



Queensland

Building Industry Fairness (Security of Payment) and Other Legislation Amendment Regulation 2020

Subordinate Legislation 2020 No. 241

made under the

Building Act 1975

Building Industry Fairness (Security of Payment) Act 2017

Plumbing and Drainage Act 2018

Queensland Building and Construction Commission Act 1991

State Penalties Enforcement Act 1999

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Building Industry Fairness (Security of Payment) and Other Legislation Amendment Regulation 2020*.

2 Commencement

- (1) The following provisions commence on 1 October 2020—
 - (a) part 2, other than sections 12 and 13;
 - (b) part 5, other than sections 22, 23 and 24(2) and (3);
 - (c) part 6, other than sections 26, 32(3) and (4), 33 and 34;
 - (d) part 7, other than section 37(1), (6) and (7).
- (2) The following provisions commence on 1 March 2021—
 - (a) section 12;
 - (b) part 3;
 - (c) sections 22, 23, 24(2) and (3);
 - (d) section 37(1), (6) and (7).
- (3) The following provisions commence on 1 May 2021—
 - (a) part 4;
 - (b) sections 26, 32(3) and (4), 33 and 34.

Part 2 Amendment of Building Regulation 2006

3 Regulation amended

This part amends the *Building Regulation 2006*.

4 Amendment of s 19 (Building certifier’s obligation to keep record of decision about competency)

Section 19, ‘5 years’—

omit, insert—

7 years

5 Replacement of s 51A (Approval of amendment of QDC by adding part MP 1.4)

Section 51A—

omit, insert—

51A Queensland Development Code—Act, s 13

- (1) For section 13(1) of the Act, the parts, or the aspects of the parts, of the document called ‘Queensland Development Code’ stated in schedule 2E are prescribed.
- (2) For section 13(2) of the Act, the part, or the aspect of the part, takes effect on the day stated in schedule 2E, column 3, for the part or the aspect of the part.

6 Omission of ss 51AB and 51AC

Sections 51AB and 51AC—

omit.

7 Replacement of s 51B (Approval of amendment of QDC by adding part MP 2.5)

Section 51B—

omit, insert—

**51B Approval of replacement of code of conduct—
Act, s 129**

- (1) The replacement of the code of conduct by the chief executive on 9 September 2020 with the

document called ‘Code of conduct for building certifiers’ made by the chief executive on 9 September 2020 is approved under section 129(3) of the Act.

(2) The replacement takes effect on 1 October 2020.

8 Insertion of new ss 51BA–51BC

After section 51B—

insert—

51BADemerit offences—Act, s 214A, definition *demerit offence*

For section 214A of the Act, definition *demerit offence*, an offence against a provision of the Act stated in schedule 2F, column 1 is prescribed.

51BB Demerit points—Act, s 214E

For section 214E(2) of the Act, the number of demerit points stated in schedule 2F, column 2 opposite a demerit offence is prescribed for the offence.

51BC QDC residential design and siting provisions—Act, sch 2, definition *QDC residential design and siting provisions*

For schedule 2 of the Act, definition *QDC residential design and siting provisions*, the aspects of parts MP 1.1 and MP 1.2 of the QDC, stated in schedule 2E, are prescribed.

9 Omission of ss 51BE–51BLC

Sections 51BE to 51BLC—

omit.

[s 10]

10 Amendment of s 52A (Prescribed accreditation standards body—Act, s 184(1)(b))

(1) Section 52A, heading, ‘184(1)(b)’—

omit, insert—

184

(2) Section 52A, from ‘Act,’—

omit, insert—

Act, the following entities are prescribed to be accreditation standards bodies—

- (a) the Australian Institute of Building Surveyors;
- (b) the Royal Institution of Chartered Surveyors.

11 Insertion of new schs 2E and 2F

After schedule 2D—

insert—

**Schedule 2E Queensland
Development Code**

sections 51A and 51BC

Part	Description of part or aspect of the part	Day part or aspect takes effect
Siting and amenity—detached housing and duplexes		

Part	Description of part or aspect of the part	Day part or aspect takes effect
MP 1.1 published 11 March 2010	Design and siting standard for single detached housing on lots under 450m ² , but only— (a) the headings ‘application’ and ‘commencement’ and the words under those headings; and (b) performance criteria 1, 2, 3 and 6; and (c) the acceptable solutions for the performance criteria; and (d) definitions relevant to the provisions mentioned in paragraphs (a) to (c)	26 March 2010
MP 1.2 published 11 March 2010	Design and siting standard for single detached housing on lots 450m ² and over, but only— (a) the headings ‘application’ and ‘commencement’ and the words under those headings; and (b) performance criteria 1, 2, 3 and 6; and (c) the acceptable solutions for the performance criteria; and (d) definitions relevant to the provisions mentioned in paragraphs (a) to (c)	26 March 2010
MP 1.3 published 11 March 2010	Design and siting standard for duplex housing	26 March 2010
MP 1.4 published 13 November 2014	Building over or near relevant infrastructure	15 December 2014

Part	Description of part or aspect of the part	Day part or aspect takes effect
Fire safety		
MP 2.1 published 5 March 2008	Fire safety in budget accommodation buildings	4 April 2008
MP 2.2 published 5 March 2008	Fire safety in residential care buildings	4 April 2008
MP 2.3 published 14 June 2011	Fire safety in existing residential buildings (pre 1 June 2007)	1 September 2011
MP 2.5 published 10 October 2019	Use of external cladding	18 October 2019
Special buildings and structures		
MP 3.1 published 16 November 2007	Floating buildings	1 January 2008
MP 3.2 published 16 November 2007	Tents	1 January 2008

Part	Description of part or aspect of the part	Day part or aspect takes effect
MP 3.3 published 6 May 2014	Temporary accommodation buildings and structures	27 June 2014
MP 3.4 published 18 July 2012	Swimming pool barriers	27 July 2012
MP 3.5 published 12 December 2013	Construction of buildings in flood hazard areas	20 December 2013
MP 3.6 published 23 January 2014	Commonwealth games village accommodation buildings	7 February 2014
MP 3.7 published 25 May 2015	Farm buildings	1 June 2015
Building sustainability		
MP 4.1 published 15 January 2013	Sustainable buildings	1 February 2013

Part	Description of part or aspect of the part	Day part or aspect takes effect
MP 4.2 published 15 January 2013	Rainwater tanks and other supplementary water supply systems	1 February 2013
MP 4.3 published 15 January 2013	Supplementary water sources – commercial buildings	1 February 2013
MP 4.4 published 29 May 2015	Buildings in a transport noise corridor	17 August 2015
General health, safety and amenity		
MP 5.2 published 16 November 2007	Higher risk personal appearance services	1 January 2008
MP 5.3 published 16 November 2007	Retail meat premises	1 January 2008
MP 5.5 published 16 November 2007	Private health facilities	1 January 2008

Part	Description of part or aspect of the part	Day part or aspect takes effect
MP 5.6 published 16 November 2007	Pastoral workers' accommodation	1 January 2008
MP 5.7 published 16 November 2007	Residential services building standard	1 January 2008
Maintenance of buildings		
MP 6.1 published 6 May 2014	Maintenance of fire safety installations	1 July 2014

Note—

Parts, or aspects of a part, mentioned in this schedule may have taken effect before the commencement of this schedule. For those parts or aspects, the date stated in column 3 for the part or aspect is the date the part or aspect took effect under section 13 of the Act as in force before the commencement.

Schedule 2F Demerit offences

sections 51BA and 51BB

Column 1	Column 2
Demerit offence	Demerit points
s 83(1)	8
s 84(1)	8
s 84(2)	8
s 86(1)	2
s 88(2)	3
s 88(2B)	8
s 88(6)	1
s 99(2)	2
s 102(2)	1
s 107(2)	2
s 108	2
s 122	5
s 124A(3)	1
s 125	8
s 126	8
s 134	8
s 135(1)	8
s 135(2)	8
s 136(1)	10
s 143(2)	2
s 143A(3)	2
s 143A(4)	2

Column 1	Column 2
Demerit offence	Demerit points
s 143B(5)	2
s 143B(6)	1
s 147(2)	1
s 148(2)	5
s 149(1)	2
s 149(3)	2
s 150	1
s 183(2) if paragraph (b) of the penalty applies	2
s 195(4)	3
s 202(1)	8
s 203(1)	8

12 Amendment of sch 2E (Queensland Development Code)

Schedule 2E, as inserted by this regulation, entry for MP 4.1—

omit, insert—

MP 4.1 published 17 September 2020	Sustainable buildings	1 March 2021
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13 Amendment of sch 4 (Dictionary)

Schedule 4, definition *assessable building work*, ‘assessable development’—

omit, insert—

accepted development

Part 3

Amendment of Building Industry Fairness (Security of Payment) Regulation 2018

14 Regulation amended

This part amends the *Building Industry Fairness (Security of Payment) Regulation 2018*.

15 Replacement of pt 2 (Project bank accounts)

Part 2—

omit, insert—

Part 2

Trusts

Division 1

General

4 Work included as project trust work—Act, s 8A

- (1) For section 8A(2) of the Act, the following work is prescribed to be project trust work—
 - (a) the management and removal of scaffolding if the scaffolding is used for carrying out other project trust work;
 - (b) the construction, installation, alteration or repair of a swimming pool, whether associated with a building or not.
- (2) In this section—

swimming pool see the *Building Act 1975*, schedule 2.

5 Work that is not project trust work—Act, s 8A

- (1) For section 8A(3) of the Act, the following work is prescribed not to be project trust work—
- (a) the construction, maintenance or repair of a busway, road or railway;
 - (b) the construction, maintenance or repair of a tunnel for a busway, road or railway;
 - (c) an authorised activity for a resource authority.

- (2) In this section—

authorised activity, for a resource authority, see the *Mineral and Energy Resources (Common Provisions) Act 2014*, schedule 2.

busway—

- (a) means a route especially designed and constructed for, and dedicated to, the priority movement of buses for passenger transport; and
- (b) includes—
 - (i) places for the taking on and letting off of passengers of buses using the busway; and
 - (ii) a causeway or culvert in, on, or under a busway that is associated with the busway; and
 - (iii) another structure that supports a busway or has the purpose of ensuring the safe or efficient use of a busway.

Example for subparagraph (iii)—

bridge, fence, gate, pedestrian overpass,
pillar, sign

driveway means—

- (a) a surface constructed—

- (i) on 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.

private property includes a separate or distinct parcel of land for which an interest is recorded in a register under the *Land Act 1994*.

railway—

- (a) means a guided system designed for the movement of rolling stock having the capability of transporting passengers, livestock or freight on a track with a gauge of 600mm or more; and
- (b) includes a railway station or platform.

resource authority see the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 10.

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.

rolling stock means a vehicle that operates on or uses rails, including, for example, a carriage, locomotive, rail car, tram or trolley.

Division 2 Project trusts

6 Meaning of *residence*

- (1) For section 7, each of the following structures is a ***residence*** if fixed to land and designed to be used for residential purposes—
- (a) a single detached dwelling;
 - (b) 1 or more attached dwellings that are separated by a common wall;

Examples—

duplex, row house, terrace house, townhouse, villa unit

- (c) a building, of not more than 3 storeys, containing 2 or more separate residential units.
- (2) Part of a structure mentioned in subsection (1) is also a residence if the part is designed to be used for residential purposes.
- (3) A manufactured home fixed, or intended to be fixed, to land in a residential park is also a residence.
- (4) However, the following things are not a residence—
 - (a) a boat, caravan, motor vehicle, tent, trailer or train;
 - (b) a building designed as a temporary or movable building, other than a manufactured home mentioned in subsection (3).
- (5) For subsection (1)(c), 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 where more than 50% of the floor area of the storey is designed to accommodate motor vehicles, the number of storeys of the building is 3.

- (6) In this section—

manufactured home see the *Manufactured Homes (Residential Parks) Act 2003*, section 10.

residential park see the *Manufactured Homes (Residential Parks) Act 2003*, section 12.

residential unit means a part of a building designed for separate occupation as a residence.

storey—

- (a) means a space within a building which is situated between one floor level and the next floor level, or if there is no floor above, the ceiling or roof above; but
- (b) does not include a mezzanine or space that contains only—
 - (i) a lift, shaft, stairway or meter room; or
 - (ii) a bathroom, shower room, laundry, water closet or other sanitary compartment; or
 - (iii) accommodation intended for not more than 3 vehicles; or
 - (iv) any combination of a thing mentioned in any of subparagraphs (i) to (iii).

7 Residential construction work—Act, s 15C

- (1) This section prescribes the type of work that is residential construction work for section 15C(3) of the Act, definition *residential construction work*.
- (2) All of the following work is residential construction work if carried out by a licensed contractor and the insurable value of the work is more than \$3,300—
 - (a) the construction of a residence or related roofed building;
 - (b) building work within the building envelope of a residence or related roofed building;
 - (c) building work, on a thing connected to a residence or related roofed building, that requires a building development approval under the *Building Act 1975* or a permit under the *Plumbing and Drainage Act 2018*;

- (d) the construction, installation, alteration or repair of a swimming pool for a—
 - (i) residence or proposed residence; or
 - (ii) related roofed building or proposed related roofed building.
- (3) Also, the following work is residential construction work if carried out for work mentioned in subsection (2)—
 - (a) for work relating to a residence—work carried out on the site of the residence or proposed residence;
 - (b) for work relating to a related roofed building—work carried out on the site of the building or proposed building;
 - (c) other work necessary for the proper construction, installation, alteration or repair of a residence or related roofed building, including, for example—
 - (i) work performed by an architect under the *Architects Act 2002* in the architect’s professional practice; and
 - (ii) work performed by a registered professional engineer under the *Professional Engineers Act 2002* in the engineer’s professional practice; and
 - (iii) work performed by a surveyor under the *Surveyors Act 2003* in the surveyor’s professional practice.
- (4) In this section—

building envelope, for a residence or related roofed building, means the outermost sides of the aggregation of the components of a building that have the primary function of separating the internal part of the residence or related roofed building from the external environment.

Example—

the slab and footings system, an external wall and a roof

building work see the *Queensland Building and Construction Commission Act 1991*, schedule 2.

licensed contractor means a person who holds a contractor's licence under the *Queensland Building and Construction Commission Act 1991*.

related roofed building—

- (a) means a building that—
 - (i) has a roof designed to be part of the building and is impervious to water or wind; and
 - (ii) is, or is proposed to be, on the site of a residence or proposed residence; and
 - (iii) is used, or proposed to be used, for a purpose related to the use of a residence or proposed residence; but
- (b) does not include—
 - (i) a residence; or
 - (ii) a building if the roof is a sail, umbrella or similar thing.

residence see section 6.

swimming pool see the *Building Act 1975*, schedule 2.

8 Information for notice about opening, closing, transferring or changing the name of project trust account—Act, s 18B

For section 18B(2)(b) of the Act, the information stated in schedule 1AA, part 1 for the notice is prescribed.

9 Information for notice about change of financial institution—Act, s 18C

For section 18C(1)(c) of the Act, the trustee must inform the contracting party, the commissioner and subcontractor beneficiaries about a transfer of a project trust account to an alternative financial institution by giving them a written notice stating the information stated in schedule 1AA, part 2.

10 Information for notice of project trust—Act, s 23

For section 23(2)(c) of the Act, the information stated in schedule 1AA, part 3 is prescribed.

10A Information for notice about particular withdrawals from project trust account—Act, s 23A

For section 23A(2) of the Act, the information stated in schedule 1AA, part 4 for the notice is prescribed.

Division 3 Retention trust account

10B Information for notice about opening, closing, transferring or changing the name of retention trust account—Act, s 34B

For section 34B(2)(b) of the Act, the information stated in schedule 1AA, part 5 for the notice is prescribed.

10C Information for notice about change of financial institution—Act, s 34C

For section 34C(1)(c) of the Act, the trustee must inform a contracted party about the transfer of a

retention trust account to an alternative financial institution by giving the contracted party a written notice stating the information stated in schedule 1AA, part 6 about the account.

10D Information for notice of retention trust—Act, s 40

For section 40(2)(c) of the Act, the information stated in schedule 1AA, part 7 is prescribed.

10E Information for notice about deposits to or withdrawals from retention trust account—Act, s 40A

For section 40A(2) of the Act, the information stated in schedule 1AA, part 8 for the notice is prescribed.

Division 4 Trust records

10F Trust records—Act, s 52

- (1) For section 52(2)(b) of the Act, the following records are prescribed for a project trust or retention trust—
 - (a) a copy of each contract for which the trust is required;
 - (b) all payment claims (including any supporting statements) made by, or given to, the trustee under section 75 of the Act in relation to a contract mentioned in paragraph (a);
 - (c) all payment schedules given by or to the trustee in relation to any of the contracts mentioned in paragraph (a), including all

- information used to support the payment schedule;
- (d) documents relating to variations or amendments to any of the contracts mentioned in paragraph (a);
 - (e) all financial institution statements for the trust account;
 - (f) all bank reconciliations prepared under section 52A of the Act for the trust account, including all information used to complete the bank reconciliations;
 - (g) all trust account ledger trial balance statements for the trust account, including all information used to prepare the statements;
 - (h) the record of deposits and withdrawals for the trust account;
 - (i) records of changes to any of the following records for the trust account and the reasons for the changes, including correction of errors and inclusion of additional information—
 - (i) a trust account ledger;
 - (ii) a trust account ledger trial balance statement;
 - (iii) a record of deposits and withdrawals;
 - (iv) a bank reconciliation;
 - (j) notices about withdrawals from, or deposits to, the trust account given by the trustee under sections 23A or 40A of the Act;
 - (k) copies of account review reports for the trust completed under section 57A of the Act;

- (l) records of the completion of retention trust training for the trust under section 41 of the Act;
 - (m) if any abbreviations or codes are used in a trust record—a document that explains the abbreviation or code in plain English.
- (2) For section 52(6)(a) of the Act, the following matters are prescribed for trust records—
- (a) all transactions affecting the trust account must—
 - (i) be recorded in the trust account ledger; and
 - (ii) be listed in chronological order of the date the transaction occurred; and
 - (iii) be recorded in the trust account ledger within 5 business days after occurring;
 - (b) a trust account ledger trial balance statement for the trust account must be prepared within 15 business days after the end of each month;
 - (c) the following information must be recorded for each transaction recorded in the trust account ledger for the trust account—
 - (i) the date of the transaction;
 - (ii) the transaction number, or other unique identifier, for the transaction;
 - (iii) the amount of the transaction;
 - (iv) details of each beneficiary to whom the transaction relates and the amount to which each beneficiary is entitled for the transaction;
 - (v) the reason for the transaction;

- (vi) the balance of the amount held in trust for each beneficiary after each transaction;
- (d) the record of deposits and withdrawals for the trust account must be a consolidated record that lists the transactions in chronological order of the date the transactions occurred;
- (e) the record of deposits and withdrawals for the trust account must include the following information for each deposit or withdrawal—
 - (i) the date of the deposit or withdrawal;
 - (ii) the transaction number, or other unique identifier, for the deposit or withdrawal;
 - (iii) either—
 - (A) the reason for the deposit or withdrawal, or
 - (B) details of a payment claim for the deposit or withdrawal;
 - (iv) the amount of the deposit or withdrawal;
 - (v) for a deposit—the entity that made the deposit;
 - (vi) for a withdrawal—the beneficiary or other person for whom the withdrawal was made, including the following information for the account to which the amount of the withdrawal was deposited into—
 - (A) the account name;

- (B) the identifying number of the financial institution (BSB) where the account is kept;
 - (C) the account number;
 - (vii) the balance of the trust account after the deposit or withdrawal is made.
- (3) For section 52(9) of the Act, the computer system used to store trust records—
- (a) must not be capable of deleting all or any part of—
 - (i) a record of deposits and withdrawals for the trust account; or
 - (ii) the trust account ledger for the trust account; and
 - (b) must be capable of producing a report about—
 - (i) the details of the transactions for a particular trust account for particular periods; and
 - (ii) the details of the transactions for a particular beneficiary.
- (4) In this section—
- record of deposits and withdrawals***, for a trust account, means a record of deposits and withdrawals made in accordance with section 52(7) of the Act.
- trust account ledger trial balance statement***, for a trust account, means a record that—
- (a) states the month to which it relates and the date it was prepared; and
 - (b) lists the name of each beneficiary for whom money is held in trust in the account at the end of the month; and

- (c) shows the total of the balances for each beneficiary at the end of that month.

10G Monthly bank reconciliation—Act, s 52A

- (1) For section 52A(2) of the Act, a bank reconciliation for each month must be completed as provided in subsections (2) to (5).
- (2) The purpose of the bank reconciliation for a trust account is to reconcile—
 - (a) the financial institution statement for the trust account with the record of deposits and withdrawals for the trust account; and
 - (b) the record of deposits and withdrawals for the trust account with the trust account ledger trial balance statement.
- (3) The bank reconciliation must include the following information—
 - (a) the balance of the trust account at the end of the month as shown on the financial institution statement for the account for the month;
 - (b) the amount of each outstanding transaction for the financial institution statement for the trust account for the month, including—
 - (i) deposits recorded for the account under section 52(7) of the Act that are not represented in the financial institution statement; and
 - (ii) withdrawals recorded for the account under section 52(7) of the Act that are not represented in the financial institution statement;

- (c) the balance of the trust account at the start of the month, as shown in the record of deposits and withdrawals for the account;
 - (d) the balance of all deposits recorded in the record of deposits and withdrawals for the trust account for the month;
 - (e) the balance of all withdrawals recorded in the record of deposits and withdrawals for the trust account for the month;
 - (f) the balance of the trust account at the end of the month, as shown in the record of deposits and withdrawals for the account;
 - (g) the amount of each outstanding transaction for the record of deposits and withdrawals for the trust account for the month, including—
 - (i) deposits shown in the financial institution statement for the account but not recorded under section 52(7) of the Act as at the end of the month; and
 - (ii) withdrawals shown in the financial institution statement for the account but not recorded under section 52(7) of the Act as at the end of the month.
- (4) The trustee must reconcile the balance of the trust account at the end of the month, as shown in the record of deposits and withdrawals for the account, with the amount worked out by—
- (a) adding the balance mentioned in subsection (3)(a) with the amount mentioned in subsection (3)(b)(i) and (g)(ii); and
 - (b) deducting the amounts mentioned in subsection (3)(b)(ii) and (g)(i) from the amount worked out under paragraph (a).
- (5) The trustee must reconcile the balance of the trust

account at the end of the month, as shown in the record of deposits and withdrawals for the account, with the total balance held on behalf of beneficiaries as shown in the trust account ledger trial balance statement for the same month.

(6) In this section—

record of deposits and withdrawals, for a trust account, means a record of deposits and withdrawals made in accordance with section 52(7) of the Act.

trust account ledger trial balance statement, for a trust account, see section 10F(4).

Division 5 Oversight powers

10H Information for direction to trustee—Act, s 53B

For section 53B(3) of the Act, the following information is prescribed—

- (a) that the direction is given under section 53B of the Act;
- (b) the following details of the trust account to which the direction relates—
 - (i) the name of the account;
 - (ii) the name of the financial institution where the account is kept;
 - (iii) the identifying number of the financial institution (BSB) where the account is kept;
 - (iv) the account number for the account;
- (c) the period within which the direction must be complied with;
- (d) the reason for giving the direction.

Division 6 Financial institutions

10I Agreements between commission and financial institutions—Act, s 55

For section 55(3)(c) of the Act, the following information is prescribed—

- (a) arrangements for giving information to the commissioner about account details;
- (b) arrangements for giving information to the commissioner when a trust account has been opened, closed, transferred or had its name changed;
- (c) how information to which the agreement applies is to be given to the commissioner;
- (d) the frequency with which information to which the agreement applies must be given to the commissioner.

10J Information for direction to financial institution—Act, s 55C

For section 55C(2) of the Act, the following information is prescribed—

- (a) that the direction is given under section 55C of the Act;
- (b) the following details of the trust account to which the direction relates—
 - (i) the name of the account;
 - (ii) the identifying number of the financial institution (BSB) where the account is kept;
 - (iii) the account number for the account;
- (c) the period for which the direction applies.

Division 7 Auditing and reporting

10K Review of trust account—Act, s 57

- (1) For section 57(2) of the Act, the review of the retention trust account must be carried out—
 - (a) annually; and
 - (b) if the account is closed.
- (2) For section 57(2) of the Act, the review of the retention trust account must be started—
 - (a) for a review carried out annually—within 20 business days after the review period ends; or
 - (b) for a review carried out if the account is closed—within 20 business days after the account is closed.
- (3) However, the commissioner may, with the agreement of the trustee, change the day the review must be started to a later day.
- (4) For section 57(3) of the Act, the review period for a review carried out annually is—
 - (a) for the first review of the retention trust account—12 months starting on the day the account was opened; or
 - (b) for a later review of the retention trust account—12 months starting on the day after the last review period ended.
- (5) However, if the day the review must be started is delayed under subsection (3), the period prescribed under subsection (4) is extended until the day the review is started.

Example—

If the start of a review is delayed by 3 months under subsection (3), the review period will be the 15 months before the review is started.

- (6) For section 57(3) of the Act, the review period for a review carried out because the retention trust account is closed is the period—
- (a) starting on—
 - (i) if there was no previous review period for the account—the day the account was opened; or
 - (ii) otherwise—the day after the last review period ended; and
 - (b) ending on the day the account was closed.

10L Account review report—Act, s 57A

For section 57A(3)(g) of the Act, the following information is prescribed—

- (a) details of any non-compliance with the requirements for the trust account under the Act identified by the auditor, including how and when the non-compliance was rectified;
- (b) an explanation of the review methodology used and why it was used.

16 Insertion of new pt 7, div 3

Part 7—

insert—

Division 3

**Transitional provision for
Building Industry Fairness
(Security of Payment) and
Other Legislation**

Amendment Regulation 2020

48 Transitioning to new scheme—Act, s 211C

- (1) For section 211C(5) of the Act, this section prescribes the information to be included in a notice given to a beneficiary affected by the trustee transitioning to the new scheme.
- (2) The information to be included in the notice is an electronic or hard copy of the trust account framework guide.
- (3) However, subsection (2) does not apply if the trustee has previously given the information to the beneficiary.
- (4) In this section—
new scheme see section 211C(9) of the Act.
trust account framework guide means the document, made by the commission, that explains the requirements of chapter 2 of the Act.

17 Insertion of new sch 1AA

Before schedule 1—

insert—

Schedule 1AA Information to be included in particular notices

sections 8 to 10E

Part 1

Notice about opening, closing, transferring or changing the name of project trust account— Act, s 18B

Division 1

Notices given to contracting party

1 Notice to contracting party about opening project trust account

The following information must be included in the notice—

- (a) the name of the trustee;
- (b) the name of the account;
- (c) the name of the financial institution where the account is kept;
- (d) the identifying number of the financial institution (BSB) where the account is kept;
- (e) the account number at the financial institution.

2 Notice to contracting party about changing name of project trust account

The following information must be included in the notice—

- (a) the name of the trustee;
- (b) the name of the account before the change;
- (c) the name of the account after the change;

- (d) the name of the financial institution where the account is kept;
- (e) the identifying number of the financial institution (BSB) where the account is kept;
- (f) the account number at the financial institution;
- (g) the date the name of the account was changed.

3 Notice to contracting party about closing project trust account

The following information must be included in the notice—

- (a) the name of the trustee;
- (b) the name of the account;
- (c) the name of the financial institution where the account was kept;
- (d) the identifying number of the financial institution (BSB) where the account was kept;
- (e) the account number at the financial institution;
- (f) the date the account was closed.

4 Notice to contracting party about transferring project trust account

The following information must be included in the notice—

- (a) the name of the trustee;
- (b) the name of the account before the transfer;
- (c) the name of the account after the transfer;

- (d) the name of the financial institution where the account was kept before the transfer;
- (e) the name of the financial institution where the account will be kept after the transfer;
- (f) the identifying number of each financial institution (BSB) mentioned in paragraphs (d) and (e);
- (g) the account number at each financial institution mentioned in paragraphs (d) and (e);
- (h) the date the account was transferred;
- (i) the date from which the new account is intended to be used.

Division 2 Notices given to commissioner

5 Notice to commissioner about opening project trust account

The following information must be included in the notice—

- (a) the name of the trustee;
- (b) the name of the account;
- (c) the name of the financial institution where the account is kept;
- (d) the identifying number of the financial institution (BSB) where the account is kept;
- (e) the account number at the financial institution;
- (f) the value of the project trust contract;

- (g) the date the first subcontract for the project trust contract was entered into;
- (h) the name of the contracting party as it appears on the project trust contract;
- (i) the site address for the contracted work;
- (j) a brief description of the contracted work;
- (k) the date of practical completion as provided for under the project trust contract;
- (l) the date the account was opened.

6 Notice to commissioner about changing name of project trust account

The following information must be included in the notice—

- (a) the name of the trustee;
- (b) the name of the account before the change;
- (c) the name of the account after the change;
- (d) the name of the financial institution where the account is kept;
- (e) the identifying number of the financial institution (BSB) where the account is kept;
- (f) the account number at the financial institution;
- (g) the date the name of the account was changed.

7 Notice to commissioner about closing project trust account

The following information must be included in the notice—

- (a) the name of the trustee;

- (b) the name of the account;
- (c) the name of the financial institution where the account was kept;
- (d) the identifying number of the financial institution (BSB) where the account was kept;
- (e) the account number at the financial institution;
- (f) the date the account was closed.

8 Notice to commissioner about transferring project trust account

The following information must be included in the notice—

- (a) the name of the trustee;
- (b) the name of the account before the transfer;
- (c) the name of the account after the transfer;
- (d) the name of the financial institution where the account was kept before the transfer;
- (e) the name of the financial institution where the account will be kept after the transfer;
- (f) the identifying number of each financial institution (BSB) mentioned in paragraphs (d) and (e);
- (g) the account number at each financial institution mentioned in paragraphs (d) and (e);
- (h) the date the account was transferred;
- (i) the date from which the new account is intended to be used.

Part 2 Notice about change of financial institution— Act, s 18C

1 Information for notice about change of financial institution

The following information must be included in the notice—

- (a) the name of the trustee;
- (b) the name of the account before the transfer;
- (c) the name of the account after the transfer;
- (d) the name of the financial institution where the account was kept before the transfer;
- (e) the name of the financial institution where the account will be kept after the transfer;
- (f) the identifying number of each financial institution (BSB) mentioned in paragraphs (d) and (e);
- (g) the account number at each financial institution mentioned in paragraphs (d) and (e);
- (h) the date the account was transferred;
- (i) the date from which the new account is intended to be used.

Part 3 Notice of project trust—Act, s 23

1 Notice of project trust

The following information must be included in the notice—

- (a) the name of the project trust account;
- (b) the name of the financial institution where the project trust account is kept;
- (c) the identifying number of the financial institution (BSB) where the project trust account is kept;
- (d) the project trust account number at the financial institution;
- (e) information identifying the contract to which the project trust relates.

Part 4 Notice about particular withdrawals from project trust account— Act, s 23A

1 Notice about withdrawal to make a payment to a subcontractor beneficiary

The following information must be included in the notice—

- (a) the amount that was or is to be paid to the beneficiary;
- (b) identification of the payment claim for the payment, if any;
- (c) the name of the account (the *payment account*) the payment was or is to be paid to;
- (d) the identifying number of the financial institution (BSB) where the payment account is kept;
- (e) the account number, at the financial institution, for the payment account;

- (f) the date the payment was or is to be paid.

2 Notice about withdrawal to deposit an amount in a retention trust account for the benefit of a subcontractor beneficiary

The following information must be included in the notice—

- (a) the amount to be deposited in the account;
- (b) identification of the payment claim for the deposit, if any;
- (c) the name of the account (the *deposit account*) into which the deposit is to be made;
- (d) the name of the financial institution where the deposit account is kept;
- (e) the identifying number of the financial institution (BSB) where the deposit account is kept;
- (f) the account number, at the financial institution, for the deposit account;
- (g) the date the amount was or is to be deposited into the deposit account;
- (h) the total retention amounts held in the account, when the notice is given, for the beneficiary under the contract to which the withdrawal relates.

Part 5 Notice about opening, closing, transferring or changing the name of retention trust account—Act, s 34B

1 Notice about opening retention trust account

The following information must be included in the notice—

- (a) the name of the trustee;
- (b) the name of the account;
- (c) the name of the financial institution where the account is kept;
- (d) the identifying number of the financial institution (BSB) where the account is kept;
- (e) the account number at the financial institution;
- (f) the date the account was opened.

2 Notice about changing name of retention trust account

The following information must be included in the notice—

- (a) the name of the trustee;
- (b) the name of the account before the change;
- (c) the name of the account after the change;
- (d) the name of the financial institution where the account is kept;
- (e) the identifying number of the financial institution (BSB) where the account is kept;
- (f) the account number at the financial institution;
- (g) the date the name of the account was changed.

3 Notice about closing retention trust account

The following information must be included in

the notice—

- (a) the name of the trustee;
- (b) the name of the account;
- (c) the name of the financial institution where the account was kept;
- (d) the identifying number of the financial institution (BSB) where the account was kept;
- (e) the account number at the financial institution;
- (f) the date the account was closed.

4 Notice about transferring retention trust account

The following information must be included in the notice—

- (a) the name of the trustee;
- (b) the name of the account before the transfer;
- (c) the name of the account after the transfer;
- (d) the name of the financial institution where the account was kept before the transfer;
- (e) the name of the financial institution where the account will be kept after the transfer;
- (f) the identifying number of each financial institution (BSB) mentioned in paragraphs (d) and (e);
- (g) the account number at each financial institution mentioned in paragraphs (d) and (e);
- (h) the date the account was transferred;

- (i) the date from which the new account is intended to be used.

Part 6 Notice about change of financial institution— Act, s 34C

1 Information for notice about change of financial institution

The following information must be included in the notice—

- (a) the name of the trustee;
- (b) the name of the account before the transfer;
- (c) the name of the account after the transfer;
- (d) the name of the financial institution where the account was kept before the transfer;
- (e) the name of the financial institution where the account will be kept after the transfer;
- (f) the identifying number of each financial institution (BSB) mentioned in paragraphs (d) or (e);
- (g) the account number at each financial institution mentioned in paragraphs (d) or (e);
- (h) the date the account was transferred;
- (i) the date from which the new account is intended to be used.

Part 7 Notice of retention trust—Act, s 40

1 Information about notice of retention trust

The following information must be included in the notice—

- (a) the name of the retention trust account;
- (b) the name of the financial institution where the retention trust account is kept;
- (c) the identifying number of the financial institution (BSB) where the retention trust account is kept;
- (d) the retention trust account number at the financial institution;
- (e) information identifying the contract to which the retention trust relates.

Part 8 Notice about deposits into or withdrawals from retention trust account—Act, s 40A

1 Notice about deposit of retention amount into retention trust account

The following information must be included in the notice—

- (a) the amount to be deposited in the account;
- (b) identification of the payment claim for the deposit, if any;
- (c) the name of the account;
- (d) the name of the financial institution where the account is kept;
- (e) the identifying number of the financial institution (BSB) where the account is kept;

- (f) the account number at the financial institution for the deposit account;
- (g) the total retention amounts held in the account, when the notice is given, for the contracted party under the contract to which the deposit relates;
- (h) the date the amount is deposited in the account.

2 Notice about withdrawal of retention amount from retention trust account to pay contracted party

The following information must be included in the notice—

- (a) the amount to be paid;
- (b) identification of the payment claim to which the withdrawal relates, if any;
- (c) the name of the account (the *payment account*) the amount is to be paid to;
- (d) the identifying number of the financial institution (BSB) where the payment account is kept;
- (e) the account number, at the financial institution, for the payment account;
- (f) the total retention amounts held in the retention trust account, after the withdrawal, for the contracted party under the contract to which the withdrawal relates;
- (g) the date the amount is to be paid.

3 Notice about withdrawal of retention amount from retention trust account to pay someone other than contracted party

The following information must be included in

**Column 1
Licence**

1 plumbers licence

**Column 2
Scope of work**

- (a) plumbing work, other than plumbing work mentioned in part 4, column 2; and
- (b) installation of fire collars that is incidental to plumbing work, other than plumbing work mentioned in part 4, column 2

Part 2

Drainers licence

**Column 1
Licence**

1 drainers licence

**Column 2
Scope of work**

- (a) drainage work below ground level, other than drainage work mentioned in part 5, column 2; and
- (b) installation of fire collars that is incidental to drainage work below ground level, other than drainage work mentioned in part 5, column 2

(2) Schedule 4, part 3, items 4 to 7—

omit, insert—

4 water plumber—fire protection (hydrants and hose reels)

- (a) installing, maintaining and testing fire hydrants and fire hose reels; and
- (b) installing fire collars, if the installation is incidental to work mentioned in paragraph (a)

5 water plumber—fire protection (commercial and industrial)

- (a) installing, maintaining and testing commercial and industrial fire sprinkler systems; and
- (b) installing fire collars, if the installation is incidental to work mentioned in paragraph (a)

[s 19]

- | | | |
|---|---|---|
| 6 | water plumber—fire protection
(domestic and residential) | (a) installing, maintaining and testing domestic and residential fire sprinkler systems; and |
| | | (b) installing fire collars, if the installation is incidental to work mentioned in paragraph (a) |
| 7 | water plumber—water and sanitary | (a) water plumbing work and sanitary plumbing work; and |
| | | (b) installing fire collars, if the installation is incidental to work mentioned in paragraph (a) |

(3) Schedule 4, part 4, items 3 to 5—

omit, insert—

- | | | |
|---|---|--|
| 3 | fire protection—commercial and industrial | (a) installing, maintaining and testing commercial and industrial fire sprinkler systems; and |
| | | (b) installing fire collars, if the installation is incidental to work mentioned in paragraph (a) |
| 4 | fire protection—domestic and residential | (a) installing, maintaining and testing domestic and residential fire sprinkler systems; and |
| | | (b) installing fire collars, if the installation is incidental to work mentioned in paragraph (a) |
| 5 | solar and heat pump hot water system installation | (a) installing, maintaining, repairing, replacing and testing solar and heat pump hot water systems; and |
| | | (b) installing fire collars, if the installation is incidental to work mentioned in paragraph (a) |

Part 5

Amendment of Queensland Building and Construction Commission (Minimum Financial Requirements) Regulation 2018

20 Regulation amended

This part amends the *Queensland Building and Construction Commission (Minimum Financial Requirements) Regulation 2018*.

21 Omission of s 11D (Qualified accountants)

Section 11D—

omit.

22 Amendment of s 11P (Working out actual revenue— trustees, partnerships or group companies)

Section 11P(1)(b)—

omit, insert—

- (b) for a trustee of a building trust account—all amounts held on trust under the trust account.

23 Amendment of s 15 (Working out licensee's assets)

(1) Section 15(1)(b)—

omit, insert—

- (b) an amount held in a building trust account in which the licensee has a beneficial interest;

(2) Section 15(3), definition *project bank account*—

omit.

(3) Section 15(3)—

insert—

beneficial interest, for a building trust account, means a beneficial interest under—

- (a) for a project trust account under the *Building Industry Fairness (Security of Payment) Act 2017*—section 11B of that Act; or
- (b) for a retention trust account under the *Building Industry Fairness (Security of Payment) Act 2017*—section 31B of that Act; or
- (c) for a project bank account kept under the *Building Industry Fairness (Security of Payment) Act 2017*, chapter 8A—section 9(3) of that Act as in force immediately before 1 March 2021.

Note—

On 1 March 2021, the *Building Industry Fairness (Security of Payment) and Other Legislation Amendment Act 2020*, section 63 replaced chapter 2 (including section 9(3)) of the *Building Industry Fairness (Security of Payment) Act 2017*.

Chapter 2 (as in force immediately before 1 March 2021) continues to apply in relation to particular building contracts under the *Building Industry Fairness (Security of Payment) Act 2017*, chapter 8A.

24 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definition *qualified accountant*—
omit.
- (2) Schedule 3, definition *project bank account*—
omit.

**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 *Pest Management Act 2001*, to the extent it applies to a pest control activity as defined under that Act.

28 Amendment of s 16 (Applications for licence—Act, s 33)

- (1) Section 16(1)(b)(i) and (ii)—

omit, insert—

- (i) the relevant documentary evidence; and

- (2) Section 16(1)(b)(iii) and (iv)—

renumber as section 16(1)(b)(ii) and (iii).

- (3) Section 16—

insert—

- (1A) For section 33(1)(b)(i) of the Act, the way prescribed is certified by a qualified witness as a true likeness of the applicant.

- (4) Section 16(4), ‘Subsection (5)’—

omit, insert—

Subsection (6)

- (5) Section 16(1A) to (5)—

renumber as section 16(2) to (6).

- (6) Section 16—

insert—

(7) In this section—

qualified witness means—

- (a) a lawyer; or
- (b) a justice; or
- (c) a commissioner for declarations under the *Justices of the Peace and Commissioners for Declaration Act 1991*; or
- (d) a notary public; or
- (e) for an application personally lodged at an office of the commission—an officer of the commission.

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.

29 Insertion of new s 48A

After section 48—

insert—

**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—
 - (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.

30 Amendment of s 55 (Particulars in register—Act, s 99)

- (1) Section 55(1)(a) to (c)—
renumber as section 55(1)(c) to (e).
- (2) Section 55(1)—
insert—
- (a) if applicable, the licensee’s ABN;
 - (b) if the licensee is a company—the licensee’s ACN;
- (3) Section 55(2), ‘subsection (1)(a)(iii)’—
omit, insert—
subsection (1)(c)(iii)
- (4) Section 55(3), definition *relevant time*, ‘subsection (1)(c)’—
omit, insert—
subsection (1)(e)

31 Insertion of new s 56A

After section 56—

insert—

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.

32 Amendment of sch 1 (Work that is not building work)

- (1) Schedule 1, section 2(a), ‘section 33(2)’—
omit, insert—
section 33(3)
- (2) Schedule 1, section 2(e), ‘section 33(3)’—

omit, insert—

section 33(4)

- (3) Schedule 1, section 8(2), definition *agency of the State—*

relocate to schedule 8.

- (4) Schedule 1, section 8(2)—

omit.

- (5) Schedule 1, section 33—

insert—

- (1A) 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.

- (6) Schedule 1, section 33(2)—

omit, insert—

- (2) 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.

(7) Schedule 1, section 33(3)(b), ‘less than’—

omit, insert—

no more than

(8) Schedule 1, section 33(1A) to (3)—

renumber as schedule 1, section 33(2) to (4).

33 Insertion of new sch 1AA

After schedule 1—

insert—

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

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) 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;
- (e) certification work performed by a building certifier under the *Building Act 1975* in the certifier's professional practice;
- (f) work performed by a registered professional engineer under the *Professional Engineers Act 2002* in performing a professional engineering service under that Act;
- (g) work performed by a fire safety adviser, for a high occupancy building, under the *Building Fire Safety Regulation 2008*;
- (h) preparation of a building industry professional statement, by a building industry professional, under the *Building Regulation 2006*, part 4A;
- (i) an inspection, investigation or report for assessment of an insurance claim;
- (j) 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;
- (k) work performed by a local government, but not work performed for the local government by an independent contractor.

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.

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

(1) Schedule 3A, part 1, section 2(2), after ‘subsection (1)’—

insert—

or (2)

- (2) Schedule 3A, part 1, section 2(2)—

renumber as schedule 3A, part 1, section 2(3).

- (3) Schedule 3A, part 1, section 2—

insert—

- (2) Installation of fire collars that is incidental to work mentioned in subsection (1).

- (4) Schedule 3A, part 2, section 2(2) and (3), after ‘mentioned in subsection (1)’—

insert—

or (2)

- (5) Schedule 3A, part 2, section 2(3), ‘Despite subsection (1)’—

omit, insert—

Also

- (6) Schedule 3A, part 2, section 2(2) and (3)—

renumber as schedule 3A, part 2, section 2(3) and (4).

- (7) Schedule 3A, part 2, section 2—

insert—

- (2) Installation of fire collars that is incidental to work mentioned in subsection (1).

- (8) Schedule 3A, part 3, section 2(2), after ‘subsection (1)’—

insert—

or (2)

- (9) Schedule 3A, part 3, section 2(2)—

renumber as schedule 3A, part 3, section 2(3).

- (10) Schedule 3A, part 3, section 2—

insert—

- (2) Installation of fire collars that is incidental to work mentioned in subsection (1).

35 Amendment of sch 7 (Fees)

Schedule 7, items 1, 2, 3 and 4, ‘s 16(1)(b)(iv)’—

omit, insert—

s 16(1)(b)(iii)

**Part 7 Amendment of State Penalties
Enforcement Regulation 2014**

36 Regulation amended

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

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

(1) Schedule 1, entry for *Architects Act 2002*—

insert—

s 32AA(1)	5
s 35J(3)	10
s 62M(1)	5
s 62Q	5
s 62R(1)	5
s 62R(2)	5

(2) Schedule 1, entry for *Building Act 1975*, entry for section 143—

omit.

(3) Schedule 1, entry for *Building Act 1975*—

insert—

s 124A(3)	2	-
s 143(2)	4	-
s 143A(2)	2	10
s 143A(3)	4	-
s 143A(4)	4	-
s 143A(5)	2	10
s 143B(4)	2	10
s 143B(5)	4	-
s 143B(6)	2	-

- (4) Schedule 1, entry for *Building Industry Fairness (Security of Payment) Act 2017*, entry for section 90—

omit.

- (5) Schedule 1, entry for *Building Industry Fairness (Security of Payment) Act 2017*—

insert—

s 75(7)	10	50
s 76(3)	10	50
s 88(6)	4	
s 90(2)	10	50
s 90(3)	2	10
s 97C(5)	5	25
s 189A(3)	10	50

- (6) Schedule 1, entry for *Building Industry Fairness (Security of Payment) Act 2017*—

omit, insert—

Building Industry Fairness (Security of Payment) Act 2017

Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
	Individual	Corporation
s 18(1)	20	100
s 18A(1)	8	40
s 18A(2)	8	40
s 18A(3)	20	100
s 18B(2)	8	40
s 18C(1)	8	40
s 19A(1)	20	100
s 20(2)	20	100
s 20A(1)	20	100
s 23(1)	20	100
s 23A(2)	10	50
s 23B(2)	10	50
s 25(2)	10	50
s 34(2)	20	100
s 34A(1)	8	40
s 34A(2)	8	40
s 34A(3)	20	100
s 34B(2)	8	40
s 34C(1)	8	40

Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
	Individual	Corporation
s 35A(1)	20	100
s 36(1)	20	100
s 36A(2)	20	100
s 40(1)	20	100
s 40A(2)	10	50
s 40B(2)	10	50
s 41(5)	10	50
s 41(6)	10	50
s 51(2)	10	50
s 52(1)	20	100
s 52A(1)	5	25
s 53A(4)	10	50
s 53B(5)	10	50
s 55B(2)	5	25
s 57(1)	20	100
s 57A(1)	20	100
s 57A(5)	5	25
s 57A(6)	5	25
s 75(7)	10	50
s 76(1)	5	10
s 76(3)	10	50
s 88(6)	4	

Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
	Individual	Corporation
s 90(2)	10	50
s 90(3)	2	10
s 97C(5)	5	25
s 189A(3)	10	50
s 211C(5)	20	100

Administering authority for an infringement notice offence that is an offence against a provision of the *Building Industry Fairness (Security of Payment) Act 2017*, or an infringement notice about the offence—the Queensland Building and Construction Commission

Authorised person for service of infringement notices—

- (a) the commissioner appointed under the *Queensland Building and Construction Commission Act 1991*, section 20D; and
- (b) an investigator appointed under the *Queensland Building and Construction Commission Act 1991*, section 104B

(7) Schedule 1, entry for *Professional Engineers Act 2002*—
insert—

s 32AA(1)	5
s 35K(3)	10
s 62M(1)	5
s 62Q	5

s 62R(1)	5
s 62R(2)	5
(8) Schedule 1, entry for <i>Queensland Building and Construction Commission Act 1991</i> — <i>insert—</i>	
s 72C(1)	20
s 72C(2)	20
s 109B	2

ENDNOTES

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

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