



Queensland

*Domestic Building Contracts Act 2000*

# **Domestic Building Contracts Regulation 2010**

**Current as at 1 December 2013**

# Information about this reprint

This reprint shows the legislation current as at the date on the cover and is authorised by the Parliamentary Counsel.

A new reprint of the legislation will be prepared by the Office of the Queensland Parliamentary Counsel when any change to the legislation takes effect. This change may be because a provision of the original legislation, or an amendment to it, commences or because a particular provision of the legislation expires or is repealed.

When a new reprint is prepared, this reprint will become a historical reprint. Also, if it is necessary to replace this reprint before a new reprint is prepared, for example, to include amendments with a retrospective commencement, an appropriate note would be included on the cover of the replacement reprint and on the copy of this reprint at [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au).

The endnotes to this reprint contain detailed information about the legislation and reprint. For example—

- The table of reprints endnote lists any previous reprints and, for this reprint, gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it.
- The list of legislation endnote gives historical information about the original legislation and the legislation which amended it. It also gives details of uncommenced amendments to this legislation. For information about possible amendments to the legislation by Bills introduced in Parliament, see the Queensland Legislation Current Annotations at [www.legislation.qld.gov.au/Leg\\_Info/information.htm](http://www.legislation.qld.gov.au/Leg_Info/information.htm).
- The list of annotations endnote gives historical information at section level.

All Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints are not continued.



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# Domestic Building Contracts Regulation 2010

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# Domestic Building Contracts Regulation 2010

[as amended by all amendments that commenced on or before 1 December 2013]

## 1 Short title

This regulation may be cited as the *Domestic Building Contracts Regulation 2010*.

## 2 Commencement

This regulation commences on 30 March 2010.

## 3 Prescribed matters—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 QBCC Act; or
- (b) purports to exclude, limit or otherwise change the effect of a provision of the QBCC Act.

*Examples of prohibited provisions—*

- 1 A provision that deems a direction under the QBCC Act, section 72 given to a construction manager or other building contractor to be a direction given to someone else.
- 2 A 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 QBCC Act, section 72 is given to a construction manager or other building contractor.

## 4 Prescribed matters—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 the Act, section 65(3)(b).
- (2) Before the agreement is made the building contractor must give the consumer a notice—

[s 5]

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- (a) 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; and
  - (b) explaining why the contractor believes the prohibition should not apply in the circumstances; and
  - (c) identifying the clause or other part of the contract setting out the payment terms.
- (3) The building contractor must ensure the consumer initials the clause or other part of the contract setting out 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.

## **5 Prescribed matters—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 the Act, section 66(6)(b).
- (2) Before the agreement is made the building contractor must give the consumer a notice—
- (a) 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; and
  - (b) stating the content of the relevant table in the Act, section 66(3), (4) or (5); and
  - (c) explaining why the contractor believes the prohibition should not apply in the circumstances; and
  - (d) identifying the clause or other part of the contract setting out the progress payments payable.

- (3) The building contractor must ensure 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.

**6 Prescribed fee—Act, s 100(1)**

For the Act, section 100(1), the fee prescribed for supplying a copy of a contract information statement to a person and permitting the person to obtain a copy is \$2.70.

**7 Repeal**

The Domestic Building Contracts Regulation 2000, No. 155 is repealed.

# 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 1 December 2013. Future amendments of the *Domestic Building Contracts Regulation 2010* 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 version
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 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		



## 4 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3237 0466 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments included	Effective	Notes
1	none	30 March 2010	
1A	2010 SL No. 96	1 July 2010	
1B	2011 SL No. 100	1 July 2011	
1C	2012 SL No. 97	6 July 2012	

  

Current as at	Amendments included	Notes
1 July 2013	2013 SL No. 128	
1 December 2013	2013 SL No. 224	

## 5 List of legislation

### *Regulatory impact statements*

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### *Explanatory notes*

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

### **Domestic Building Contracts Regulation 2010 SL No. 33**

made by the Governor in Council on 11 March 2010  
 notfd gaz 12 March 2010 pp 601–2  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 30 March 2010 (see s 2)  
[exp 1 September 2020](#) (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—

**Queensland Building Services Authority and Other Legislation Amendment Regulation (No. 1) 2010 SL No. 96 pts 1, 3**

notfd gaz 28 May 2010 pp 290–2

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2010 (see s 2)

**Queensland Building Services Authority and Other Legislation Amendment Regulation (No. 1) 2011 SL No. 100 pts 1, 3**

notfd gaz 17 June 2011 pp 430–4

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2011 (see s 2)

**Housing and Public Works Legislation Amendment Regulation (No. 1) 2012 SL No. 97 pts 1, 5**

notfd gaz 6 July 2012 pp 759–60

commenced on date of notification

**Housing and Public Works Legislation (Fees) Amendment Regulation (No. 1) 2013 SL No. 128 pts 1, 5**

notfd gaz 28 June 2013 pp 739–47

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2013 (see s 2)

**Queensland Building Services Authority and Other Legislation Amendment Regulation (No. 1) 2013 SL No. 224 pts 1, 4**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 15 November 2013

ss 1–2 commenced on date of notification

remaining provisions commenced 1 December 2013 on the commencement of s 4 of the Queensland Building Services Authority Amendment Act 2013 (see s 2)

## 6 List of annotations

**Prescribed matters—Act, s 27(2)(h)**

s 3 amd 2013 SL No. 224 s 18

**Prescribed fee—Act, s 100(1)**

s 6 amd 2010 SL No. 96 s 6; 2011 SL No. 100 s 6; 2012 SL No. 97 s 9; 2013 SL No. 128 s 10

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