

Questions and Answers – Legislative Amendments

What are the changes?

Amendments have been made to section 5(1)(b) of the QBSA Regulation commencing 1 December 2009. Subject to some exceptions, the effect of these amendments is to provide that work valued at \$3,300 or less is not building work. Work that it is not building work does not require a licence under the QBSA Act to carry out and is not otherwise regulated by the BSA.

Why are the changes occurring?

Changing the threshold value of building work in Queensland to \$3,300 aligns the value of building work with the threshold for residential construction work, which is insurable under the Queensland Home Warranty Scheme.

When do the changes commence?

The changes commence on 1 December 2009.

Do these changes affect all licence classes?

Licence classes which are not impacted by these changes:

- Building design
- Fire protection work
- Completed residential building inspection
- Plumbing and Drainage
- Drainage
- Site Classification
- Gas Fitting
- Termite Management – Chemical
- Hydraulic services design.

Work within the scopes of the above licence classes have a zero threshold value with the exception of a hydraulic design services licence. Hydraulic services design work does not require a licence if valued at \$1,100 or less.

Do the changes impact on the incidental work that I can carry out under my licence?

The value of incidental work has been increased to work valued at \$3,300 or less (including goods, labour and GST) in line with the changes.

Can I now do work up to the value of \$3,300 without a BSA licence?

Yes, subject to a number of exceptions. These exceptions include the following types of work:

- Building design
- Completed residential building inspection
- Fire protection work
- Plumbing and Drainage
- Drainage
- Site Classification
- Gas Fitting
- Termite Management – Chemical
- Hydraulic services design (work cannot be more than \$1,100).

If I'm unlicensed will I need to change the wording in my advertisements?

While an unlicensed person may wish to update their advertisements to reflect the \$3,300, it is not an offence for an unlicensed person to continue to reference \$1,100 in their advertisements.

Will these changes impact on owners who build on their own land?

The changes to the law do not impact on owners who personally perform work on their own land.

Under the QBSA Act an owner is not required to hold an owner builder permit or BSA licence to personally perform work on their land if both the following apply:

- The value of the work is not more than \$11,000 and
- The work does not require an occupational licence to lawfully perform it (e.g. plumbing work or electrical work).

The QBSA Regulation also provides that an owner of land can personally perform fire protection work up to the value \$1,100 without a BSA licence.

The processes for obtaining an owner builder permit will also not change.

What if I'm currently being prosecuted for carrying out work valued over \$1,100 but of \$3,300 or less in value?

The changes to the threshold value of building work are not retrospective. The prosecution will continue.

For example, a prosecution for an offence of unlawful building work may be started within 2 years of the date of commission of the offence or within 1 year after the offence comes to the knowledge of BSA. Therefore, if you've carried out building work while unlicensed, over the value of \$1,100 (or \$0 for occupational licences) but of a value of \$3,300 or less prior to 1/12/09 you may still be prosecuted by BSA for offences committed at a later date.

Do the changes affect a home owner's entitlements under the Queensland Home Warranty Scheme?

No. Home owners' entitlements under the Queensland Home Warranty Scheme are not affected by the changes.