

Plumbing and Drainage and Other Legislation Amendment Bill 2015

Amendments during consideration in detail to be moved by
The Honourable the Minister for Housing and Public Works

1 After clause 23

Page 34, after line 26—

insert—

Part 4A

Amendment of Queensland Building and Construction Commission and Other Legislation Amendment Act 2014

23A Act amended

This part amends the *Queensland Building and Construction Commission and Other Legislation Amendment Act 2014*.

23B Amendment of s 36 (Replacement of pt 5 (The statutory insurance scheme))

- (1) Section 36, inserted section 67WA, definition *consumer*—

insert—

Note—

See also section 68H(1)(c) and (5).

- (2) Section 36, inserted section 68H(1)(c)—
renumber as inserted section 68H(1)(d).

- (3) Section 36, inserted section 68H(1)—
insert—

- (c) a person (the *defrauded person*) enters into a contract for the carrying out of residential construction work with a person (the *fraudulent person*) fraudulently claiming to hold a licence under which the fraudulent person may enter into contracts with consumers to carry out residential construction work covered by the statutory insurance scheme; or
- (4) Section 36, inserted section 68H—
insert—
- (5) For subsection (1)(c), this part applies as if—
 - (a) a reference to a consumer were a reference to a defrauded person; and
 - (b) a reference to a licensed contractor were a reference to a fraudulent person.

Editor's note—

Legislation ultimately amended—

- *Queensland Building and Construction Commission Act 1991*

2 After clause 25

Page 35, after line 24—

insert—

25A Amendment of s 245 (Injury to domestic associate)

Section 245(6), examples—

insert—

- 3 an order that any other person must not list the person's personal information in a tenancy database under section 459

3 Clause 29 (Amendment of s 459 (Restriction on listing))

Page 41, lines 9 and 10—

omit, insert—

- (2) Section 459(1)(c) to (e)—

omit, insert—

- (c) there is a reason prescribed under a regulation for listing the information; and
- (d) the tribunal has not made an order under section 245(6) prohibiting the listing of the information.

4 Clause 32 (Amendment of s 461 (Application to tribunal about incorrect or unjust listing))

Page 46, lines 10 to 12—

omit, insert—

- (7) Section 461(3)(b), example 1, from ‘Y is’ to ‘Y’s spouse’—

omit, insert—

Personal information about Y is listed on a tenancy database for a reason relating to damage caused to premises by a domestic associate of Y

5 Clause 34 (Insertion of new ch 14, pt 4)

Page 49, lines 2 to 8—

omit, insert—

subject to subsection (2).

- (2) Section 459D applies to an old listing as if the reference to keeping the information for longer than 3 years were a reference to keeping the information after the day that is 6 months after the commencement.
- (3) In this section—

old listing means an existing listing that, at the commencement, had been kept in a tenancy database for at least 2 years and 6 months.

6 Clause 35 (Amendment of sch 2 (Dictionary))

Page 51, line 9, ‘457’—

omit, insert—

457A

7 Clause 35 (Amendment of sch 2 (Dictionary))

Page 51, line 14, ‘457’—

omit, insert—

457A

8 Long title

Long title, after ‘*Act 1991*’—

insert—

, the *Queensland Building and Construction Commission and Other Legislation Amendment Act 2014*