

Construction Alert

Queensland Building and Construction Commission

June 2013

Queensland Building Services Authority to be replaced

As you may be aware, late last year the Queensland Government held a parliamentary inquiry into the Queensland building industry. The inquiry report made 41 recommendations in relation to the operation and performance of the Queensland Building Services Authority (QBSA), and the Queensland Government has implemented a 10 point action plan in response to those recommendations. The primary change is that the QBSA is set to be replaced with the new Queensland Building and Construction Commission (QBCC) by the end of 2013.

What will be the role of the new Queensland Building and Construction Commission?

The QBSA (established under the *Queensland Building Services Authority Act 1991* (Qld)) has been the key regulator for licensing and compliance aspects in the Queensland building industry for the past 22 years. It is anticipated the QBCC's role will be substantially similar to that of the QBSA, which includes regulating the maintenance of proper standards and relevant certification requirements, advising consumers on building work, providing remedies for defective building work and administering the Queensland Home Warranty Scheme. However, in an attempt to alleviate the volume of disputes referred to the Queensland Civil and Administrative Tribunal, it is anticipated the QBCC will draw more of its attention towards licensing and building works certification. In this regard, it will implement a regulated penalty system in order to deal with illegal or defective works which have been approved outside the required standards.

Further, the QBCC will have a dispute resolution function. It remains to be seen whether or not this function will be similar to that of the QBSA's current dispute resolution process. In line with the *Building and Construction Industry Payments Act 2004* (Qld) (BCIP Act) review, however, the State government is considering implementing a rapid domestic adjudication model to fast track domestic building disputes with mandated response timelines.

What does this mean for you?

Given the QBCC is being established in conjunction with the BCIP Act review, it is likely to have a large impact on both meeting regulatory requirements and the process for construction claims and dispute resolution.

Presently, the rights and obligations of participants in the building industry caught by the BCIP Act have not been affected. However, given the nature of the reform and the speed with which it is set to take place, it is crucial for participants in the building industry to remain informed and regularly updated.

As the QBCC and ancillary legislative and administrative changes are further developed, we will continue to provide regular updates on the implications it may have for you.

[Click here](#) to view the Inquiry into the Operation and Performance of the Queensland Building Services Authority 2012 Report.

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