



Queensland

Queensland Building and Construction Commission and Other Legislation Amendment Regulation (No. 1) 2015

Subordinate Legislation 2015 No. 29

made under the

Building and Construction Industry Payments Act 2004
Queensland Building and Construction Commission Act 1991
State Penalties Enforcement Act 1999

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Queensland Building and Construction Commission and Other Legislation Amendment
Regulation (No. 1) 2015

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Queensland Building and Construction Commission and Other Legislation Amendment Regulation (No. 1) 2015*.

2 Commencement

- (1) This regulation, other than part 2, commences on 1 July 2015.
- (2) Part 2 commences on 1 June 2015.

Part 2 Amendment of Building and Construction Industry Payments Regulation 2004

3 Regulation amended

This part amends the *Building and Construction Industry Payments Regulation 2004*.

4 Replacement of s 2A (Approval of board's policy—Act, s 101(2))

Section 2A—
omit, insert—

2A Approval of Queensland Building and Construction Board's policies—Act, s 101(2)

For section 101(2) of the Act, the policies stated in schedule 1 are approved.

5 Insertion of new s 3B

After section 3A—

insert—

3B Mandatory transition training and cost of training—Act, s 120(1)

- (1) For section 120(1) of the Act—
 - (a) the mandatory transition training is the ‘Mandatory Transitional Training Course’ approved by the commission and notified by the commission on the commission’s website; and
 - (b) the cost of the training is \$650.

Editor’s note—

The commission’s website is at www.qbcc.qld.gov.au.

- (2) To remove any doubt, it is declared that an adjudicator who has completed the Mandatory Transitional Training Course before the commencement of this section is taken to have complied with the condition imposed under section 120(1) of the Act.

6 Insertion of new sch 1

Before schedule 2—

insert—

Schedule 1 Approved policies

section 2A

- 1 Adjudicator Grading and Referral Policy 2015 made by the Queensland Building and Construction Board on 6 May 2015

number stated opposite the offence in schedule 2AA, column 2.

Part 5B Domestic building contracts

27AC Level 2 amount—Act, sch 1B, s 7

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

27AD Building that is not a home—Act, sch 1B, s 9

For schedule 1B, section 9(2) of the Act, 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;
- (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.

**27AE Publication of consumer building
guide—Act, sch 1B, s 46**

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

Editor's note—

The commission's website is at
<www.qbcc.qld.gov.au>.

9 Amendment of s 33 (Particulars in register—Act, s 99(2)(d))

(1) Section 33, heading, 's 99(2)(d)'—

omit, insert—

s 99(2)(e)

(2) Section 33(1), 'section 99(2)(d)'—

omit, insert—

section 99(2)(e)

10 Insertion of new sch 2AA

After schedule 2A—

insert—

Schedule 2AA Demerit offences

sections 27AA and 27AB

Column 1	Column 2
Demerit offence	Demerit points
s 42B(1)	10
s 42D	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 of paragraph (b) of the penalty	8
s 67G(1)	4

Column 1	Column 2
s 67G(2)	4
s 67G(3)	4
s 67I(4)	4
s 67V(1)	4
s 68(1)	4
s 73	10
s 106B(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
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

Column 1	Column 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

Part 4 Amendment of State Penalties Enforcement Regulation 2014

11 Regulation amended

This part amends the *State Penalties Enforcement Regulation 2014*.

12 Amendment of sch 1 (Infringement notice offences and fines for nominated laws)

- (1) Schedule 1, entry for the *Domestic Building Contracts Act 2000*—
omit.
- (2) Schedule 1, entry for the *Queensland Building and Construction Commission Act 1991*, entry for section 72(10)—
omit.
- (3) Schedule 1, entry for the *Queensland Building and Construction Commission Act 1991*—
insert—

s 73	20
s 101(1)	2

sch 1B, s 15	6
sch 1B, s 16(2)	4
sch 1B, s 17(2)	2
sch 1B, s 18(2)	2
sch 1B, s 30	10
sch 1B, s 31(2)	10
sch 1B, s 31(5)	1
sch 1B, s 33(1)	10
sch 1B, s 34(1)	5
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)	10

- (4) Schedule 1, entry for the *Queensland Building and Construction Commission Act 1991*—

insert—

Administering authority for an infringement notice offence that is an offence against a provision of the *Queensland Building and Construction Commission Act 1991*, or an infringement notice about the offence—the Queensland Building and Construction Commission

ENDNOTES

- 1 Made by the Governor in Council on 28 May 2015.
- 2 Notified on the Queensland legislation website on 29 May 2015.
- 3 The administering agency is the Department of Housing and Public Works.

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Authorised by the Parliamentary Counsel