



Queensland

Domestic Building Contracts Act 2000

Domestic Building Contracts Regulation 2000

Reprinted as in force on 6 November 2009

Reprint No. 2B

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

NOT FURTHER AMENDED
LAST REPRINT BEFORE REPEAL
See 2010 SL No. 33 s 7

Information about this reprint

This regulation is reprinted as at 6 November 2009. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

Domestic Building Contracts Regulation 2000

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Domestic Building Contracts Regulation 2000

[as amended by all amendments that commenced on or before 6 November 2009]

1 Short title

This regulation may be cited as the *Domestic Building Contracts Regulation 2000*.

2 Commencement

This regulation commences on 1 July 2000.

2A Prescribed matters for Act, s 27(2)(h)

For the Act, section 27(2)(h), the contract must not contain a provision that—

- (a) is contrary to the QBSA Act; or
- (b) purports to exclude, limit or otherwise change the effect of a provision of the QBSA Act.

Examples—

- 1 A contractual provision that deems a direction under the QBSA Act, section 72 given to a construction manager or other building contractor to be a direction given to someone else.
- 2 A contractual provision that requires a building owner to indemnify a construction manager or other building contractor against all liabilities and costs that may arise if a direction under the QBSA Act, section 72 is given to a construction manager or other building contractor.

3 Prescribed matters for Act, s 65(3)(b)

- (1) This section prescribes the way an agreement is to be made, and the requirements the agreement must satisfy, for section 65(3)(b) of the Act.
- (2) Before the agreement is made the building contractor must give the consumer a notice—

[s 4]

- pointing out that the Act generally prohibits a building contractor under a regulated contract from demanding or receiving an amount under the contract, other than a deposit, unless the amount is directly related to the progress of the subject work
 - explaining why the prohibition is not applicable in the circumstances
 - identifying the clause or other part of the contract setting out the payment terms.
- (3) The building contractor must ensure that the consumer initials the clause or other part of the contract providing for a payment, other than a deposit, to be made that is not directly related to progress of the work.
- (4) If there is more than 1 clause or part of the type mentioned in subsection (3), it is sufficient for the consumer to initial 1 of the clauses or parts.

4 Prescribed matters for Act, s 66(6)(b)

- (1) This section prescribes the way an agreement is to be made, and the requirements the agreement must satisfy, for section 66(6)(b) of the Act.
- (2) Before the agreement is made the contractor must give the consumer a notice—
- pointing out that the Act generally prohibits a building contractor under a designated stages contract from demanding or receiving progress payments that are more than the amounts set out in the Act
 - advising the content of the relevant table in section 66(3), (4) or (5)
 - explaining why the prohibition is not applicable in the circumstances
 - identifying the clause or other part of the contact setting out the progress payments payable.

- (3) The building contractor must ensure that the consumer initials the clause or other part of the contract setting out the progress payments payable.
- (4) If there is more than 1 clause or part setting out the progress payments payable, it is sufficient for the consumer to initial 1 of the clauses or parts.

5 Fees

The fees payable under the Act are in the schedule.

Schedule Fees

section 5

| | | |
|---|---|-----------|
| | | \$ |
| 1 | Fee under section 100 of the Act for supplying a copy of a contract information statement | 2.35 |

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 6 November 2009. Future amendments of the Domestic Building Contracts Regulation 2000 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

| Key | Explanation | Key | Explanation |
|--------|--------------------------------|---------|---|
| AIA | = Acts Interpretation Act 1954 | (prev) | = previously |
| amd | = amended | proc | = proclamation |
| amdt | = amendment | prov | = provision |
| ch | = chapter | pt | = part |
| def | = definition | pubd | = published |
| div | = division | R[X] | = Reprint No. [X] |
| exp | = expires/expired | RA | = Reprints Act 1992 |
| gaz | = gazette | reloc | = relocated |
| hdg | = heading | renum | = renumbered |
| ins | = inserted | rep | = repealed |
| lap | = lapsed | (retro) | = retrospectively |
| notfd | = notified | rv | = revised edition |
| num | = numbered | s | = section |
| o in c | = order in council | sch | = schedule |
| om | = omitted | sdiv | = subdivision |
| orig | = original | SIA | = Statutory Instruments Act 1992 |
| p | = page | SIR | = Statutory Instruments Regulation 2002 |
| para | = paragraph | SL | = subordinate legislation |
| prec | = preceding | sub | = substituted |
| pres | = present | unnum | = unnumbered |
| prev | = previous | | |

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

| Reprint No. | Amendments to | Effective | Reprint date |
|-------------|-----------------|----------------|----------------|
| 1 | 2000 SL No. 210 | 11 August 2000 | 30 August 2000 |

| Reprint No. | Amendments included | Effective | Notes |
|-------------|---------------------|------------------|-----------------------|
| 1A | 2004 SL No. 294 | 17 December 2004 | |
| 1B | 2005 SL No. 96 | 1 July 2005 | |
| 1C | 2006 SL No. 93 | 1 July 2006 | |
| 1D | 2007 SL No. 94 | 1 July 2007 | |
| 1E | 2008 SL No. 140 | 1 July 2008 | R1E withdrawn, see R2 |
| 2 | — | 1 July 2008 | |
| 2A | 2009 SL No. 70 | 1 July 2009 | |
| 2B | 2009 SL No. 243 | 6 November 2009 | |

5 List of legislation

Domestic Building Contracts Regulation 2000 SL No. 155

made by the Governor in Council on 29 June 2000
notfd gaz 30 June 2000 pp 736–48
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2000 (see s 2)
exp 1 September 2010 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Domestic Building Contracts Amendment Regulation (No. 1) 2000 SL No. 210

notfd gaz 11 August 2000 pp 1322–3
commenced on date of notification

Queensland Building Services Authority and Other Legislation Amendment Regulation (No. 1) 2004 SL No. 294 pts 1, 3

notfd gaz 17 December 2004 pp 1277–85
commenced on date of notification

Queensland Building Services Authority and Other Legislation Amendment Regulation (No. 1) 2005 SL No. 96 pts 1, 3

notfd gaz 27 May 2005 pp 308–11
s 7 commenced 1 July 2005 (see s 2)
remaining provisions commenced on date of notification

**Queensland Building Services and Other Legislation Amendment Regulation (No. 1)
2006 SL No. 93 pts 1, 3**

notfd gaz 26 May 2006 pp 340–3
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2006 (see s 2)

**Queensland Building Services Authority and Other Legislation Amendment
Regulation (No. 1) 2007 SL No. 94 pts 1, 3**

notfd gaz 1 June 2007 pp 582–4
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2007 (see s 2)

**Queensland Building Services Authority and Other Legislation Amendment
Regulation (No. 1) 2008 SL No. 140 pts 1, 3**

notfd gaz 30 May 2008 pp 674–6
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2008 (see s 2)

**Queensland Building Services Authority and Other Legislation Amendment
Regulation (No. 1) 2009 SL No. 70 pts 1, 4**

notfd gaz 29 May 2009 pp 409–10
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2009 (see s 2)

**Queensland Building Services Authority and Other Legislation Amendment
Regulation (No. 2) 2009 SL No. 243 s 1, pt 3**

notfd gaz 6 November 2009 pp 728–30
commenced on date of notification

6 List of annotations

Prescribed matters for Act, s 27(2)(h)

s 2A ins 2009 SL No. 243 s 6

Prescribed matters for Act, s 65(3)(b)

s 3 (prev s 2) renum 2000 SL No. 210 s 3

Prescribed matters for Act, s 66(6)(b)

s 4 (prev s 3) renum 2000 SL No. 210 s 3

Fees

s 5 (prev s 4) renum 2000 SL No. 210 s 3

SCHEDULE—FEES

amd 2000 SL No. 210 s 4; 2004 SL No. 294 s 8; 2005 SL No. 96 s 7; 2006 SL
No. 93 s 6; 2007 SL No. 94 s 6; 2008 SL No. 140 s 6; 2009 SL No. 70 s 14