including, for example, arches, fireplaces, stairs and walls.

(3) Concrete work for stonemasonry.

(4) Lay segmental or unit paving for stonemasonry.

(5) Set out and anchor facades.

(6) Apply or install waterproofing and damp-proofing for stonemasonry.

(7) Incidental work of another class.

## 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

## 4 Managerial qualifications

An approved managerial qualification.

## 5 Financial requirements

The relevant minimum financial requirements.



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# Part 54 Structural landscaping (trade) licence

## 1 Licence class

Structural landscaping (trade).

## 2 Scope of work

(1) Prepare, fabricate and erect carports, decking, fences, gazebos, pergolas, retaining walls of a height that does not require an engineering certification under a local law, and ornamental structures.

(2) Install prefabricated sheds, including associated concrete slabs, with a floor area of not more than $10m^2$.

(3) Install surface and subsoil drainage systems for landscaping work.

(4) Prepare site and lay paving or concrete, not intended to carry vehicular traffic, for landscaping.

(5) Construct, maintain and repair a tennis court or another sporting court, including, for example, the following—

(a) prepare or excavate the site;

(b) concrete for the construction, maintenance or repair of the court;

(c) apply materials or treatments to the surface of the court.

(6) Incidental work of another class.

## 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

## 4 Managerial qualifications

An approved managerial qualification.



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### 5 Financial requirements

The relevant minimum financial requirements.

# Part 55 Swimming pool construction, installation and maintenance licence

### 1 Licence classes

(1) Swimming pool construction, installation and maintenance (construction).

(2) Swimming pool construction, installation and maintenance (installation).

(3) Swimming pool construction, installation and maintenance (maintenance and accessories).

### 2 Scope of work

(1) For the licence class mentioned in section 1(1), the following—

(a) earthworks and drainage for the construction of concrete swimming pools and spas;

(b) place and fix reinforcement for the construction of concrete swimming pools and spas;

(c) construct formwork for concrete swimming pools and spas;

(d) place and finish concrete or other materials to provide a shape or form for concrete swimming pools and spas;

(e) ancillary pipework including general filtration, sanitation, water chemistry, solar heating and basic hydraulics for concrete swimming pools and spas;

(f) landscaping works associated with the construction of concrete swimming pools and spas, including pool fencing and paving;



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(g) ceramic tiling, painting, coping and internal finishes associated with the construction of concrete swimming pools and spas;

(h) prepare plans and specifications for concrete swimming pools and spas that are—

(i) for the licensee's personal use; or

(ii) for use in building work to be performed by the licensee personally;

(i) maintenance and general repair of concrete swimming pools and spas;

(j) install pool accessories, including, for example, pool heating systems;

(k) incidental work of another class.

(2) For the licence class mentioned in section 1(2), the following—

(a) earthworks and drainage for the installation of prefabricated and fibreglass swimming pools and spas;

(b) install prefabricated and fibreglass swimming pools and spas;

(c) ancillary pipework for prefabricated and fibreglass swimming pools and spas, including general filtration, sanitation, water chemistry, solar heating and basic hydraulics;

(d) place and finish bedding sand or other suitable materials for prefabricated and fibreglass swimming pools and spas, including packing, filling and levelling;

(e) place and fix formwork, reinforcement and concrete for the installation of prefabricated and fibreglass swimming pools and spas;

(f) landscaping works associated with the installation of prefabricated and fibreglass swimming pools and spas, including pool fencing and paving;



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(g) install coping and tiling associated with the installation of prefabricated and fibreglass swimming pools and spas;

(h) prepare plans and specifications for prefabricated and fibreglass swimming pools and spas that are—

(i) for the licensee's personal use; or

(ii) for use in building work to be performed by the licensee personally;

(i) maintenance and general repair of prefabricated and fibreglass swimming pools and spas;

(j) install pool accessories, including, for example, pool heating systems;

(k) incidental work of another class.

(3) For the licence class mentioned in section 1(3), the following—

(a) non-structural maintenance and general repair of swimming pools and spas;

(b) install pool accessories, including, for example, pool heating systems;

(c) landscaping works associated with the maintenance and general repair of swimming pools and spas, including pool fencing and paving;

(d) incidental work of another class.

(4) However, the scope of work for the licence class mentioned in section 1(1), (2) or (3) does not include—

(a) construction, installation, maintenance or repair of membrane shade structures; or

(b) personally carrying out any building work for which—

(i) a fire protection licence is required unless the licensee holds a fire protection licence; or

(ii) a mechanical services licence is required unless the licensee holds a mechanical services licence; or



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(iii) an occupational licence is required unless the licensee holds the occupational licence.

(5) In this section—

***fibreglass*** includes fibre reinforced plastic.

***maintenance and general repair*** includes the removal, replacement or addition of accessories or equipment.

***prefabricated pools*** includes above-ground pools.

### 3 Technical qualifications—contractor's and nominee supervisor's licences

The technical qualifications stated in the technical qualifications document for the licence class applied for.

### 4 Technical qualifications—site supervisor's licence

The technical qualifications stated in the technical qualifications document for the licence class applied for.

### 5 Managerial qualifications

An approved managerial qualification.

### 6 Financial requirements

The relevant minimum financial requirements.

## Part 56 Termite management—chemical licence

### 1 Licence class

Termite management—chemical.



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### 2 Scope of work

(1) Pre-slab and perimeter chemical treatment of new building work for termite management.

(2) Inspect or investigate a completed building, and give advice or a report, about the following—

(a) termite management systems for the building;

(b) termite infestation in the building.

### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

### 4 Managerial qualifications

An approved managerial qualification.

### 5 Financial requirements

The relevant minimum financial requirements.

## Part 57 Termite management—physical licence

### 1 Licence class

Termite management—physical.

### 2 Scope of work

(1) Install a particular material or system designed for the prevention of termite infestation in accordance with the manufacturer's specification or any other applicable standard.

(2) Inspect or investigate a completed building and give advice or a report about the use of the particular material or system for the building.



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(3) In this section—

***particular material or system*** means the material or system stated in a condition on the licensee's licence under section 35 of the Act.

### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

### 4 Managerial qualifications

An approved managerial qualification.

### 5 Financial requirements

The relevant minimum financial requirements.

## Part 58 Roof tiling licence

### 1 Licence class

Roof tiling.

### 2 Scope of work

(1) Cut and fix roof tiles, including tiles of concrete, clay, metal or similar material, shingles and shakes, to roof and fascia structures.

(2) Set out and fix battens.

(3) Bedding, pointing and installing of associated flashing.

(4) Install safety mesh, sarking and antiponding boards.

(5) Install firewall insulation and metal straps to battens.

(6) Install skylights.

(7) Refurbish and maintain roofs, excluding painting roofs.



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(8) Incidental work of another class.

### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

### 4 Managerial qualifications

An approved managerial qualification.

### 5 Financial requirements

The relevant minimum financial requirements.

## Part 59 Wall and floor tiling licence

### 1 Licence class

Wall and floor tiling.

### 2 Scope of work

(1) Cut and fix tiles, including ceramic, glass, marble, slate, stone and terracotta tiles, to fireplaces, floors, hearths, spas, swimming pools and walls.

(2) Construct terrazzo floors, steps, risers and stringers.

(3) Apply waterproofing for wall and floor tiling.

(4) Incidental work of another class.

### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.



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### 4 Managerial qualifications

An approved managerial qualification.

### 5 Financial requirements

The relevant minimum financial requirements.

## Part 60 Waterproofing licence

### 1 Licence class

Waterproofing.

### 2 Scope of work

Apply, install and repair waterproofing, including surface preparation and apply or install material or systems for preventing moisture penetration.

### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

### 4 Managerial qualifications

An approved managerial qualification.

### 5 Financial requirements

The relevant minimum financial requirements.



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# Schedule 3 Classes and requirements of fire protection occupational licences

sections 11 and 15

## Part 1A Fire protection—passive stream occupational licences

### 1 Licence classes

(1) Certify.

(2) Install and maintain—fire doors and fire shutters.

(3) Install and maintain—fire collars, fire-rated penetrations and fire-rated joint sealing.

(4) Install and maintain—fire and smoke walls and fire-rated ceilings.

(5) Inspect and test.

### 2 Scope of work

(1) For the licence class mentioned in section 1(1), certify fire doors, fire shutters, fire dampers, fire collars, fire-rated penetrations, fire-rated joint sealing, fire and smoke walls and fire-rated ceilings.

(2) For the licence class mentioned in section 1(2), install and maintain fire doors and fire shutters.

(3) For the licence class mentioned in section 1(3), install and maintain fire collars, fire-rated penetrations and fire-rated joint sealing.

(4) For the licence class mentioned in section 1(4), install and maintain fire and smoke walls and fire-rated ceilings.



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(5) For the licence class mentioned in section 1(5), inspect and test fire doors, fire shutters, fire dampers, fire collars, fire-rated penetrations, fire-rated joint sealing, fire and smoke walls and fire-rated ceilings.

### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

## Part 4 Fire protection—special hazard fire system stream occupational licences

### 1 Licence classes

(1) Certify.

(2) Install and maintain.

### 2 Scope of work

(1) For the licence class mentioned in section 1(1), certify relevant special hazard fire systems.

(2) For the licence class mentioned in section 1(2)—

(a) install and maintain relevant special hazard fire systems; and

(b) install fire collars, if the installation is incidental to work mentioned in paragraph (a).

(3) However, the scope of work for the licence class mentioned in section 1(1) or (2) does not include certifying, installing or maintaining electrical monitoring systems or electrical controls for a relevant special hazard fire system.



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### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

*Note—*

See also section 85 and schedule 7B, part 2, items 6 to 8 for additional technical qualifications required for particular licensees.

## Part 5 Fire protection—water-based fire system stream occupational licences

### 1 Licence classes

(1) Design.

(2) Certify.

(3) Install and maintain.

(4) Install and maintain—restricted to commercial and industrial types.

(5) Install and maintain—restricted to domestic and residential types.

### 2 Scope of work

(1) For the licence class mentioned in section 1(1)—

(a) design fire hydrant systems, with or without pumps; and

(b) design fire hose reel systems, with or without pumps; and

(c) design commercial and industrial fire sprinkler systems, domestic fire sprinkler systems and residential fire sprinkler systems.

(2) However, the scope of work for the licence class mentioned in section 1(1) does not include professional engineering services under the *Professional Engineers Act 2002*.



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(3) For the licence class mentioned in section 1(2)—

(a) certify fire sprinkler systems; and

(b) certify fire hydrant systems, with or without pumps; and

(c) certify fire hose reel systems, with or without pumps.

(4) For the licence class mentioned in section 1(3)—

(a) install and maintain fire sprinkler systems; and

(b) install and maintain fire hydrant systems, with or without pumps; and

(c) install and maintain fire hose reels, with or without pumps; and

(d) install fire collars, if the installation is incidental to work mentioned in paragraph (a), (b) or (c).

(5) For the licence class mentioned in section 1(4)—

(a) install and maintain commercial and industrial fire sprinkler systems; and

(b) install and maintain fire hydrant systems, with or without pumps; and

(c) install and maintain fire hose reels, with or without pumps; and

(d) install fire collars, if the installation is incidental to work mentioned in paragraph (a), (b) or (c).

(6) For the licence class mentioned in section 1(5)—

(a) install and maintain domestic fire sprinkler systems and residential fire sprinkler systems; and

(b) install and maintain fire hydrant systems, with or without pumps; and

(c) install and maintain fire hose reels, with or without pumps; and

(d) install fire collars, if the installation is incidental to work mentioned in paragraph (a), (b) or (c).



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### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

## Part 8 Fire protection—portables stream occupational licences

### 1 Licence classes

(1) Certify.

(2) Install and maintain.

### 2 Scope of work

(1) For the licence class mentioned in section 1(1), certify portable firefighting appliances and fire hose reel systems downstream of the point of attachment of the fire hose to the drum.

(2) For the licence class mentioned in section 1(2)—

(a) install and maintain portable firefighting appliances; and

(b) maintain, but not including inspecting and testing, fire hose reel systems downstream of the point of attachment of the fire hose to the drum; and

(c) inspect and test unpumped fire hose reel systems; and

(d) inspect and test unpumped fire hydrant systems, restricted to carrying out the tasks mentioned in the 6–monthly fire hydrant service schedules under AS 1851; and

(e) inspect and test portable firefighting appliances.

### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.



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# Part 10 Fire protection—electrical stream occupational licences

## 1 Licence classes

(1) Design—fire alarm systems.

(2) Certify—fire alarm systems.

(3) Certify—emergency lighting.

(4) Install and maintain—fire alarm systems.

(5) Inspect and test—emergency lighting.

## 2 Scope of work

(1) For the licence class mentioned in section 1(1), design fire alarm systems.

(2) However, the scope of work for the licence class mentioned in section 1(1) does not include professional engineering services under the *Professional Engineers Act 2002*.

(3) For the licence class mentioned in section 1(2), certify fire alarm systems.

(4) For the licence class mentioned in section 1(3), certify emergency lighting.

(5) For the licence class mentioned in section 1(4)—

(a) install and maintain fire alarm systems, restricted to systems that are extra-low voltage; and

(b) install fire collars, if the installation is incidental to work mentioned in paragraph (a).

(6) For the licence class mentioned in section 1(5), inspect and test emergency lighting.

## 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.



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*Note—*

For the licence classes mentioned in section 1(3) and (4), see also section 85 and schedule 7B, part 2, items 9 and 10 for additional technical qualifications required for particular licensees.

# Part 12 Fire safety professional occupational licence

## 1 Licence class

Fire safety professional.

## 2 Scope of work

(1) This section applies subject to section 2A.

(2) The inspection of, or reporting on, buildings, including existing, temporary or special structures, against fire performance legislation, including, for example, the *Building Act 1975*, and the Building Code of Australia.

## 2A Restriction on scope of work

(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.

(2) The scope of work mentioned in section 2(2) is restricted to the inspection of, or reporting on, buildings of a class for which the licensee holds an appropriate accreditation.

(3) In this section—



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***accreditation*** means an accreditation mentioned in the *Building Act 1975*, section 185.

***appropriate accreditation***, for the inspection of, or reporting on, buildings of a class, means an accreditation the licensee is required to hold to be issued with a building certifier licence allowing the licensee to perform building certifying functions for buildings of the class.

***building certifier licence*** means a licence as a building certifier issued under the *Building Act 1975*, chapter 6, part 3.

## 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.



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# Schedule 3A Classes and requirements of mechanical services occupational licences

sections 11A and 15A

## Part 1 Mechanical services—medical gas occupational licence

### 1 Licence class

Mechanical services—medical gas.

### 2 Scope of work

(1) Constructing, installing, replacing, repairing, altering, maintaining, testing or commissioning a medical gas system in a building.

(2) Installation of fire collars that is incidental to work mentioned in subsection (1).

(3) 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) or (2) is restricted in accordance with the condition.

### 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.



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# Part 2 Mechanical services—plumbing occupational licence

## 1 Licence class

Mechanical services—plumbing.

## 2 Scope of work

(1) Constructing, installing, replacing, repairing, altering, maintaining, testing or commissioning a mechanical heating or cooling system in a building that is associated with the heating and cooling of that building.

(2) Installation of fire collars that is incidental to work mentioned in subsection (1).

(3) However, the scope of work mentioned in subsection (1) or (2) does not include work associated with a substance if, under the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* (Cwlth), a licence is required to—

(a) manufacture, import or export the substance; or

(b) manufacture or import equipment containing the substance or using the substance in its operation.

(4) Also, 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) or (2) is restricted in accordance with the condition.

## 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

*Note—*

See section 70 of this regulation for alternative qualifications for a licence of this class applying before 1 July 2020.



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# Part 3 Mechanical services—air-conditioning and refrigeration occupational licence

## 1 Licence class

Mechanical services—air-conditioning and refrigeration.

## 2 Scope of work

(1) Constructing, installing, replacing, repairing, altering, maintaining, testing or commissioning air-conditioning, air handling systems and refrigeration for a building.

(2) Installation of fire collars that is incidental to work mentioned in subsection (1).

(3) 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) or (2) is restricted in accordance with the condition.

## 3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.



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# Schedule 4 Fire protection work by employees

section 18

| | Column 1<br>Fire protection work | Column 2<br>Technical qualifications |
|---|---|---|
| 1 | inspect and test commercial or industrial sprinkler and suppression systems | a licence under the *Plumbing and Drainage Act 2018* in the class—<br>(a) plumber holding the endorsement of fire protection (commercial and industrial); or<br>(b) water plumber—fire protection (commercial and industrial) |
| 2 | inspect and test domestic or residential sprinkler and suppression systems | a licence under the *Plumbing and Drainage Act 2018* in the class water plumber—fire protection (domestic and residential)<br>a plumbers licence under the *Plumbing and Drainage Act 2018* with an endorsement fire protection— domestic and residential |
| 3 | inspect and test fire pumps, fire hydrants and hose reels | a licence under the *Plumbing and Drainage Act 2018* in the class plumber or water plumber—fire protection (hydrants and hose reels) |
| 4 | install and maintain a fire door or shutter | a technical qualification mentioned in schedule 2, part 16, section 3 |



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| | Column 1<br>Fire protection work | Column 2<br>Technical qualifications |
|---|---|---|
| 5 | install, maintain, inspect and test fire alarm systems extra low voltage | an electrical mechanic licence |
| 6 | inspect and test emergency lighting systems | an electrical mechanic licence |

# Schedule 5 Demerit offences

sections 23 and 24

| Column 1<br>Demerit offence | Column 2<br>Demerit points |
|---|---|
| s 42B(1) | 10 |
| s 42C(1) | 10 |
| s 42D(1) | 10 |
| s 43(1) | 8 |
| s 43(2) | 8 |
| s 43A(1) | 8 |
| s 43A(2) | 8 |
| s 43B(2) | 8 |
| s 43B(3) | 8 |
| s 43C(2) | 8 |
| s 43C(3) | 8 |
| s 50C(4) | 4 |
| s 51A(1) | 10 |
| s 51A(2) | 10 |
| s 51B(2) | 8 |
| s 53B(1) | 4 |
| s 56(2) in the circumstances mentioned in paragraph (b) of the penalty | 8 |
| s 67G(1) | 4 |



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| Column 1<br>Demerit offence | Column 2<br>Demerit points |
|---|---|
| s 67G(2) | 4 |
| s 67G(3) | 4 |
| s 67I(4) | 4 |
| s 67V(1) | 4 |
| s 68B(2) | 4 |
| s 68B(3) | 4 |
| s 68C(2) | 4 |
| s 72AA(1) | 4 |
| s 72AA(2) | 4 |
| s 73 first conviction | 4 |
| s 73 second conviction | 8 |
| s 73 each subsequent conviction | 10 |
| s 105R(1) | 8 |
| s 108A(2) | 4 |
| s 108B(1) | 4 |
| s 108C(1) | 4 |
| s 108C(3) | 4 |
| sch 1B, s 15 | 4 |
| sch 1B, s 16(2) | 2 |
| sch 1B, s 17(2) | 2 |
| sch 1B, s 18(2) | 2 |
| sch 1B, s 30 | 10 |
| sch 1B, s 31(2) | 4 |



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| Column 1<br>Demerit offence | Column 2<br>Demerit points |
|---|---|
| sch 1B, s 31(5) | 2 |
| sch 1B, s 33(1) | 4 |
| sch 1B, s 34(1) | 2 |
| sch 1B, s 40(2) | 2 |
| sch 1B, s 40(5) | 2 |
| sch 1B, s 41(1) | 2 |
| sch 1B, s 42(2) | 2 |
| sch 1B, s 42(3) | 2 |
| sch 1B, s 43(2) | 4 |



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# Schedule 6 Terms of cover for statutory insurance scheme

sections 30 and 31

## Part 1 Preliminary

### 1 Overview and application of schedule

(1) Part 2 provides for the assistance a consumer for residential construction work is entitled to claim under the statutory insurance scheme if the work is incomplete.

(2) Part 3 provides for the assistance a consumer for residential construction work is entitled to claim under the statutory insurance scheme if the work is defective.

(3) However, the assistance provided under part 2 or 3 is subject to—

(a) any limitations stated in the part, including limitations about the time for making a claim; and

(b) the maximum amount of assistance the commission may pay for the work under part 4; and

(c) the general provisions stated in part 5; and

(d) the provisions about claims stated in part 6.

### 2 Definitions

In this schedule—

***built work*** means a structure or part of a structure, or another thing, resulting from residential construction work.

***defective work*** see section 14.

***defined event*** means—

(a) vandalism or forcible removal of built work; or

(b) fire, storm or tempest.



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***ends***, for a fixed price residential contract, see section 4.

***fire*** means a fire or explosion other than the following—

(a) a fire or explosion with no flame;

(b) a fire that has not escaped the normal confines of a cooking, heating or electrical appliance;

(c) a fire or explosion caused by—

(i) spontaneous fermentation or heating or a process involving the application of heat; or

(ii) earthquake or subterranean fire; or

(iii) riot, civil commotion, war, invasion, act of foreign enemy, a terrorist act, hostilities (regardless of whether war is declared), civil war, rebellion, revolution, insurrection or military or usurped power; or

(iv) arson, vandalism or forcible removal of built work or another unlawful act;

(d) an explosion that results in built work being damaged from exposure to water or another liquid, including, for example, petrol or oil but not including water from a pipe damaged by the explosion or water used to extinguish a fire.

***fixed price residential contract*** see section 3.

***forcible removal***, of built work—

(a) means the removal by force of built work that is fixed by a person—

(i) acting without the consent of the consumer for the residential construction work; and

(ii) who is not the invitee of the consumer; but

(b) does not include the removal of the built work as a result of a terrorist act.

***incomplete work provisions*** means—

(a) section 7; or



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(b) section 9; or

(c) section 10, to the extent it applies to a claim for a defined event that is vandalism or forcible removal of built work; or

(d) section 15; or

(e) section 20.

***insolvent*** includes external administration, including, for example, liquidation, receivership or compromise entered into with creditors, under the Corporations Act or a similar law of a foreign jurisdiction.

***interest schedule lot entitlement*** see the *Body Corporate and Community Management Act 1997*, section 46.

***liability amount***, for a consumer for residential construction work—

(a) means the amount of the consumer's remaining liability under—

(i) if the contract for carrying out the work has ended—the contract immediately before the contract ended; or

(ii) otherwise—the contract for carrying out the work; but

(b) does not include—

(i) any amount for liquidated damages or damages for delay that the consumer may be entitled to set-off against the remaining liability; or

(ii) an amount for which the licensed contractor who carried out the work has waived payment for valuable consideration, or is liable to the consumer in relation to the contract.

***licensed contractor*** includes a building contractor who, at or before the time a contract for the carrying out of residential construction work is entered into, makes a representation mentioned in section 68H(1)(b) of the Act.



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***lot*** see the *Body Corporate and Community Management Act 1997*, schedule 6.

***prime cost item***, for a fixed price residential contract, means an item, including, for example, a fixture or fitting—

(a) that has not been selected, or the price of which is not known, by the consumer or the licensed contractor when the contract is entered into; and

(b) for which the contract provides for the licensed contractor to make a reasonable allowance for the cost of its supply and delivery.

***provisional sum***, for a fixed price residential contract, means an amount that is an estimate of the cost of providing particular services under the contract (including the cost of supplying materials needed for the work under the contract) if the licensed contractor, after making all reasonable inquiries, can not state a definite amount for the services when the contract is entered into.

***rectification work*** see section 15(1).

***reinstatement work*** see section 10(2).

***storm*** does not include the following—

(a) heavy or persistent rain by itself;

(b) water rising up from the ground, including from natural causes;

(c) an increase in sea level, including a tsunami or other storm surge.

***structural defect***, for primary insurable work, means—

(a) if the work is for a residence or related roofed building—

(i) a defect in the work that causes or contributes to deflection or movement of the footing or slab of the residence or building so the residence or building no longer complies with the building assessment provisions under the *Building Act 1975*; or



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(ii) the work does not comply with a performance requirement under the Building Code of Australia, part B1 or part 2.1 for the residence or building; or

(iii) a defect in the work that causes the residence or building to be uninhabitable or not reasonably accessible; or

(b) if the work is for a swimming pool—a defect in the work that allows water to escape through the shell of the swimming pool; or

(c) if the work is on or for a residence, related roofed building or swimming pool—a defect in the work that adversely affects the health or safety of persons who occupy or use the residence, building or swimming pool; or

(d) if the work is on or for a residence or related roofed building—a defect in the work that allows water penetration of the residence or building.

***substantially complete***, for residential construction work, means at least 1 of the following applies in relation to the work—

(a) the final payment under the contract for the work is made;

(b) if the residential construction work is for the erection or construction of a residence—the residence is occupied;

(c) the built work is able to be used for its intended purpose despite the work not complying with the contract because of a cosmetic difference.

***terrorist act*** see the *Police Powers and Responsibilities Act 2000*, section 211.

***vandalism***, of built work—

(a) means vandalism of the work by a person—

(i) acting without the consent of the consumer for the residential construction work; and

(ii) who is not the invitee of the consumer; but



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(b) does not include vandalism of built work as a result of a terrorist act.

## 3 Meaning of *fixed price residential contract*

(1) A ***fixed price residential contract*** is a contract between a consumer and a licensed contractor for residential construction work for which the price is fixed except for the effect of the following—

(a) prime cost items;

(b) provisional sums;

(c) increases to reflect increased costs of labour or materials or delays in carrying out the work.

(2) However, the following contracts are not included for subsection (1)—

(a) a construction management contract;

(b) a contract for the erection, construction, renovation, alteration, extension, improvement or repair of 3 or more living units.

## 4 When fixed price residential contract ends

(1) A fixed price residential contract ***ends*** if—

(a) the contract is validly terminated on the default of the licensed contractor; or

(b) the licensed contractor dies; or

(c) the licensed contractor is a company and the company no longer exists; or

(d) both of the following apply—

(i) the licensed contractor is bankrupt or insolvent, or takes advantage of the laws of bankruptcy as a debtor under the *Bankruptcy Act 1966* (Cwlth) or a similar law of a foreign jurisdiction;

(ii) the licensed contractor's licence is cancelled.



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(2) In this section—

***validly terminated***, for a fixed price residential contract, does not include mutual abandonment of the contract by the parties to the contract.

# Part 2 Incomplete residential construction work

## Division 1 Assistance if work not started

### 5 Assistance if work not started

(1) This section applies to a consumer for residential construction work if—

(a) the work is to be carried out under a fixed price residential contract; and

(b) the contract ends within 2 years after the day the contract is entered into; and

(c) work under the contract has not started before the contract ends.

*Note—*

See section 43 of the regulation for when residential construction work is taken to start.

(2) The consumer is entitled to claim assistance for the amount of the insurable deposit for the contract that is not otherwise refunded to the consumer under the contract.

(3) However, no assistance can be given to the consumer unless the consumer makes the claim before the day that is 3 months after the day the contract ends.

(4) In this section—

***deposit***, for a fixed price residential contract, includes any payment for residential construction work received by the licensed contractor prior to work under the contract starting at



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the place where the work is to be completed under the contract, including, for example, any insurance premium paid.

***insurable deposit***, for a fixed price residential contract, means the least of the following amounts—

(a) the deposit paid by the consumer to the licensed contractor under the contract;

(b) if the insurable value of the off-site work is more than 50% of the contract price—20% of the contract price;

(c) if the contract price is less than $20,000—10% of the contract price;

(d) if the contract price is $20,000 or more—5% of the contract price.

***off-site work***, for a fixed price residential contract, means work under the contract performed at a place that is not the place where the residential construction work is to be completed under the contract.

# Division 2 Assistance if work started

## Subdivision 1 Preliminary

### 6 Application of division

This division applies to a consumer for residential construction work if—

(a) the work is carried out under a fixed price residential contract; and

(b) the contract ends within 2 years after the day work starts under the contract; and

*Note—*

See section 43 of the regulation for when residential construction work is taken to start.

(c) the work is incomplete; and



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(d) for work for the common property for a community titles scheme that is, or is to be, carried out in or on a multiple dwelling in the scheme—at least half the residential units in the multiple dwelling are occupied when the contract is entered into and when it ends.

## Subdivision 2 Completion of work

### 7 Assistance for completion of work

(1) The consumer is entitled to claim assistance for the reasonable cost of completing the residential construction work.

(2) However, the consumer is not entitled to claim the assistance if—

(a) the residential construction work is prohibited under a relevant law; or

(b) approval required to complete the residential construction work under a relevant law can not be obtained.

(3) If the consumer is not entitled to claim assistance as mentioned in subsection (2), the consumer is entitled to claim the following assistance—

(a) the reasonable cost of demolishing the built work;

(b) an amount equivalent to the amount the consumer has paid under the contract, when the claim is made, for the built work that is demolished.

(4) However, the consumer is not entitled to claim the assistance mentioned in subsection (3) if—

(a) the residential construction work is prohibited under a relevant law; and

(b) the consumer assisted, authorised or encouraged the contravention of the relevant law.

(5) The assistance mentioned in subsection (1) or (3) the consumer is entitled to claim in relation to the residential construction work must be reduced by—



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(a) for assistance mentioned in subsection (1)—the consumer's liability amount for the work; and

(b) if the consumer makes a payment to, or for, the licensed contractor for the work before the payment is due under the contract—the reasonable cost of completing the work for which the payment was made; and

(c) if the insurable value of the work exceeds the contract price for the work by more than 30%—the amount by which the insurable value of the work exceeds the contract price.

(6) No assistance can be given to the consumer unless the consumer makes a claim mentioned in this section before the day that is 3 months after the day the contract for the work ends.

(7) In this section—

***relevant law***, for residential construction work, means—

(a) the *Queensland Heritage Act 1992*; or

(b) the *Planning Act 2016*.

## 8 Assistance not available for completing particular work

The consumer is not entitled to claim assistance mentioned in section 7 for building work services carried out by a construction manager.

## 9 Assistance for accommodation, removal and storage costs

(1) This section applies if—

(a) the commission allows a claim for assistance mentioned in section 7(1) (the ***completion claim***); and

(b) the residential construction work the subject of the completion claim is for a residence that is—

(i) occupied by the consumer or, if the residence is unoccupied, intended to be occupied by the consumer; and



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(ii) uninhabitable because the work is incomplete.

(2) In addition to the assistance mentioned in section 7(1), the consumer is entitled to claim assistance for the accommodation, removal and storage costs incurred by the consumer during all or part of the claim period for the completion claim.

(3) However, no assistance can be given to the consumer for the accommodation, removal and storage costs unless the consumer makes the claim for the costs within 28 days after the day the claim period for the completion claim ends.

(4) In this section—

***accommodation, removal and storage costs***, incurred by a consumer, means the reasonable costs of the following—

(a) alternative accommodation of the consumer;

(b) removal;

(c) storage.

***claim period***, for the completion claim, means—

(a) the initial claim period for the completion claim; and

(b) the subsequent claim period for the completion claim.

***initial claim period***, for the completion claim, means the period—

(a) starting on the latest of the following—

(i) the day the contract for the residential construction work the subject of the completion claim ends;

(ii) the day the consumer makes the completion claim;

(iii) if a day for practical completion of the work is stated in, or is decided under, the contract—that day; and

(b) ending on the earliest of the following—

(i) when the residence is habitable;



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(ii) the day the consumer for the work contracts with a licensed contractor to complete the work the subject of the completion claim;

(iii) 7 days after the day the consumer is given written notice that the completion claim has been allowed.

***subsequent claim period***, for the completion claim, means the period—

(a) starting on the day the consumer for the residential construction work the subject of the completion claim contracts with a licensed contractor to complete the work the subject of the completion claim; and

(b) ending when the residence is habitable.

## Subdivision 3 Vandalism, forcible removal, fire, storm or tempest

### 10 Assistance for defined event

(1) This section applies if—

(a) the built work the subject of an allowed completion claim is damaged or destroyed as a result of a defined event; and

(b) the damage to or destruction of the built work happened—

(i) during the claim period for the allowed completion claim; and

(ii) as a consequence of the work being incomplete.

(2) The consumer is entitled to claim assistance for the reasonable cost of work (***reinstatement work***) necessary to reinstate the built work to the same state it was in immediately before the defined event.

(3) The assistance mentioned in subsection (2) must be reduced by the amount, if any, by which the consumer's liability amount for the residential construction work the subject of the



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allowed completion claim exceeds the reasonable cost of completing the work.

(4) However, no assistance can be given to the consumer unless the consumer makes the claim for the reinstatement work within 14 days after the day the damage to or destruction of the built work would have come to the attention of the consumer if the consumer was taking reasonable steps to monitor and protect the built work.

(5) In this section—

***allowed completion claim*** means a claim for assistance mentioned in section 7(1) if the commission—

(a) allows the claim; or

(b) disallows the claim only because either or both of the following apply—

(i) the maximum amount the commission may pay under part 4 in relation to the claim has been reached;

(ii) the consumer's liability amount for the residential construction work the subject of the claim exceeds the reasonable cost of completing the work.

***claim period***, for an allowed completion claim, means the period—

(a) starting on the day the claim is made; and

(b) ending on the earliest of the following—

(i) 6 months after the day the contract for the residential construction work the subject of the claim ends;

(ii) the day the consumer contracts with a licensed contractor to complete the residential construction work the subject of the claim;

(iii) 7 days after the day the consumer is given written notice that the claim has been allowed or disallowed.



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## 11 No entitlement to assistance for particular loss

The consumer is not entitled to claim assistance mentioned in section 10(2) for—

(a) damage to or destruction of built work caused gradually as a result of repeated exposure of the work to fire or smoke; or

(b) residential construction work carried out using goods or materials not supplied by the licensed contractor, or the licensed contractor's agent, under the contract; or

(c) damage to or destruction of property, other than the built work, as a result of a defined event, including, for example, damage to or destruction of a building that exists on the site of the residential construction work before the work starts; or

(d) the cost of removing a tree stump, or any part of a tree that has not fallen or caused damage to the built work; or

(e) building work services.

## 12 Threshold for vandalism or forcible removal

For each occurrence of vandalism or forcible removal of built work, the consumer is entitled to claim only the reasonable cost of reinstatement work mentioned in section 10(2) that is more than $2,500.

## 13 Requirement to report vandalism or forcible removal

Before making a claim for assistance mentioned in section 10(2) relating to vandalism or forcible removal of built work, the consumer must report the vandalism or forcible removal to the Queensland Police Service.

*Note—*

See section 65(3) for the evidence that must be included in a notice of claim in relation to vandalism or forcible removal of built work.



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# Part 3 Defective work

## 14 Application of part

This part applies to residential construction work that is primary insurable work if it is defective (***defective work***).

## 15 Assistance for defective work

(1) The consumer of the residential construction work is entitled to claim assistance for the reasonable cost of the following work (***rectification work***)—

(a) rectifying the defective work;

(b) any other building work reasonably required to be carried out to a relevant building as a consequence of the defective work.

*Example for subsection (1)(b)—*

work reasonably required to repair a wall in a residence that has cracked because defective work to the concrete slab supporting the wall has resulted in subsidence of the slab

(2) However, to the extent all of the following apply to the defective work, the consumer is not entitled to claim assistance mentioned in subsection (1) but may be entitled to claim assistance mentioned in subsection (3)—

(a) the primary insurable work is defective because the work does not comply with the plans or specifications for the work;

*Example for paragraph (a)—*

a ceiling constructed at a height of 2.9m when the plans and specifications state a height of 3m

(b) the primary insurable work complies with all of the following—

(i) the *Building Act 1975*;

(ii) the Building Code of Australia;

(iii) the Queensland Development Code;



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(c) the use of the built work is not significantly affected as a result of the defective work.

(3) To the extent subsection (2) applies to the defective work, the consumer is entitled to claim the loss in value of the built work as a result of the defective work.

(4) The assistance the consumer is entitled to claim under this section in relation to the residential construction work must be reduced by the consumer's liability amount for the work.

(5) In this section—

***relevant building*** means—

(a) if primary insurable work was carried out for a residence, other than a residential unit, and paragraph (e) does not apply—the residence; or

(b) if primary insurable work was carried out for a related roofed building—the related roofed building; or

(c) if primary insurable work was carried out for a swimming pool, other than a swimming pool that is in or on a multiple dwelling—the swimming pool; or

(d) if primary insurable work was carried out for a residential unit and paragraph (e) does not apply—the residential unit; or

(e) if primary insurable work was carried out for the common property for a community titles scheme and the work was carried out in or on a duplex or multiple dwelling in the scheme—the duplex or multiple dwelling and each residential unit in the duplex or multiple dwelling.

## 16 Limit on assistance

(1) A consumer is entitled to claim assistance mentioned in section 15 in relation to a structural defect in the residential construction work if the consumer first becomes aware, or ought reasonably to have become aware, of the structural defect within—



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(a) for residential construction work that is not substantially complete within 6 months after the cover commencement day for the work—the period—

(i) starting on the day that is 6 months after the cover commencement day; and

(ii) ending 6 years and 6 months after the period starts; or

(b) otherwise—6 years and 6 months after the cover commencement day for the work.

(2) Also, a consumer is entitled to claim assistance mentioned in section 15 in relation to a defect, other than a structural defect, in the residential construction work if the consumer first becomes aware, or ought reasonably to have become aware, of the defect within 6 months after the day the work is substantially complete.

(3) No assistance can be given to the consumer unless the consumer makes a claim mentioned in section 15—

(a) for a structural defect—within 3 months after the day the consumer first becomes aware, or ought reasonably to have become aware, of the defect in the work; or

(b) for another defect—within 7 months after the day the residential construction work is substantially complete.

(4) In this section—

***cover commencement day***, for residential construction work, means—

(a) if the consumer for the work obtains optional additional cover—the day the optional additional cover comes into force for the work; or

(b) otherwise—the day cover under the statutory insurance scheme comes into force for the work.

*Note—*

See section 68I of the Act for when cover under the statutory insurance scheme comes into force for residential construction work.



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## 17 Reasonable cost of rectification work for particular common property

(1) This section applies if—

(a) the defective work is carried out in a building~~,~~ in a community titles scheme, that includes 1 or more lots used for residential purposes and 1 or more lots used for commercial purposes; and

(b) the rectification work mentioned in section 15(1) includes work for the common property for the scheme.

(2) The reasonable cost of the rectification work mentioned in section 15(1) for the common property must be calculated using the formula—

$$\mathbf{C} \times \frac{\mathbf{R}}{\mathbf{A}}$$

where—

***C*** is the total cost of the rectification work required for the common property.

***R*** is the sum of the interest schedule lot entitlements of the lots in the building that are used for residential purposes.

***A*** is the sum of the interest schedule lot entitlements for all lots in the building.

## 18 No entitlement to assistance in particular circumstances

The consumer is not entitled to claim assistance mentioned in section 15 if—

(a) the consumer has unreasonably refused the licensed contractor who carried out the defective work access to the site to carry out rectification work; or

(b) the licensed contractor who carried out the defective work has a continuing legal obligation to complete the work.



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## 19 No entitlement to assistance for particular loss

The consumer is not entitled to claim assistance mentioned in section 15 for any of the following—

(a) if the primary insurable work is for the erection, construction or installation of a swimming pool—

(i) a defect in the work for the swimming pool that is not a structural defect; or

(ii) surfacing of an area outside the coping for the swimming pool; or

(iii) work associated with the erection, construction or installation of the swimming pool, including, for example, paving, supplying or installing water features, swimming pool slides, diving boards and swimming pool equipment and housings; or

(iv) steps for the swimming pool that are not fixed structures;

(b) if the primary insurable work is for the erection or construction of a related roofed building and the slab for the building is constructed other than under the contract for carrying out the work—damage to the building caused or contributed to by the slab;

(c) if the primary insurable work is for an existing residence or related roofed building—damage to the residence or building that is—

(i) not directly caused by the carrying out of the work; or

(ii) not directly contributed to by the carrying out of the work.

## 20 Assistance for accommodation, removal and storage costs

(1) This section applies if—

(a) the commission allows a claim for assistance mentioned in section 15(1); and

(b) the primary insurable work the subject of the claim is for a residence that is—

(i) occupied by the consumer or, if the residence is unoccupied, intended to be occupied by the consumer; and

(ii) uninhabitable because the work is defective, or will become uninhabitable while the work necessary under the claim is carried out.

(2) In addition to the assistance mentioned in section 15(1), the consumer is entitled to claim assistance for the accommodation, removal and storage costs of the consumer incurred by the consumer—

(a) while the rectification work is being carried out; and

(b) as a result of the residence being uninhabitable.

(3) However, no assistance can be given to the consumer for the accommodation, removal and storage costs unless the consumer makes the claim for the costs during the period or before the time mentioned in section 16(1)(a) or (b).

(4) In this section—

***accommodation, removal and storage costs***, of a consumer, means the reasonable costs of the following—

(a) alternative accommodation of the consumer;

(b) removal;

(c) storage.

# Part 4 Maximum amounts

## Division 1 Preliminary

### 21 Application of part

This part states the maximum amount the commission may pay for all claims relating to residential construction work if



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cover under the statutory insurance scheme is in force for the work.

### 22 Maximum amount inclusive of tax

An amount mentioned in this part is inclusive of any tax payable for the residential construction work.

## Division 2 Work to which section 34 of the regulation applied

### 23 Application of division

This division states the maximum amount the commission may pay for all claims relating to residential construction work if section 34 of the regulation applied for calculating the insurable value of the work.

### 24 Claims relating to incomplete work, defective work or vandalism or forcible removal of built work—work not substantially complete

(1) The maximum amount the commission may pay for all claims mentioned in the incomplete work provisions in relation to residential construction work that is not substantially complete is—

(a) if optional additional cover is in force for the work—$300,000 multiplied by the number of living units for which the work was carried out; or

(b) if paragraph (a) does not apply—$200,000 multiplied by the number of living units for which the work was carried out.

(2) However, the commission must not pay more than the following amount for any 1 living unit for which the residential construction work was carried out—

(a) if optional additional cover is in force for the work—

(i) for all claims mentioned in sections 9 and 20—$10,000; and

(ii) for all claims mentioned in the incomplete work provisions—$300,000;

(b) if paragraph (a) does not apply—

(i) for all claims mentioned in sections 9 and 20—$5,000; and

(ii) for all claims mentioned in the incomplete work provisions—$200,000.

(3) Also, the amount the commission may pay for the common property for a community titles scheme for all claims mentioned in the incomplete work provisions in relation to the residential construction work—

(a) must not be more than the maximum amount stated in section 27 for the residential construction work; and

(b) must be apportioned between each living unit for which the residential construction work was carried out in proportion to the living unit's interest schedule lot entitlement.

(4) The amount apportioned for a living unit under subsection (3)(b) is counted for calculating the amount mentioned in subsection (2)(a)(ii) or (b)(ii).

*Example—*

Residential construction work is carried out for a multiple dwelling in a community titles scheme. Under subsection (3), $9,000 is apportioned to a residential unit in the multiple dwelling as a result of a claim for the common property for the scheme. The maximum amount the commission may pay under subsection (2)(b)(ii) for the residential unit is $191,000.

## 25 Claims for fire, storm or tempest—work not substantially complete

(1) The maximum amount the commission may pay for all claims mentioned in section 10, as a result of a defined event that is a fire, storm or tempest, in relation to residential construction work that is not substantially complete is—



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(a) if optional additional cover is in force for the work—$300,000 multiplied by the number of living units for which the residential construction work was carried out; or

(b) if paragraph (a) does not apply—$200,000 multiplied by the number of living units for which the work was carried out.

(2) However, the commission must not pay more than the following amount for any 1 living unit for which the residential construction work was carried out—

(a) if optional additional cover is in force for the work—$300,000;

(b) if paragraph (a) does not apply—$200,000.

(3) Also, the amount the commission may pay for the common property for a community titles scheme for all claims mentioned in section 10, as a result of a defined event that is a fire, storm or tempest, in relation to the residential construction work—

(a) must not be more than the maximum amount stated in section 27 for the residential construction work; and

(b) must be apportioned between each living unit for which the residential construction work was carried out in proportion to the living unit's interest schedule lot entitlement.

(4) The amount apportioned for a living unit under subsection (3)(b) is counted for calculating the amount mentioned in subsection (2)(a) or (b).

## 26 Claims relating to defective work—work substantially complete

(1) The maximum amount the commission may pay for all claims mentioned in sections 15 and 20 in relation to residential construction work that is substantially complete is—



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(a) if optional additional cover is in force for the work—$300,000 multiplied by the number of living units for which the work was carried out; or

(b) if paragraph (a) does not apply—$200,000 multiplied by the number of living units for which the work was carried out.

(2) However, the commission must not pay more than the following amount for any 1 living unit for which the residential construction work was carried out—

(a) if optional additional cover is in force for the work—

(i) for all claims mentioned in section 20—$10,000; and

(ii) for all claims mentioned in sections 15 and 20—$300,000;

(b) if paragraph (a) does not apply—

(i) for all claims mentioned in section 20—$5,000; and

(ii) for all claims mentioned in sections 15 and 20—$200,000.

(3) Also, the amount the commission may pay for the common property for a community titles scheme for all claims mentioned in sections 15 and 20 in relation to the residential construction work—

(a) must not be more than the maximum amount mentioned in section 27 for the residential construction work; and

(b) must be apportioned between each living unit for which the work was carried out in proportion to the living unit's interest schedule lot entitlement.

(4) The amount apportioned for a living unit under subsection (3)(b) is counted for calculating the amount mentioned in subsection (2)(a)(ii) or (b)(ii).



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### 27 Common property limit

(1) The maximum amount the commission may pay for the common property for a community titles scheme for the total of all claims mentioned in sections 7, 9, 10, 15 and 20 in relation to the residential construction work is—

(a) if optional additional cover is in force for the work—the lesser of the following—

(i) $300,000 multiplied by the number of living units for which the work was carried out;

(ii) $1.3m; or

(b) if paragraph (a) does not apply—the lesser of the following—

(i) $200,000 multiplied by the number of living units for which the work was carried out;

(ii) $1m.

(2) The amount mentioned in subsection (1) applies regardless of whether the residential construction work is substantially complete or not substantially complete.

*Example—*

Residential construction work is carried out for 6 residential units in a community titles scheme. Before the work is substantially complete, the commission pays $50,000 for the common property for the scheme for a claim in relation to the work. After the work is substantially complete, the maximum amount remaining that the commission may pay for the common property in relation to the work is $950,000 (if optional additional cover is not in force for the work).

## Division 3 Work to which section 35 of the regulation applied

### 28 Application of division

This division states the maximum amount the commission may pay for all claims relating to residential construction work if section 35 of the regulation applied for calculating the insurable value of the work.



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### 29 Claims relating to incomplete work, defective work or vandalism or forcible removal of built work—work not substantially complete

(1) The maximum amount the commission may pay for all claims mentioned in the incomplete work provisions in relation to residential construction work that is not substantially complete is—

(a) if optional additional cover is in force for the work—$300,000; or

(b) if paragraph (a) does not apply—$200,000.

(2) However, the commission must not pay more than the following amount for any 1 living unit for which the residential construction work was carried out—

(a) if optional additional cover is in force for the work—

(i) for all claims mentioned in sections 9 and 20—$10,000 divided by the number of living units for which the work was carried out; and

(ii) for all claims mentioned in the incomplete work provisions—$300,000 divided by the number of living units for which the work was carried out;

(b) if paragraph (a) does not apply—

(i) for all claims mentioned in sections 9 and 20—$5,000 divided by the number of living units for which the work was carried out; and

(ii) for all claims mentioned in the incomplete work provisions—$200,000 divided by the number of living units for which the work was carried out.

(3) Also, the amount the commission may pay for the common property for a community titles scheme for all claims mentioned in the incomplete work provisions in relation to the residential construction work—

(a) must not be more than the maximum amount stated in section 32 for the residential construction work; and

(b) must be apportioned between each living unit for which the residential construction work was carried out in



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proportion to the living unit's interest schedule lot entitlement.

(4) The amount apportioned for a living unit under subsection (3)(b) is counted for calculating the amount mentioned in subsection (2)(a)(ii) or (b)(ii).

*Example—*

Residential construction work is carried out for a duplex in a community titles scheme. Under subsection (3), $9,000 is apportioned to each residential unit in the duplex as a result of a claim for the common property for the scheme. The maximum amount the commission may pay under subsection (2)(b)(ii) for each residential unit is $91,000.

## 30 Claims for fire, storm or tempest—work not substantially complete

(1) The maximum amount the commission may pay for all claims mentioned in section 10, as a result of a defined event that is a fire, storm or tempest, in relation to residential construction work that is not substantially complete is—

(a) if optional additional cover is in force for the work—$300,000; or

(b) if paragraph (a) does not apply—$200,000.

(2) However, the commission must not pay more than the following amount for any 1 living unit for which the residential construction work was carried out—

(a) if optional additional cover is in force for the work—$300,000 divided by the number of living units for which the work was carried out;

(b) if paragraph (a) does not apply—$200,000 divided by the number of living units for which the work was carried out.

(3) Also, the amount the commission may pay for the common property for a community titles scheme for all claims mentioned in section 10, as a result of a defined event that is a fire, storm or tempest, in relation to the residential construction work—



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(a) must not be more than the maximum amount stated in section 32 for the residential construction work; and

(b) must be apportioned between each living unit for which the residential construction work was carried out in proportion to the living unit's interest schedule lot entitlement.

(4) The amount apportioned for a living unit under subsection (3)(b) is counted for calculating the amount mentioned in subsection (2)(a) or (b).

## 31 Claims relating to defective work—work substantially complete

(1) The maximum amount the commission may pay for all claims mentioned in sections 15 and 20 in relation to residential construction work that is substantially complete is—

(a) if optional additional cover is in force for the work—$300,000 multiplied by the number of living units for which the work was carried out; or

(b) if paragraph (a) does not apply—$200,000 multiplied by the number of living units for which the work was carried out.

(2) However, the commission must not pay more than the following amount for any 1 living unit for which the residential construction work was carried out—

(a) if optional additional cover is in force for the work—

(i) for all claims mentioned in section 20—$10,000; and

(ii) for all claims mentioned in sections 15 and 20—$300,000;

(b) if paragraph (a) does not apply—

(i) for all claims mentioned in section 20—$5,000; and

(ii) for all claims mentioned in sections 15 and 20—$200,000.



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(3) Also, the amount the commission may pay for the common property for a community titles scheme for all claims mentioned in sections 15 and 20 in relation to the residential construction work—

(a) must not be more than the maximum amount mentioned in section 32 for the residential construction work; and

(b) must be apportioned between each living unit for which the work was carried out in proportion to the living unit's interest schedule lot entitlement.

(4) The amount apportioned for a living unit under subsection (3)(b) is counted for calculating the amount mentioned in subsection (2)(a)(ii) or (b)(ii).

## 32 Common property limit

(1) The maximum amount the commission may pay for the common property for a community titles scheme for the total of all claims mentioned in sections 7, 9, 10, 15 and 20 in relation to the residential construction work is—

(a) if optional additional cover is in force for the work—the lesser of the following—

(i) $300,000 multiplied by the number of living units for which the work was carried out;

(ii) $1.3m; or

(b) if paragraph (a) does not apply—the lesser of the following—

(i) $200,000 multiplied by the number of living units for which the work was carried out;

(ii) $1m.

(2) The amount mentioned in subsection (1) applies regardless of whether the residential construction work is substantially complete or not substantially complete.

*Example—*

Residential construction work is carried out for a duplex in a community titles scheme. Before the work is substantially complete, the commission pays $50,000 for the common property for the scheme

for a claim in relation to the work. After the work is substantially complete, the maximum amount remaining that the commission may pay for the common property in relation to the work is $350,000 (if optional additional cover is not in force for the work).

## Division 4 Work to which section 36 of the regulation applied

### 33 Application of division

This division states the maximum amount the commission may pay for all claims relating to residential construction work if section 36 of the regulation applied for calculating the insurable value of the work.

### 34 Claims relating to incomplete work, defective work or vandalism or forcible removal of built work—work not substantially complete

(1) The maximum amount the commission may pay for all claims mentioned in the incomplete work provisions in relation to residential construction work that is not substantially complete is—

(a) if optional additional cover is in force for the work—$300,000 multiplied by the number of living units for which the work was carried out; or

(b) if paragraph (a) does not apply—$200,000 multiplied by the number of living units for which the work was carried out.

(2) However, the commission must not pay more than the following amount for any 1 living unit for which the residential construction work was carried out—

(a) if optional additional cover is in force for the work—

(i) for all claims mentioned in sections 9 and 20—$10,000; and

(ii) for all claims mentioned in the incomplete work provisions—$300,000;



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(b) if paragraph (a) does not apply—

(i) for all claims mentioned in sections 9 and 20—$5,000; and

(ii) for all claims mentioned in the incomplete work provisions—$200,000.

(3) Also, the amount the commission may pay for the common property for a community titles scheme for all claims mentioned in the incomplete work provisions in relation to the residential construction work—

(a) must not be more than the maximum amount stated in section 37 for the residential construction work; and

(b) must be apportioned equally between each living unit for which the residential construction work was carried out.

(4) The amount apportioned for a living unit under subsection (3)(b) is counted for calculating the amount mentioned in subsection (2)(a)(ii) or (b)(ii).

## 35 Claims for fire, storm or tempest—work not substantially complete

(1) The maximum amount the commission may pay for all claims mentioned in section 10, as a result of a defined event that is a fire, storm or tempest, in relation to residential construction work that is not substantially complete is—

(a) if optional additional cover is in force for the work—$300,000 multiplied by the number of living units for which the work was carried out; or

(b) if paragraph (a) does not apply—$200,000 multiplied by the number of living units for which the work was carried out.

(2) However, the commission must not pay more than the following amount for any 1 living unit for which the residential construction work was carried out—

(a) if optional additional cover is in force for the work—$300,000;



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(b) if paragraph (a) does not apply—$200,000.

(3) Also, the amount the commission may pay for the common property for a community titles scheme for all claims mentioned in section 10, as a result of a defined event that is a fire, storm or tempest, in relation to the residential construction work—

(a) must not be more than the maximum amount stated in section 37 for the residential construction work; and

(b) must be apportioned equally between each living unit for which the residential construction work was carried out.

(4) The amount apportioned for a living unit under subsection (3)(b) is counted for calculating the amount mentioned in subsection (2)(a) or (b).

## 36 Claims relating to defective work—work substantially complete

(1) The maximum amount the commission may pay for all claims mentioned in sections 15 and 20 in relation to residential construction work that is substantially complete is—

(a) if optional additional cover is in force for the work—$300,000 multiplied by the number of living units for which the work was carried out; or

(b) if paragraph (a) does not apply—$200,000 multiplied by the number of living units for which the work was carried out.

(2) However, the commission must not pay more than the following amount for any 1 living unit for which the residential construction work was carried out—

(a) if optional additional cover is in force for the work—

(i) for all claims mentioned in section 20—$10,000; and

(ii) for all claims mentioned in sections 15 and 20—$300,000;



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(b) if paragraph (a) does not apply—

(i) for all claims mentioned in section 20—$5,000; and

(ii) for all claims mentioned in sections 15 and 20—$200,000.

(3) Also, the amount the commission may pay for the common property for a community titles scheme for all claims mentioned in sections 15 and 20 in relation to the residential construction work—

(a) must not be more than the maximum amount mentioned in section 37 for the residential construction work; and

(b) must be apportioned equally between each living unit for which the work was carried out.

(4) The amount apportioned for a living unit under subsection (3)(b) is counted for calculating the amount mentioned in subsection (2)(a)(ii) or (b)(ii).

## 37 Common property limit

(1) The maximum amount the commission may pay for the common property for a community titles scheme for the total of all claims mentioned in sections 7, 9, 10, 15 and 20 in relation to residential construction work is—

(a) if optional additional cover is in force for the work—the lesser of the following—

(i) $300,000 multiplied by the number of living units for which the work was carried out;

(ii) $1.3m; or

(b) if paragraph (a) does not apply—the lesser of the following—

(i) $200,000 multiplied by the number of living units for which the work was carried out;

(ii) $1m.



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(2) The amount mentioned in subsection (1) applies regardless of whether the residential construction work is substantially complete or not substantially complete.

## Division 5 Work for particular buildings

### 38 Application of division

This division states the maximum amount the commission may pay for all claims relating to residential construction work if the work was for any of the following buildings or any combination of the following buildings—

(a) 1 single detached dwelling;

(b) a related roofed building;

(c) a swimming pool, other than a swimming pool that is in or on a duplex or multiple dwelling.

### 39 Claims relating to incomplete work, defective work or vandalism or forcible removal of built work—work not substantially complete

(1) This section applies to the residential construction work if the work is not substantially complete.

(2) The maximum amount the commission may pay for all claims mentioned in the incomplete work provisions in relation to the residential construction work is—

(a) if optional additional cover is in force for the work—$300,000; or

(b) if paragraph (a) does not apply—$200,000.

(3) However, for all claims mentioned in sections 9 and 20, the commission must not pay more than—

(a) if optional additional cover is in force for the work—$10,000; or

(b) if paragraph (a) does not apply—$5,000.



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### 40 Claims for fire, storm or tempest—work not substantially complete

(1) This section applies to the residential construction work if the work is not substantially complete.

(2) The maximum amount the commission may pay for all claims mentioned in section 10, as a result of a defined event that is a fire, storm or tempest, in relation to the residential construction work is—

(a) if optional additional cover is in force for the work—$300,000; or

(b) if paragraph (a) does not apply—$200,000.

### 41 Claims relating to defective work—work substantially complete

(1) This section applies to the residential construction work if the work is substantially complete.

(2) The maximum amount the commission may pay for all claims mentioned in sections 15 and 20 in relation to the residential construction work is—

(a) if optional additional cover is in force for the work—$300,000; or

(b) if paragraph (a) does not apply—$200,000.

(3) However, for all claims mentioned in section 20 in relation to the residential construction work, the commission must not pay more than—

(a) if optional additional cover is in force for the work—$10,000; or

(b) if paragraph (a) does not apply—$5,000.



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# Division 6 Other work

## 42 Application of division

This division states the maximum amount the commission may pay for all claims relating to residential construction work if divisions 2 to 5 do not apply in relation to the work.

## 43 Claims relating to incomplete work, defective work or vandalism or forcible removal of built work—work not substantially complete

(1) This section applies to the residential construction work if the work is not substantially complete.

(2) The maximum amount the commission may pay for all claims mentioned in the incomplete work provisions in relation to the residential construction work is—

(a) if optional additional cover is in force for the work—$300,000; or

(b) if paragraph (a) does not apply—$200,000.

(3) However, the commission must not pay more than the following amount for any 1 living unit for which the residential construction work was carried out—

(a) if optional additional cover is in force for the work—

(i) for all claims mentioned in sections 9 and 20—$10,000 divided by the number of living units for which the work was carried out; and

(ii) for all claims mentioned in the incomplete work provisions—$300,000 divided by the number of living units for which the work was carried out;

(b) if paragraph (a) does not apply—

(i) for all claims mentioned in sections 9 and 20—$5,000 divided by the number of living units for which the work was carried out; and



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(ii) for all claims mentioned in the incomplete work provisions—$200,000 divided by the number of living units for which the work was carried out.

(4) Also, the amount the commission may pay for the common property for a community titles scheme for all claims mentioned in the incomplete work provisions in relation to the residential construction work—

(a) must not be more than the maximum amount stated in section 46 for the residential construction work; and

(b) must be apportioned between each living unit for which the residential construction work was carried out in proportion to the living unit's interest schedule lot entitlement.

(5) The amount apportioned for a living unit under subsection (4)(b) is counted for calculating the amount mentioned in subsection (3)(a)(ii) or (b)(ii).

## 44 Claims for fire, storm or tempest—work not substantially complete

(1) This section applies to the residential construction work if the work is not substantially complete.

(2) The maximum amount the commission may pay for all claims mentioned in section 10, as a result of a defined event that is a fire, storm or tempest, in relation to residential construction work is—

(a) if optional additional cover is in force for the work—$300,000; or

(b) if paragraph (a) does not apply—$200,000.

(3) However, the commission must not pay more than the following amount for any 1 living unit for which the residential construction work was carried out—

(a) if optional additional cover is in force for the work—$300,000 divided by the number of living units for which the work was carried out;



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(b) if paragraph (a) does not apply—$200,000 divided by the number of living units for which the work was carried out.

(4) Also, the amount the commission may pay for the common property for a community titles scheme for all claims mentioned in section 10, as a result of a defined event that is a fire, storm or tempest, in relation to the residential construction work—

(a) must not be more than the maximum amount stated in section 46 for the residential construction work; and

(b) must be apportioned between each living unit for which the residential construction work was carried out in proportion to the living unit's interest schedule lot entitlement.

(5) The amount apportioned for a living unit under subsection (4)(b) is counted for calculating the amount mentioned in subsection (3)(a) or (b).

## 45 Claims relating to defective work—work substantially complete

(1) This section applies to the residential construction work if the work is substantially complete.

(2) The maximum amount the commission may pay for all claims mentioned in sections 15 and 20 in relation to the residential construction work is—

(a) if optional additional cover is in force for the work—$300,000; or

(b) if paragraph (a) does not apply—$200,000.

(3) However, the commission must not pay more than the following amount for any 1 living unit for which the residential construction work was carried out—

(a) if optional additional cover is in force for the work—

(i) for all claims mentioned in section 20—$10,000 divided by the number of living units for which the work was carried out; and



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(ii) for all claims mentioned in sections 15 and 20—$300,000 divided by the number of living units for which the work was carried out;

(b) if paragraph (a) does not apply—

(i) for all claims mentioned in section 20—$5,000 divided by the number of living units for which the work was carried out; and

(ii) for all claims mentioned in sections 15 and 20—$200,000 divided by the number of living units for which the work was carried out.

(4) Also, the amount the commission may pay for the common property for a community titles scheme for all claims mentioned in sections 15 and 20 in relation to the residential construction work—

(a) must not be more than the maximum amount stated in section 46 for the residential construction work; and

(b) must be apportioned between each living unit for which the residential construction work was carried out in proportion to the living unit's interest schedule lot entitlement.

(5) The amount apportioned for a living unit under subsection (4)(b) is counted for calculating the amount mentioned in subsection (3)(a)(ii) or (b)(ii).

## 46 Common property limit

(1) The maximum amount the commission may pay for the common property for a community titles scheme for the total of all claims mentioned in sections 7, 9, 10, 15 and 20 in relation to residential construction work is—

(a) if optional additional cover is in force for the residential construction work—$300,000; or

(b) if paragraph (a) does not apply—$200,000.

(2) The amount mentioned in subsection (1) applies regardless of whether the residential construction work is substantially complete or not substantially complete.



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## Division 7 Maximum liability

### 47 Total maximum liability if work not started

The total maximum amount the commission may pay for all claims mentioned in section 5 relating to residential construction work is—

(a) if optional additional cover is in force for the work—$300,000; or

(b) if paragraph (a) does not apply—$200,000.

### 48 Total maximum liability if work started

(1) This section states the total maximum amount the commission may pay for all claims mentioned in sections 7, 9, 10, 15 and 20 relating to residential construction work.

(2) For residential construction work that includes the erection or construction of a multiple dwelling, the commission must not pay more than the following amount for each living unit for which the work was carried out—

(a) if optional additional cover is in force for the work—$300,000;

(b) if paragraph (a) does not apply—$200,000.

(3) For residential construction work, other than work mentioned in subsection (2), for which section 34 of the regulation applied for calculating the insurable value of the work, the commission must not pay more than the following amount for each living unit for which the work was carried out—

(a) if optional additional cover is in force for the work—$900,000;

(b) if paragraph (a) does not apply—$600,000.

(4) For residential construction work that is not substantially complete and for which section 35 of the regulation applied for calculating the insurable value of the work, the commission must not pay more than—



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(a) if optional additional cover is in force for the work—

(i) if notice of any of the claims was given to the commission under section 71C of the Act before 13 December 2019—$900,000; or

(ii) otherwise—$600,000; or

(b) if paragraph (a) does not apply—$400,000.

(5) For residential construction work that is substantially complete and for which section 35 of the regulation applied for calculating the insurable value of the work, the commission must not pay more than the following amount for each living unit for which the work was carried out—

(a) if optional additional cover is in force for the work—$300,000;

(b) if paragraph (a) does not apply—$200,000.

(6) For residential construction work that includes building work for 2 detached dwellings if section 36 of the regulation applied for calculating the insurable value of the work, the commission must not pay more than the following amount for each living unit for which the work was carried out—

(a) if optional additional cover is in force for the work—$900,000;

(b) if paragraph (a) does not apply—$600,000.

(7) For residential construction work that includes building work for 3 or more detached dwellings if section 36 of the regulation applied for calculating the insurable value of the work, the commission must not pay more than the following amount for each living unit for which the work was carried out—

(a) if optional additional cover is in force for the work—$300,000;

(b) if paragraph (a) does not apply—$200,000.

(8) For residential construction work not mentioned in subsections (2) to (7), the commission must not pay more than—



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(a) if optional additional cover is in force for the work—$900,000; or

(b) if paragraph (a) does not apply—$600,000.

# Part 5 General provisions about entitlement to assistance

## Division 1 Reasonable cost of work

### 49 Application of division

This division applies to a consumer for residential construction work if the consumer is entitled to claim the reasonable cost of—

(a) completing the residential construction work as mentioned in section 7(1); or

(b) reinstatement work; or

(c) rectification work.

### 50 Uniform appearance

(1) The reasonable cost the consumer is entitled to claim for the work includes the cost of using materials that, as far as reasonably possible, match materials already used for the built work, or a building adjoining the work, to create a uniform appearance.

(2) However, if materials are used that do not match materials already used for the built work or a building adjoining the work, the reasonable cost the consumer is entitled to claim for the work does not include the cost of replacing undamaged parts of the work or adjoining building to create a uniform appearance.



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## 51 Cost for certificates

(1) The reasonable cost the consumer is entitled to claim for the work includes the reasonable cost of—

(a) obtaining a certificate in relation to the work; and

(b) any inspections of the built work required for obtaining the certificate.

(2) However, subsection (1) does not apply to a certificate in relation to work carried out in whole or part by the licensed contractor who carried out the residential construction work for which the consumer is entitled to claim assistance.

(3) In this section—

***certificate*** means any of the following—

(a) a certificate of classification under the *Building Act 1975*, schedule 2;

(b) a certificate of inspection under the *Building Regulation 2021*;

(c) a final inspection certificate under the *Building Act 1975*, section 10(d)(ii).

## 52 Input tax credits and GST

(1) The reasonable cost the consumer is entitled to claim for the work—

(a) must be reduced by the amount of any input tax credits the commission is satisfied the consumer is entitled to claim in relation to the work for which the reasonable costs are claimed; and

(b) does not include any GST payable for a supply made, or that may be made, by the consumer.

(2) In being satisfied under subsection (1)(a), the commission may have regard to any matter the commission considers relevant in deciding whether the work for which the reasonable costs are claimed will relate to a taxable supply or an input taxed supply, including, for example—

(a) whether the consumer is registered for GST; and



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(b) the enterprise carried on by the consumer; and

(c) the way in which the consumer is likely to deal with the residential construction work.

(3) In this section—

***enterprise*** see the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth), section 9-20.

***input tax credit*** see the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth), section 195-1.

***input taxed supply*** means a supply that is input taxed under the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth).

***registered***, for GST, means registered under the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth).

***taxable supply*** see the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth), section 9-5.

## Division 2 No entitlement to assistance in particular circumstances

### 53 Loss caused or contributed to by particular matters

(1) A consumer for residential construction work is not entitled to claim assistance for loss caused or contributed to by any of the following—

(a) the defective design of built work if—

(i) for residential construction work for a multiple dwelling—the consumer contracted with someone, other than the licensed contractor who carried out the work, for the design; or

(ii) otherwise—the design was prepared by someone other than an engineer, an architect, a building designer or the licensed contractor who carried out the work;



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(b) the gradual deterioration of the built work caused by fair wear and tear or by the lack of maintenance or neglect of the work by the consumer;

(c) the failure of any person, other than the following, to undertake reasonable maintenance, inspection and treatment or to carry out the reasonable written recommendations given to the person by the commission—

(i) the licensed contractor who carried out the work;

(ii) an employee, subcontractor, supplier or invitee of the licensed contractor;

(d) pressure waves caused by an aircraft or another aerial device;

(e) earthquake, erosion, flood, landslip, tidal wave or change of watercourse;

(f) failure of an artificial device for the storage or conveyance of water or gas unless the construction of the device is part of the contract for carrying out the work;

(g) accidental damage, other than as a result of a failure by the licensed contractor who carried out the work, or an employee or subcontractor of the licensed contractor, to take proper care and skill in carrying out the residential construction work;

(h) a defective product;

(i) the act or omission of a third party, unless the loss is also caused or contributed to by—

(i) the licensed contractor who carried out the residential construction work or a subcontractor, supplier or invitee of the licensed contractor; or

(ii) an engineer, architect or building designer for the work;

(j) a terrorist act regardless of any other cause or event contributing at any time to the loss;



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(k) any action in controlling, preventing, suppressing, retaliating against or responding to a terrorist act.

(2) Also, a consumer for residential construction work is not entitled to claim assistance in relation to public or legal liability for the payment of compensation relating to death, bodily injury or illness of any person.

(3) In this section—

***building designer*** means a licensee who holds a licence of a class mentioned in schedule 2, any of parts 11 to 13.

***third party*** means a person other than—

(a) the licensed contractor who carried out the residential construction work or a subcontractor, supplier or invitee of the licensed contractor; and

(b) an engineer, architect or building designer for the work.

## 54 Electronic data

(1) A consumer for residential construction work is not entitled to claim assistance in relation to the following—

(a) the destruction, distortion, erasure, corruption, alteration, misinterpretation or misappropriation, in whole or in part, of electronic data;

(b) an error in creating, amending, entering, deleting or using electronic data;

(c) the inability or failure, in whole or in part, of the consumer to access, receive, send or use electronic data for any period as a result of any cause.

(2) In this section—

***electronic data***—

(a) means facts, concepts or information converted to a form usable for communications, display, distribution, interpretation or processing by electronic and electromechanical processing or electronically controlled equipment; and



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(b) includes programs, software and other coded instructions for the equipment.

## 55 Appliances

(1) This section applies if—

(a) an electrical appliance is supplied as part of the contract for carrying out residential construction work; and

(b) as part of the contract the electrical appliance will not be permanently fixed to any of the following on which the residential construction work is or is proposed to be carried out—

(i) a residence;

(ii) a related roofed building;

(iii) land.

(2) The consumer for the work is not entitled to claim assistance for loss suffered in relation to the electrical appliance.

(3) In this section—

***electrical appliance*** means an instrument, apparatus or device that is connected to an electricity supply by means of a flexible cord plug and socket outlet.

## 56 Work covered by insurance policy

(1) This section applies if loss suffered in relation to residential construction work is covered by the statutory insurance scheme and an insurance policy.

(2) The consumer for the work is not entitled to claim assistance for the work to the extent the work is covered by the insurance policy.

(3) Subsection (2) applies regardless of whether the consumer makes a claim under the insurance policy.

(4) In this section—

***insurance policy*** does not include cover under the statutory insurance scheme.



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### 57 Release from liability or provision of indemnity

(1) This section applies if a consumer for residential construction work—

(a) releases the licensed contractor who carries out the work, or another person, from liability for all or part of the work; or

(b) indemnifies the licensed contractor who carries out the work, or another person, in relation to all or part of the work.

(2) The consumer is not entitled to claim assistance for the work to the extent the consumer has released the licensed contractor or other person from liability for the work or indemnified the licensed contractor or other person in relation to the work.

### 58 Access to assess claim

A consumer for residential construction work is not entitled to claim assistance if the consumer unreasonably refuses the commission access to the built work for the purposes of assessing a claim for the work.

### 59 Defect in work apparent before work substantially complete

A consumer for residential construction work is not entitled to claim assistance in relation to a defect in the work if—

(a) the residential construction work is substantially complete; and

(b) the defect was apparent, or ought reasonably to have been apparent, to the consumer before the work was substantially complete.

### 60 Work damaged, defective or destroyed before purchase

(1) This section applies if—



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(a) a person purchases land, or a manufactured home, on or for which residential construction work has been carried out; and

(b) before completing the contract for the purchase of the land or manufactured home, the person knew or ought reasonably to have known the built work was damaged, defective or destroyed.

(2) The person is not entitled to claim assistance in relation to the following—

(a) the damage, defect or destruction;

(b) any damage resulting from the damage, defect or destruction.

(3) In this section—

***land*** includes a lot or common property in a community titles scheme.

## 61 Work no longer covered by statutory insurance scheme

(1) This section applies if—

(a) when residential construction work is carried out, the work is covered under the statutory insurance scheme; and

(b) the work is defective or incomplete; and

(c) when a claim for assistance is made, building work carried out on or for the built work would not be covered under the statutory insurance scheme because of section 67WB of the Act.

(2) The consumer for the residential construction work is not entitled to claim assistance for the work.

*Example of work for which the consumer is not able to claim assistance—*

work on a residence that is converted to a boarding house after the work is carried out but before a claim for assistance is made



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### 62 Cost of delay entering into contract

(1) This section applies if the commission gives a consumer for residential construction work written notice about the approval for a licensed contractor to—

(a) complete residential construction work as mentioned in section 7(1); or

(b) carry out reinstatement work; or

(c) carry out rectification work.

(2) The consumer is not entitled to claim assistance for loss that would not have been suffered if the consumer had entered into the contract with the licensed contractor within 28 days after receiving the notice.

### 63 Work covered by payment in settlement of claim

(1) The commission is not liable to make a payment for a matter the subject of a claim under the statutory insurance scheme relating to residential construction work if the commission has already made a payment for the same matter relating to the work in settlement of the matter.

(2) However, subsection (1) does not apply if—

(a) the payment previously made by the commission was made to a licensed contractor to perform work to rectify the matter; and

(b) the work was carried out in the way approved by the commission but did not rectify the matter.

### 64 Demolition, rectification or reinstatement without approval

(1) A consumer for residential construction work is not entitled to claim assistance in relation to the work if the consumer does any of the following without the prior written approval of the commission—

(a) demolishes the built work;

(b) rectifies the work;



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(c) reinstates the built work.

*Note—*

See section 67(2).

(2) In this section—

***approval*** does not include the following—

(a) a decision of the commission about the scope of works to be carried out to rectify residential construction work or reinstate built work;

(b) a decision of the commission to grant an application for an owner-builder permit.

# Part 6 Claims

## 65 Claim for assistance—Act, s 71C

(1) This section prescribes the requirements for section 71C of the Act.

(2) For a claim for assistance mentioned in section 5 or 7, the notice of the claim must include the following—

(a) either—

(i) a copy of the contract for the residential construction work the subject of the claim, including any variations to the contract; or

(ii) if a copy of the contract is not available—written evidence of the existence of a contract for the carrying out of the work, and any variations to the contract;

(b) if the contract for the work is validly terminated as mentioned in section 4(1)(a)—evidence the contract has been validly terminated;

(c) evidence of all payments made in relation to the work;

(d) a copy of any plans or specifications for the work.



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(3) For a claim for assistance mentioned in section 10(2) relating to vandalism or forcible removal of built work, the notice of the claim must include evidence the consumer reported the vandalism or forcible removal to the Queensland Police Service.

(4) If, for a claim for defective work, the consumer is required to give notice under section 66, the notice of the claim must include evidence that the consumer has complied with section 66.

(5) For all claims, the notice of the claim must be in writing and include any other information the commission reasonably requires to decide the claim.

## 66 Notice of claim to licensed contractor

(1) This section applies if a consumer for residential construction work that is substantially complete decides to make a claim under the statutory insurance scheme in relation to the work.

(2) The consumer must—

(a) serve a notice about the facts and circumstances giving rise to the claim on the licensed contractor who carried out the work; and

(b) give the licensed contractor a reasonable period stated in the notice to rectify the work.

(3) However, subsection (2) does not apply if—

(a) the licensed contractor dies; or

(b) the licensed contractor is a company and the company no longer exists; or

(c) both of the following apply—

(i) the licensed contractor is bankrupt or insolvent, or takes advantage of the laws of bankruptcy as a debtor under the *Bankruptcy Act 1966* (Cwlth) or a similar law of a foreign jurisdiction;

(ii) the licensed contractor's licence is cancelled.



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(4) The commission must not decide to allow or disallow the claim until after the end of the reasonable period stated in the notice given to the licensed contractor.

(5) This section does not prevent the consumer making the claim under the statutory insurance scheme before the end of the reasonable period stated in the notice given to the licensed contractor.

## 67 Direction to rectify before making decision on claim

(1) This section applies if—

(a) the commission is given notice of a claim for assistance; and

(b) the commission is of the opinion the residential construction work the subject of the claim is defective or incomplete.

(2) Before deciding to allow or disallow the claim, the commission must decide whether to give a direction to rectify or remedy the work under section 72 of the Act.

## 68 Time for complying with direction to end before making decision on claim

(1) This section applies if the commission gives a direction to rectify residential construction work under section 72 of the Act.

(2) The commission must not make a decision to allow or disallow a claim under the statutory insurance scheme in relation to the work until the period for complying with the direction has ended.

(3) However, the commission may make a decision to allow or disallow the claim before the period for complying with the direction has ended if—

(a) the licensed contractor dies; or

(b) the licensed contractor is a company and the company no longer exists; or



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(c) both of the following apply—

(i) the licensed contractor is bankrupt or insolvent, or takes advantage of the laws of bankruptcy as a debtor under the *Bankruptcy Act 1966* (Cwlth) or a similar law of a foreign jurisdiction;

(ii) the licensed contractor's licence is cancelled.

## 69 Notice of approval of claim

(1) If the commission decides to allow or disallow a claim under the statutory insurance scheme, the commission must, as soon as practicable after making the decision, give written notice of the decision to—

(a) the person making the claim; and

(b) the licensed contractor who carried out the residential construction work the subject of the claim.

(2) The notice given to the person making the claim must also include the reasons for the decision.

## 70 Consumer to act in good faith

(1) A consumer for residential construction work has a duty to the commission to act in good faith in relation to a claim for assistance.

*Example of acting in good faith—*

disclosing to the commission any matter the consumer knows, or ought reasonably to know, is relevant to the commission making a decision on the claim

(2) Subsection (3) applies if the commission makes a payment on a claim under the statutory insurance scheme and the consumer making the claim has not acted in good faith in relation to the claim.

(3) The commission may recover, as a debt payable by the consumer, the amount by which the payment exceeds the amount the commission would have paid if the consumer had acted in good faith in relation to the claim.



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## 71 Payment of claim for demolishing work

(1) This section applies if the commission allows a claim for assistance mentioned in section 7(3).

(2) The commission must not pay an amount under section 7(3)(b) until the built work the subject of the claim has been demolished.

## 72 Priority of payment on claim

(1) This section applies if the commission allows a claim for assistance in relation to residential construction work for 2 or more detached dwellings, or a duplex or multiple dwelling, in a community titles scheme.

(2) The commission must pay the claim in the following priority—

(a) firstly, for work for the common property for which the residential construction work the subject of the claim was carried out;

(b) secondly, for any building work reasonably required to be carried out to the detached dwellings, or a residential unit in the duplex or multiple dwelling, as a consequence of the work for the common property;

(c) thirdly, for work for the detached dwellings, or a residential unit in the duplex or multiple dwelling, for which the residential construction work the subject of the claim was carried out.

## 73 Way of making payment on claim

(1) If the commission allows a claim for assistance, the commission must pay the claim in 1 or more of the following ways decided by the commission—

(a) pay all or part of the claim to the licensed contractor, approved by the commission, who has contracted with the consumer making the claim to—

(i) carry out work the subject of the claim; or



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(ii) demolish the built work as mentioned in section 7(3)(a);

(b) pay all or part of the claim to the licensed contractor appointed by the commission to—

(i) carry out work the subject of the claim; or

(ii) demolish the built work as mentioned in section 7(3)(a);

(c) pay all or part of the claim to the consumer making the claim;

(d) if the claim is in relation to work on a building in a community titles scheme and the commission is satisfied the consumer making the claim owes a contribution or levy to the body corporate for the community titles scheme under the *Body Corporate and Community Management Act 1997*—pay all or part of the claim to the body corporate to the extent necessary to cover the amount owed by the consumer to the body corporate;

(e) if the consumer making the claim is a body corporate and the body corporate gives the commission a signed notice requesting all or part of the claim to be paid to 1 or more lot owners—pay all or part of the claim to 1 or more of the lot owners as stated in the notice.

(2) However, the commission may decide not to make a payment under subsection (1)(a) to a licensed contractor if the consumer—

(a) has a retention amount under the contract for the residential construction work the subject of the claim; and

(b) has not paid the retention amount to the licensed contractor.

(3) In this section—

***retention amount***, for a contract, means an amount—



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(a) payable as part of the contract price that, under the contract, may be withheld from payment to the licensed contractor—

(i) during the progress of the residential construction work the subject of the contract; or

(ii) for a period after the completion of the residential construction work the subject of the contract; or

(iii) both during the progress of the residential construction work the subject of the contract and for a period after the completion of the residential construction work the subject of the contract; and

(b) withheld for the purpose of giving financial protection to the consumer in relation to the need to correct defects in the residential construction work, or otherwise to secure, wholly or partly, the performance of the contract.

## 74 Payment of claim includes tax

If the commission makes a payment on a claim under the statutory insurance scheme, the payment is inclusive of any tax payable on the amount paid.



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# Schedule 7 Fees

sections 16(1)(b)(iii), 44(1) and 58(1)

| | | Fee units |
|---|---|---|
| 1 | Licence application fee for an individual (Act, s 33(1)(c)(ii)) (s 16(1)(b)(iii))— | |
| | (a) contractor's licence— | |
| | (i) for a trade contractor's licence or design licence to which category SC1 applies | 387.30 |
| | (ii) for a trade contractor's licence or design licence to which category SC2 applies | 442.60 |
| | (iii) for a builder contractor's licence to which category SC2 applies | 442.60 |
| | (iv) for a licence to which category 1 or 2 applies | 599.05 |
| | (v) for a licence to which any of categories 3 to 7 applies | 831.55 |
| | (b) nominee supervisor's licence or site supervisor's licence | 221.30 |
| | (c) fire protection occupational licence | 125.95 |
| | (d) mechanical services occupational licence | 125.95 |
| 2 | Licence application fee for a company (Act, s 33(1)(c)(ii)) (s 16(1)(b)(iii))— | |
| | (a) for a trade contractor's licence or design licence to which category SC1 applies | 646.75 |
| | (b) for a trade contractor's licence or design licence to which category SC2 applies | 738.35 |
| | (c) for a builder contractor's licence to which category SC2 applies | 738.35 |



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| | | Fee units |
|---|---|---|
| (d) | for a licence to which category 1 or 2 applies | 1,015.05 |
| (e) | for a licence to which any of categories 3 to 7 applies | 1,385.15 |
| 3 | Licence fee for an individual (Act, ss 33(1)(b) and (c)(ii), 37B(2)(b) and 39(3)(b)) (s 16(1)(b)(iii))— | |
| (a) | contractor's licence, for 1 year— | |
| (i) | for a trade contractor's licence or design licence to which category SC1 applies | 295.75 |
| (ii) | for a trade contractor's licence or design licence to which category SC2 applies | 370.00 |
| (iii) | for a builder contractor's licence to which category SC2 applies | 370.00 |
| (iv) | for a licence to which category 1 or 2 applies | 442.60 |
| (v) | for a licence to which any of categories 3 to 7 applies | 665.80 |
| (b) | contractor's licence, for 3 years— | |
| (i) | for a trade contractor's licence or design licence to which category SC1 applies | 754.20 |
| (ii) | for a trade contractor's licence or design licence to which category SC2 applies | 943.50 |
| (iii) | for a builder contractor's licence to which category SC2 applies | 943.50 |
| (iv) | for a licence to which category 1 or 2 applies | 1,128.60 |
| (v) | for a licence to which any of categories 3 to 7 applies | 1,698.00 |
| (c) | nominee supervisor's licence— | |
| (i) | for 1 year | 221.30 |
| (ii) | for 3 years | 564.25 |



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| | | Fee units |
|---|---|---|
| (d) | site supervisor's licence— | |
| | (i) for 1 year | 221.30 |
| | (ii) for 3 years | 564.25 |
| (e) | fire protection occupational licence— | |
| | (i) for 1 year | 125.95 |
| | (ii) for 3 years | 321.15 |
| (f) | mechanical services occupational licence— | |
| | (i) for 1 year | 125.95 |
| | (ii) for 3 years | 321.15 |
| 4 | Licence fee for a company (Act, ss 33(1)(b) and (c)(ii), 37B(2)(b) and 39(3)(b)) (s 16(1)(b)(iii))— | |
| (a) | for 1 year— | |
| | (i) for a trade contractor's licence or design licence to which category SC1 applies | 591.40 |
| | (ii) for a trade contractor's licence or design licence to which category SC2 applies | 738.35 |
| | (iii) for a builder contractor's licence to which category SC2 applies | 738.35 |
| | (iv) for a licence to which category 1 or 2 applies | 887.00 |
| | (v) for a licence to which any of categories 3 to 7 applies | 1,329.60 |
| (b) | for 3 years— | |
| | (i) for a trade contractor's licence or design licence to which category SC1 applies | 1,507.90 |
| | (ii) for a trade contractor's licence or design licence to which category SC2 applies | 1,882.75 |



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| | | Fee units |
|---|---|---|
| | (iii) for a builder contractor's licence to which category SC2 applies | 1,882.75 |
| | (iv) for a licence to which category 1 or 2 applies | 2,261.80 |
| | (v) for a licence to which any of categories 3 to 7 applies | 3,390.60 |
| 5 | Issue of— | |
| | (a) new licence card (Act, s 34(4)) | 8.80 |
| | (b) new licence certificate (Act, s 34(4)) | 31.05 |
| 6 | Restoration of licence (Act, s 39(3)(b)) | 125.95 |
| 7 | Application for owner-builder permit (Act, s 44(2)(d)) | 435.65 |
| 8 | Inspection of a register at the commission's offices (Act, s 103D) | 43.20 |
| 9 | Request for insurance information statement (s 44(1)) | 48.40 |



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# Schedule 7A Continued licences and saved provisions

sections 78 to 81

## Part 1 Contractors' and supervisors' licences under repealed Queensland Building Services Authority Regulation 1992

| Column 1 | Column 2 |
|---|---|
| **Continuing licence class under repealed regulation** | **Saved provisions of repealed regulation, schedule 2** |
| building restricted to alterations and additions | part 32 |
| building restricted to external finishes | part 33 |
| building restricted to building removal | part 34 |
| building restricted to renovations, repairs and maintenance | part 35 |
| building restricted to repairs and maintenance | part 37 |
| building restricted to non-structural renovations | part 38 |
| carpentry (formwork) | part 15 |
| carpentry restricted to framing | part 47 |
| carpentry restricted to lattice and other timber work | part 51 |
| concreting restricted to concrete repairs | part 52 |
| concreting restricted to light concreting | part 53 |
| concreting restricted to minor concrete work | part 54 |



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| Column 1 | Column 2 |
|---|---|
| **Continuing licence class under repealed regulation** | **Saved provisions of repealed regulation, schedule 2** |
| concreting restricted to special finishes | part 56 |
| specialised contracting—screw-in foundations | part 102 |
| floor finishing and covering restricted to floor sanding and finishing—timber floors | part 68 |
| floor finishing and covering restricted to install strip flooring (non-structural) | part 70 |
| floor finishing and covering restricted to seamless flooring | part 71 |
| floor finishing and covering restricted to install cork flooring | part 72 |
| floor finishing and covering restricted to install parquetry flooring | part 73 |
| painting restricted to roof painting | part 81 |
| painting restricted to special finishes | part 78 |
| plastering drywall restricted to cornice fixing | part 91 |
| plastering drywall restricted to partition installation | part 92 |
| plastering drywall restricted to plaster setting | part 93 |
| plastering drywall restricted to suspended ceiling fixing | part 94 |
| plastering drywall restricted to wallboard fixing | part 95 |
| plumbing and draining restricted to plumbing | part 83 |
| plumbing and draining restricted to wall cladding | part 90 |
| plumbing and draining restricted to skylight and ventilator installation | part 86 |



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| Column 1 | Column 2 |
|---|---|
| **Continuing licence class under repealed regulation** | **Saved provisions of repealed regulation, schedule 2** |
| plumbing and draining restricted to tanks—water supply | part 87 |
| specialised contracting—solid fuel heater installation | part 103 |
| refrigeration, air conditioning and mechanical services restricted to multipackaged residential air conditioning equipment and plant | part 97 |
| refrigeration, air conditioning and mechanical services restricted to residential evaporative cooling equipment | part 98 |
| refrigeration, air conditioning and mechanical services restricted to self-contained window package residential air conditioning installation | part 99 |
| roof tiling restricted to roof tile maintenance | part 100 |
| structural landscaping restricted to fences | part 104 |
| structural landscaping restricted to retaining walls | part 105 |
| swimming pool and spa construction restricted to finishes | part 106 |



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# Part 2 Contractors' and nominee supervisors' licences under expired Queensland Building and Construction Commission Regulation 2003

| Column 1 | Column 2 |
|---|---|
| **Continuing licence class under expired regulation** | **Saved former provisions of expired regulation** |
| fire suppression systems—special hazards mentioned in former schedule 2, part 30, section 1(1) | schedule 2, part 30, sections 1(1), 2(1) and (4), 3(1) and 4 to 6 |
| fire suppression systems—special hazards restricted to carrying out certain work mentioned in former schedule 2, part 30, section 1(2) | schedule 2, part 30, sections 1(2), 2(2) and (4), 3(2) and 4 to 6 |
| fire suppression systems—special hazards restricted to certification of, and preparation of reports about, certain work mentioned in former schedule 2, part 30, section 1(3) | schedule 2, part 30, sections 1(3), 2(3) and (4), 3(1) and 4 to 6 |



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# Part 3 Contractors' and nominee supervisors' licences under this regulation

| Column 1 | Column 2 |
|---|---|
| **Continuing licence class** | **Saved former provisions** |
| passive fire protection—fire doors and shutters—certify licence mentioned in former schedule 2, part 22, section 1(1) | schedule 2, part 22, sections 1(1), 2(1) and 3 to 6 |
| passive fire protection—fire collars, penetrations and joint sealing licence mentioned in former schedule 2, part 23, section 1 | schedule 2, part 23 |
| passive fire protection—fire and smoke walls and ceilings licence mentioned in former schedule 2, part 24, section 1 | schedule 2, part 24 |
| fire pump—inspect and test licence mentioned in former schedule 2, part 27, section 1(3) | schedule 2, part 27, sections 1(3), 2(3) and 3 to 6 |
| fire detection, alarm and warning systems—maintain—extra low voltage licence mentioned in former schedule 2, part 30, section 1(3) | schedule 2, part 30, sections 1(3), 2(3) and 3 to 6 |



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# Part 4 Fire protection occupational licences under this regulation

| Column 1 | Column 2 |
|---|---|
| **Continuing licence class** | **Saved former provisions** |
| passive fire protection—fire doors and shutters—certify occupational licence mentioned in former schedule 3, part 1, section 1(1) | schedule 3, part 1, sections 1(1), 2(1) and 3 |
| passive fire protection—fire collars, penetrations and joint sealing occupational licence mentioned in former schedule 3, part 2, section 1 | schedule 3, part 2 |
| passive fire protection—fire and smoke walls and ceilings occupational licence mentioned in former schedule 3, part 3, section 1 | schedule 3, part 3 |
| fire pumps—inspect and test occupational licence mentioned in former schedule 3, part 6, section 1(2) | schedule 3, part 6, sections 1(2), 2(2) and 3 |
| fire detection, alarm and warning systems—maintain—extra low voltage occupational licence mentioned in former schedule 3, part 9, section 1(3) | schedule 3, part 9, sections 1(3), 2(3) and 3 |



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# Schedule 7B Transitioned fire protection licences

sections 82 to 85

## Part 1 New licence classes not requiring upskilling

| Column 1 | Column 2 |
|---|---|
| **Former licence class** | **New licence class** |
| passive fire protection—fire doors and shutters—inspect and test licence mentioned in schedule 2, part 22, section 1(2), as in force immediately before the commencement | (a) fire protection—passive stream—inspect and test licence mentioned in schedule 2, part 22A, section 1(5); and<br>(b) if the licensee also held a licence in the class of 'fire equipment—passive (fire doors and fire shutters) restricted to carrying out certain work' on 31 December 2008—fire protection—passive stream—install and maintain—fire doors and fire shutters licence mentioned in schedule 2, part 22A, section 1(2) |
| special hazard suppression systems—install and maintain licence mentioned in schedule 2, part 25, section 1(3), as in force immediately before the commencement | fire protection—special hazard fire system stream—install and maintain licence mentioned in schedule 2, part 25, section 1(2) |



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| Column 1 | Column 2 |
|---|---|
| **Former licence class** | **New licence class** |
| sprinkler and suppression systems (reticulated water-based)—certify licence mentioned in schedule 2, part 26, section 1(1), as in force immediately before the commencement | fire protection—water-based fire system stream—certify licence mentioned in schedule 2, part 26, section 1(2) |
| sprinkler and suppression systems (reticulated water-based)—certify—restricted to commercial or industrial type licence mentioned in schedule 2, part 26, section 1(2), as in force immediately before the commencement | fire protection—water-based fire system stream—certify licence mentioned in schedule 2, part 26, section 1(2) |
| sprinkler and suppression systems (reticulated water-based)—certify—restricted to domestic or residential types licence mentioned in schedule 2, part 26, section 1(3), as in force immediately before the commencement | fire protection—water-based fire system stream—certify licence mentioned in schedule 2, part 26, section 1(2) |
| sprinkler and suppression systems (reticulated water-based)—install and maintain licence mentioned in schedule 2, part 26, section 1(4), as in force immediately before the commencement | fire protection—water-based fire system stream—install and maintain licence mentioned in schedule 2, part 26, section 1(3) |



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| Column 1 | Column 2 |
|---|---|
| **Former licence class** | **New licence class** |
| sprinkler and suppression systems (reticulated water-based)—install and maintain—restricted to commercial or industrial type licence mentioned in schedule 2, part 26, section 1(5), as in force immediately before the commencement | fire protection—water-based fire system stream—install and maintain—restricted to commercial and industrial types licence mentioned in schedule 2, part 26, section 1(4) |
| sprinkler and suppression systems (reticulated water-based)—install and maintain—restricted to domestic or residential type licence mentioned in schedule 2, part 26, section 1(6), as in force immediately before the commencement | fire protection—water-based fire system stream—install and maintain—restricted to domestic and residential types licence mentioned in schedule 2, part 26, section 1(5) |
| sprinkler and suppression systems (reticulated water-based)—inspect and test licence mentioned in schedule 2, part 26, section 1(7), as in force immediately before the commencement | fire protection—water-based fire system stream—install and maintain licence mentioned in schedule 2, part 26, section 1(3) |
| fire pump—certify licence mentioned in schedule 2, part 27, section 1(1), as in force immediately before the commencement | fire protection—water-based fire system stream—certify licence mentioned in schedule 2, part 26, section 1(2) |
| fire pump—install and maintain licence mentioned in schedule 2, part 27, section 1(2), as in force immediately before the commencement | fire protection—water-based fire system stream—install and maintain—restricted to commercial and industrial types licence mentioned in schedule 2, part 26, section 1(4) |



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| Column 1 | Column 2 |
|---|---|
| **Former licence class** | **New licence class** |
| fire hydrants and hose reels—certify licence mentioned in schedule 2, part 28, section 1(1), as in force immediately before the commencement | fire protection—water-based fire system stream—certify licence mentioned in schedule 2, part 26, section 1(2) |
| fire hydrants and hose reels—install and maintain licence mentioned in schedule 2, part 28, section 1(2), as in force immediately before the commencement | fire protection—water-based fire system stream—install and maintain—restricted to commercial and industrial types licence mentioned in schedule 2, part 26, section 1(4) |
| fire hydrants and hose reels—inspect and test licence mentioned in schedule 2, part 28, section 1(3), as in force immediately before the commencement | fire protection—portables stream—install and maintain licence mentioned in schedule 2, part 29, section 1(2) |
| portable fire equipment and hose reels (hose reels down stream of stop cock only)—certify licence mentioned in schedule 2, part 29, section 1(1), as in force immediately before the commencement | fire protection—portables stream—certify licence mentioned in schedule 2, part 29, section 1(1) |
| portable fire equipment and hose reels (hose reels down stream of stop cock only)—install and maintain licence mentioned in schedule 2, part 29, section 1(2), as in force immediately before the commencement | fire protection—portables stream—install and maintain licence mentioned in schedule 2, part 29, section 1(2) |



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| Column 1 | Column 2 |
|---|---|
| **Former licence class** | **New licence class** |
| fire detection, alarm and warning systems—certify licence mentioned in schedule 2, part 30, section 1(1), as in force immediately before the commencement | fire protection—electrical stream—certify—fire alarm systems licence mentioned in schedule 2, part 31, section 1(2) |
| emergency lighting—inspect and test licence mentioned in schedule 2, part 31, section 1(2), as in force immediately before the commencement | fire protection—electrical stream—inspect and test—emergency lighting licence mentioned in schedule 2, part 31, section 1(5) |
| passive fire protection—fire doors and shutters—inspect and test occupational licence mentioned in schedule 3, part 1, section 1(2), as in force immediately before the commencement | fire protection—passive stream—inspect and test occupational licence mentioned in schedule 3, part 1A, section 1(5) |
| special hazard suppression systems—install and maintain occupational licence mentioned in schedule 3, part 4, section 1(3), as in force immediately before the commencement | fire protection—special hazard fire system stream—install and maintain occupational licence mentioned in schedule 3, part 4, section 1(2) |
| sprinkler and suppression systems (reticulated water-based)—certify occupational licence mentioned in schedule 3, part 5, section 1(1), as in force immediately before the commencement | fire protection—water-based fire system stream—certify occupational licence mentioned in schedule 3, part 5, section 1(2) |



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| Column 1 | Column 2 |
|---|---|
| **Former licence class** | **New licence class** |
| sprinkler and suppression systems (reticulated water-based)—certify—restricted to commercial or industrial type occupational licence mentioned in schedule 3, part 5, section 1(2), as in force immediately before the commencement | fire protection—water-based fire system stream—certify occupational licence mentioned in schedule 3, part 5, section 1(2) |
| sprinkler and suppression systems (reticulated water-based)—certify—restricted to domestic or residential types occupational licence mentioned in schedule 3, part 5, section 1(3), as in force immediately before the commencement | fire protection—water-based fire system stream—certify occupational licence mentioned in schedule 3, part 5, section 1(2) |
| sprinkler and suppression systems (reticulated water-based)—inspect and test occupational licence mentioned in schedule 3, part 5, section 1(4), as in force immediately before the commencement | fire protection—water-based fire system stream—install and maintain occupational licence mentioned in schedule 3, part 5, section 1(3) |
| fire pumps—certify occupational licence mentioned in schedule 3, part 6, section 1(1), as in force immediately before the commencement | fire protection—water-based fire system stream—certify occupational licence mentioned in schedule 3, part 5, section 1(2) |
| fire hydrants and hose reels—certify occupational licence mentioned in schedule 3, part 7, section 1(1), as in force immediately before the commencement | fire protection—water-based fire system stream—certify occupational licence mentioned in schedule 3, part 5, section 1(2) |



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| Column 1 | Column 2 |
|---|---|
| **Former licence class** | **New licence class** |
| fire hydrants and hose reels—inspect and test occupational licence mentioned in schedule 3, part 7, section 1(2), as in force immediately before the commencement | fire protection—portables stream—install and maintain occupational licence mentioned in schedule 3, part 8, section 1(2) |
| portable fire equipment and hose reels (hose reels down stream of stop cock only)—certify occupational licence mentioned in schedule 3, part 8, section 1(1), as in force immediately before the commencement | fire protection—portables stream—certify occupational licence mentioned in schedule 3, part 8, section 1(1) |
| portable fire equipment and hose reels (hose reels down stream of stop cock only)—install and maintain occupational licence mentioned in schedule 3, part 8, section 1(2), as in force immediately before the commencement | fire protection—portables stream—install and maintain occupational licence mentioned in schedule 3, part 8, section 1(2) |
| fire detection, alarm and warning systems—certify occupational licence mentioned in schedule 3, part 9, section 1(1), as in force immediately before the commencement | fire protection—electrical stream—certify—fire alarm systems occupational licence mentioned in schedule 3, part 10, section 1(2) |
| emergency lighting—inspect and test occupational licence mentioned in schedule 3, part 10, section 1(2), as in force immediately before the commencement | fire protection—electrical stream—inspect and test—emergency lighting occupational licence mentioned in schedule 3, part 10, section 1(5) |



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# Part 2 New licence classes requiring upskilling

| Column 1<br>Former licence class | Column 2<br>New licence class | Column 3<br>Additional technical qualifications and day by which required |
|---|---|---|
| 1 special hazard suppression systems—certify—restricted to gaseous, water mist and reticulated foam proportioning systems licence mentioned in schedule 2, part 25, section 1(1), as in force immediately before the commencement | fire protection—special hazard fire system stream—certify licence mentioned in schedule 2, part 25, section 1(1) | if the licensee did not hold the licence of the former class mentioned in item 2 immediately before the commencement—successful completion of the following competency units—<br>• Certify wet and dry chemical suppression systems (installation) (QLD344HCI11A)<br>• Certify wet and dry chemical suppression systems (maintenance) (QLD344HCM14A)<br>1 May 2023 |



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| Column 1 | Column 2 | Column 3 |
|---|---|---|
| **Former licence class** | **New licence class** | **Additional technical qualifications and day by which required** |
| 2 special hazard suppression systems—certify—restricted to chemical and foam special hazard systems licence mentioned in schedule 2, part 25, section 1(2), as in force immediately before the commencement | fire protection—special hazard fire system stream—certify licence mentioned in schedule 2, part 25, section 1(1) | if the licensee did not hold the licence of the former class mentioned in item 1 immediately before the commencement—successful completion of the following competency units—<br>• Certify gaseous fire suppression systems (installation) (QLD344HGI12A)<br>• Certify gaseous fire suppression systems (maintenance) (QLD344HGM15A)<br>1 May 2023 |
| 3 special hazard suppression systems—maintain—restricted to gaseous, water mist and reticulated foam proportioning systems licence mentioned in schedule 2, part 25, section 1(4), as in force immediately before the commencement | fire protection—special hazard fire system stream—install and maintain licence mentioned in schedule 2, part 25, section 1(2) | successful completion of Certificate III in fire protection (CPC32813)<br>1 May 2035 |



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| Column 1<br>Former licence class | Column 2<br>New licence class | Column 3<br>Additional technical qualifications and day by which required |
|---|---|---|
| 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 | fire protection—electrical stream—install and maintain—fire alarm systems licence mentioned in schedule 2, part 31, section 1(4) | successful completion of—<br>(a) Certificate III in fire protection control (UEE31011) (the ***certificate***); and<br>(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<br>if the licensee is the holder of an electrical mechanic licence, successful completion of the following competency units—<br>• Prevent ozone depleting substance and synthetic greenhouse gas emissions (CPPFES2043A)<br>• Enter and verify programs for fire protection systems (UEEEC0026)<br>• Install fire detection and warning system apparatus (UEEEC0041) |



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| Column 1<br>Former licence class | Column 2<br>New licence class | Column 3<br>Additional technical qualifications and day by which required |
|---|---|---|
| | | • Repairs basic electronic apparatus faults by replacement of components (UEEEC0060)<br>• Verify compliance and functionality of fire protection system installation (UEEEC0076)<br>• Install and maintain cabling for multiple access to telecommunication services (UEEDV0005)<br>1 May 2035 |
| 5 emergency lighting—certify licence mentioned in schedule 2, part 31, section 1(1), as in force immediately before the commencement | fire protection—electrical stream—certify—emergency lighting licence mentioned in schedule 2, part 31, section 1(3) | successful completion of Certificate IV in fire systems compliance—fire detection including the following competency units—<br>• Provide photometric data for illumination system design (UEENEEG184A)<br>• Select effective and efficient light sources and luminaries for given locations and designs (UEENEEG185A)<br>1 May 2035 |



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| Column 1 | Column 2 | Column 3 |
|---|---|---|
| **Former licence class** | **New licence class** | **Additional technical qualifications and day by which required** |
| 6 special hazard suppression systems—certify—restricted to gaseous, water mist and reticulated foam proportioning systems occupational licence mentioned in schedule 3, part 4, section 1(1), as in force immediately before the commencement | fire protection—special hazard fire system stream—certify occupational licence mentioned in schedule 3, part 4, section 1(1) | if the licensee did not hold the licence of the former class mentioned in item 7 immediately before the commencement—successful completion of the following competency units—<br>• Certify wet and dry chemical suppression systems (installation) (QLD344HCI11A)<br>• Certify wet and dry chemical suppression systems (maintenance) (QLD344HCM14A)<br>1 May 2023 |
| 7 special hazard suppression systems—certify—restricted to chemical and foam special hazard systems occupational licence mentioned in schedule 3, part 4, section 1(2), as in force immediately before the commencement | fire protection—special hazard fire system stream—certify occupational licence mentioned in schedule 3, part 4, section 1(1) | if the licensee did not hold the licence of the former class mentioned in item 6 immediately before the commencement—successful completion of the following competency units—<br>• Certify gaseous fire suppression systems (installation) (QLD344HGI12A)<br>• Certify gaseous fire suppression systems (maintenance) (QLD344HGM15A)<br>1 May 2023 |



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| Column 1<br>Former licence class | Column 2<br>New licence class | Column 3<br>Additional technical qualifications and day by which required |
|---|---|---|
| 8 special hazard suppression systems—maintain—restricted to gaseous, water mist and reticulated foam proportioning systems occupational licence mentioned in schedule 3, part 4, section 1(4), as in force immediately before the commencement | fire protection—special hazard fire system stream—install and maintain occupational licence mentioned in schedule 3, part 4, section 1(2) | successful completion of Certificate III in fire protection (CPC32813)<br>1 May 2035 |
| 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 | fire protection—electrical stream—install and maintain—fire alarm systems occupational licence mentioned in schedule 3, part 10, section 1(4) | if the licensee is not the holder of an electrical mechanic licence, successful completion of—<br>(a) Certificate III in fire protection control (UEE31011) (the ***certificate***); and<br>(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)<br>1 May 2035 |



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| Column 1<br>Former licence class | Column 2<br>New licence class | Column 3<br>Additional technical qualifications and day by which required |
|---|---|---|
| 10 emergency lighting—certify occupational licence mentioned in schedule 3, part 10, section 1(1), as in force immediately before the commencement | fire protection—electrical stream—certify—emergency lighting occupational licence mentioned in schedule 3, part 10, section 1(3) | successful completion of Certificate IV in fire systems compliance—fire detection including the following competency units—<br>• Provide photometric data for illumination system design (UEENEEG184A)<br>• Select effective and efficient light sources and luminaries for given locations and designs (UEENEEG185A)<br>1 May 2035 |

# Schedule 8 Dictionary

section 3

***agency of the State*** includes the following—

(a) a department;

(b) a government owned corporation;

(c) an entity established under an Act;

(d) a rail government entity under the *Transport Infrastructure Act 1994*.

***approved managerial qualification***, for an individual applying for a contractor's or nominee supervisor's licence, means either of the following courses provided by a registered training organisation—

(a) Establish legal and risk management requirements of small business BSBSMB401;

(b) another course that the commission considers is at least equivalent to the course mentioned in paragraph (a).

***builder contractor's licence*** means—

(a) a licence of a class mentioned in schedule 2, any of parts 4 to 10; or

(b) a licence of any of the following classes mentioned in section 60—

(i) building restricted to alterations and additions;

(ii) building restricted to external finishes;

(iii) building restricted to building removal;

(iv) building restricted to renovations, repairs and maintenance;

(v) building restricted to repairs and maintenance;

(vi) building restricted to non-structural renovations.

***building certifier*** see the *Building Act 1975*, section 8.



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***building certifying function*** see the *Building Act 1975*, section 10.

***Building Code of Australia*** see the *Building Act 1975*, section 12.

***building envelope***, for a residence or related roofed building, see section 67WC(3) of the Act.

***built work***, for schedule 6, see schedule 6, section 2.

***certify***, in relation to fire protection equipment of a stated type, for schedule 2, parts 22A to 31 and schedule 3, see section 7A.

***class***, for a building, means the class for the building under the Building Code of Australia.

***commercial and industrial fire sprinkler systems***, for schedules 2 and 3, means fire sprinkler systems other than domestic fire sprinkler systems or residential fire sprinkler systems.

***common property***, for a community titles scheme, see the *Body Corporate and Community Management Act 1997*, section 10.

***community titles scheme*** see the *Body Corporate and Community Management Act 1997*, section 10.

***conviction***, of a person for a demerit offence, see section 67AQ of the Act.

***defective work***, for schedule 6, see schedule 6, section 14.

***defined event***, for schedule 6, see schedule 6, section 2.

***design licence*** means a licence of a class mentioned in—

(a) schedule 2, part 11, 12, 13 or 38; or

(b) schedule 2, part 26, section 1(1); or

(c) schedule 2, part 31, section 1(1).

***design requirements***, for fire protection equipment, means any of the following that is relevant to the equipment—

(a) an Australian Standard;



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(b) the Building Code of Australia;

(c) an international standard;

(d) the manufacturer's specifications;

(e) plans or designs approved under a building development approval under the *Building Act 1975*;

(f) the Queensland Development Code.

***detached dwelling*** means a residence that is a single detached dwelling or manufactured home.

***domestic fire sprinkler systems***, for schedules 2 and 3, means fire sprinkler systems for—

(a) class 1 buildings; or

(b) class 10a buildings attached to class 1 buildings.

***drainer—on-site sewerage facility licence***, for schedule 2, part 20, see schedule 2, part 20, section 6.

***duplex*** means a building comprising 2 residential units.

***electrical mechanic licence*** means either of the following licences issued under the *Electrical Safety Act 2002*—

(a) an electrical mechanic licence; or

(b) an electrical contractor licence, if the person to whom the licence is issued previously held an electrical mechanic licence under that Act.

***emergency lighting***, for schedule 2, parts 22A to 31 and schedule 3—

(a) means lighting designed and constructed to show an exit or an evacuation route from a building in the event of a fire; and

(b) includes signage associated with lighting mentioned in paragraph (a).

***ends***, for a fixed price residential contract, for schedule 6, see schedule 6, section 4.

***evacuation route*** see the *Building Fire Safety Regulation 2008*, section 5.



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***extra low voltage*** see the *Electrical Safety Act 2002*, schedule 2.

***fire***, for schedule 6, see schedule 6, section 2.

***fire alarm systems*** include—

(a) fire detection systems; and

(b) emergency warning and intercom systems; and

(c) the inputs, outputs and controls associated with the systems mentioned in paragraphs (a) and (b); and

(d) fire ventilation control systems; and

(e) monitoring systems and controls for fire suppression; and

(f) smoke and heat alarm systems and devices.

***fire and smoke walls***, for schedules 1AA, 2 and 3—

(a) generally, means smoke-proof walls or walls requiring a fire-resistance level under the Building Code of Australia; but

(b) does not include—

(i) masonry brick or block walls; or

(ii) pre-cast or in situ tilt-up concrete panels; but

(c) includes fire-rated grout associated with panels mentioned in paragraph (b)(ii).

***fire protection licence*** means a licence of a class mentioned in—

(a) schedule 2, any of parts 22A to 33; or

(b) schedule 3; or

(c) schedule 7A, any of parts 2 to 4.

***fire-rated ceilings*** means ceiling systems requiring a fire-resistance level under the Building Code of Australia.

***fire sprinkler systems***, for schedules 2 and 3, include—

(a) any of the following types of systems—

(i) deluge systems;



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(ii) drenchers;

(iii) pumped water mist systems;

(iv) wall wetting systems;

(v) other water-based fire sprinkler systems;

(vi) fixed foam proportioning and concentrate storage and delivery systems; and

(b) the pipework reticulation, pumps and valves associated with the systems.

***fixed price residential contract***, for schedule 6, see schedule 6, section 3.

***forcible removal***, of built work, for schedule 6, see schedule 6, section 2.

***gas system***, for schedule 2, part 36, see schedule 2, part 36, section 6.

***gas work***, for schedule 2, part 36, see schedule 2, part 36, section 6.

***gas work authorisation***, for schedule 2, part 36, see schedule 2, part 36, section 6.

***gas work licence***, for schedule 2, part 36, see schedule 2, part 36, section 6.

***general repair*** means a repair that is not carried out in connection with the preparation of a record of maintenance within the meaning of the *Building Fire Safety Regulation 2008*.

***incomplete work provisions***, for schedule 6, see schedule 6, section 2.

***insolvent***, for schedule 6, see schedule 6, section 2.

***inspect and test***, in relation to fire protection equipment of a stated type, for schedule 2, parts 22A to 31 and schedules 3 and 4, means each of the following—

(a) inspect, by visual examination, the components of the equipment to confirm—



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(i) the settings and physical condition of the equipment are correct; and

(ii) the equipment is fit for purpose; and

(iii) the equipment meets its design requirements;

(b) test the equipment, by confirming—

(i) the equipment or components of the equipment are functioning correctly; and

(ii) the equipment meets its design requirements;

(c) prepare a record of the results of the inspection and testing under paragraphs (a) and (b), other than a certificate mentioned in section 7A.

***install***, in relation to fire protection equipment of a stated type, means both of the following—

(a) do 1 or more of the following in a way that meets the design requirements for the equipment—

(i) place in position or connect the equipment so it is ready for use;

(ii) restore the equipment to its original operating specifications;

(iii) modify, or otherwise alter the performance of, the equipment;

(b) prepare an advice, report or other document, other than a certificate mentioned in section 7A, about the placement, restoration or modification under paragraph (a).

***insurance information statement***, about land or a manufactured home, means a written statement about—

(a) whether cover under the statutory insurance scheme is in force for residential construction work relating to the land or manufactured home; and

(b) if cover under the statutory insurance scheme is in force—whether a claim has been made under the scheme and any amount paid on the claim.



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***interested party***, for a building, means a party or prospective party to a contract of sale for the building.

***interest schedule lot entitlement***, for schedule 6, see schedule 6, section 2.

***liability amount***, for a consumer for residential construction work, for schedule 6, see schedule 6, section 2.

***licence application fee*** means the fee payable for an application for a licence stated in schedule 7, item 1 or 2.

***licence fee*** means the fee for a licence, or the renewal or restoration of a licence, stated in schedule 7, item 3 or 4.

***licensed contractor***, for schedule 6, see schedule 6, section 2.

***living unit*** means a living unit as mentioned in section 39.

***lot***, for schedule 6, see schedule 6, section 2.

***maintain***, in relation to fire protection equipment of a stated type, for schedule 2, parts 22A to 31 and schedules 3 and 4, means both of the following—

(a) do 1 or more of the following in a way that meets the design requirements for the equipment—

(i) inspect and test the equipment;

(ii) repair defective components or replace them with components substantially similar to the original working components to keep the equipment in working order according to the original specifications for the equipment;

(iii) carry out activities to prevent or minimise faults or malfunctions of the equipment;

*Examples of activities for subparagraph (iii)—*

- adjusting components
- cleaning, lubricating

(b) prepare an advice, report or other document, other than a certificate mentioned in section 7A, about the inspection and testing, repair or replacement or carrying out of activities under paragraph (a).



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***manufactured home*** see the *Manufactured Homes (Residential Parks) Act 2003*, section 10.

***mechanical services licence*** means a licence of a class mentioned in—

(a) schedule 2, part 47, 48, 48A or 48B; or

(b) schedule 3A.

***medical gas work*** means constructing, installing, replacing, repairing, altering, maintaining, testing or commissioning a medical gas system in a building.

***multiple dwelling*** means a building comprising 2 or more separate residential units, other than a duplex.

***prime cost item***, for a fixed price residential contract, for schedule 6, see schedule 6, section 2.

***private property*** includes a separate, distinct parcel of land for which an interest is recorded in a register under the *Land Act 1994*.

***provisional sum***, for a fixed price residential contract, for schedule 6, see schedule 6, section 2.

***Queensland Development Code*** see the *Building Act 1975*, section 13.

***rectification work***, for schedule 6, see schedule 6, section 15(1).

***refrigerant gas*** means a substance or mixture of substances, other than water, capable of undergoing a change in phase, that is used in a mechanical heating or cooling system.

***registered training organisation*** see the *National Vocational Education and Training Regulator Act 2011* (Cwlth), section 3.

***reinstatement work***, for schedule 6, see schedule 6, section 10(2).

***relevant special hazard fire systems*** means suppression, extinguishing or inerting systems that use stored pressure, a chemical reaction or compressed gas to discharge or generate any 1 or more of the following—



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(a) an aqueous solution;

(b) a chemical agent;

(c) a foam solution;

(d) a gaseous agent;

(e) hypoxic air;

(f) water.

***residential fire sprinkler systems***, for schedules 2 and 3, means fire sprinkler systems for class 2, class 3 or class 9c buildings—

(a) no more than 4 storeys; and

(b) with a gross floor area of no more than 5,000m$^2$.

***storm***, for schedule 6, see schedule 6, section 2.

***structural defect***, for primary insurable work, for schedule 6, see schedule 6, section 2.

***substantially complete***, for residential construction work, for schedule 6, see schedule 6, section 2.

***supporting structure***, for a sign, is a structure the main purpose of which is to display the sign, including any structure attached to or suspended from a building to allow the sign to be displayed, including, for example, a sign case or other box-type structure, but does not include the building.

***swimming pool*** see the *Building Act 1975*, schedule 2.

***technical qualifications document*** means the document called 'Technical Qualifications for Licensing' made by the chief executive and published on the department's website.

***terrorist act***, for schedule 6, see schedule 6, section 2.

***trade contractor's licence*** means a licence other than a builder contractor's licence.

***Type A***, for construction, means Type A construction under the Building Code of Australia.

***Type B***, for construction, means Type B construction under the Building Code of Australia.



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***unrestricted electrical contractor licence*** means an electrical contractor licence under the *Electrical Safety Act 2002* that does not include any conditions or restrictions.

***vandalism***, of built work, for schedule 6, see schedule 6, section 2.