

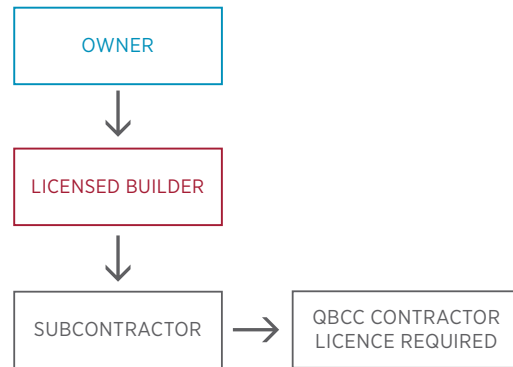
ATTACHMENT A – LICENSING OBLIGATIONS

TIERED CONTRACTING ARRANGEMENTS

SUBCONTRACTOR FOR A LICENSED BUILDER

An individual or company who subcontracts to carry out building work for a licensed builder or a licensed completed residential building inspector must hold an appropriate contractor's licence for the subcontracted work.¹

A licensed builder is prescribed under the QBCC Regulation to mean the holder of a builder or builder restricted class of licence.²

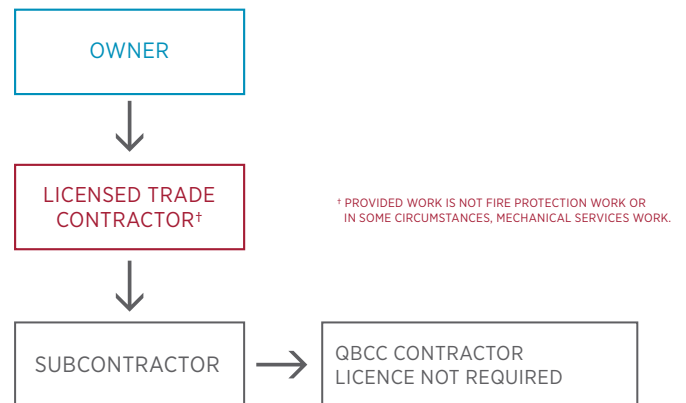


SUBCONTRACTOR FOR LICENSED TRADE CONTRACTOR

An individual or company who carries out building work for a licensed trade contractor (as opposed to a licensed builder or the holder of a completed residential building inspector licence) is **not** required hold a contractor's licence, unless the work is fire protection, or in some cases, mechanical services work.³

However, subcontractors who are exempt from holding a contractor's licence because they are carrying out building work for a licensed trade contractor may still be required to meet licensing requirements in other legislation.

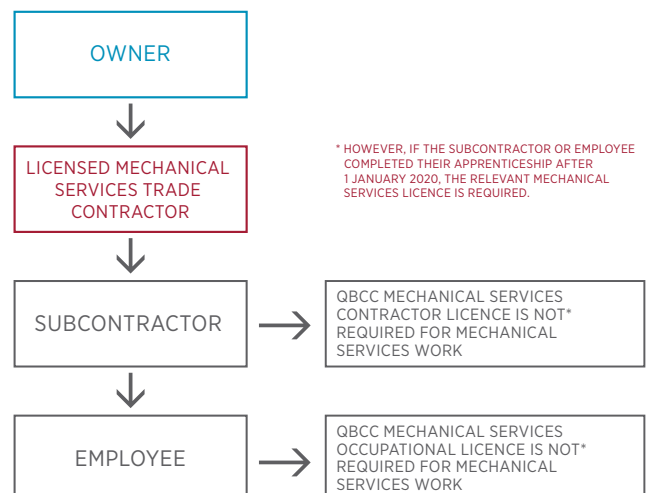
For example, they will need to hold an occupational licence under the *Plumbing and Drainage Act 2018* if they have subcontracted to carry out drainage or plumbing work for a licensed trade contractor.



SUBCONTRACTOR FOR LICENSED MECHANICAL SERVICES CONTRACTOR

An individual who subcontracts to carry out mechanical services work for a licensed mechanical services trade contractor, within the scope of the trade contractor's licence, is not required to hold a mechanical service licence until 1 January 2022.⁴

However, if the subcontractor completed their apprenticeship after 1 January 2020, they are required to hold a mechanical services licence for the scope of work being performed.⁴

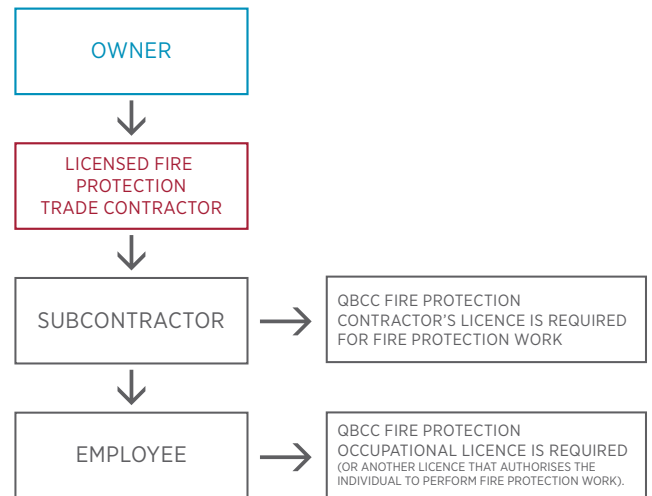


1 Section 42 and section 2, Schedule 1A QBCC Act.
 2 Section 6 and schedule 8, QBCC Regulation.
 3 Section 42 and section 2, Schedule 1A QBCC Act.
 4 Section 75, QBCC Regulation.

SUBCONTRACTOR FOR FIRE PROTECTION WORK

An individual or company who subcontracts to carry out fire protection work for a licensed fire protection trade contractor is required to also hold a fire protection contractor's licence of the relevant class for the work.⁵

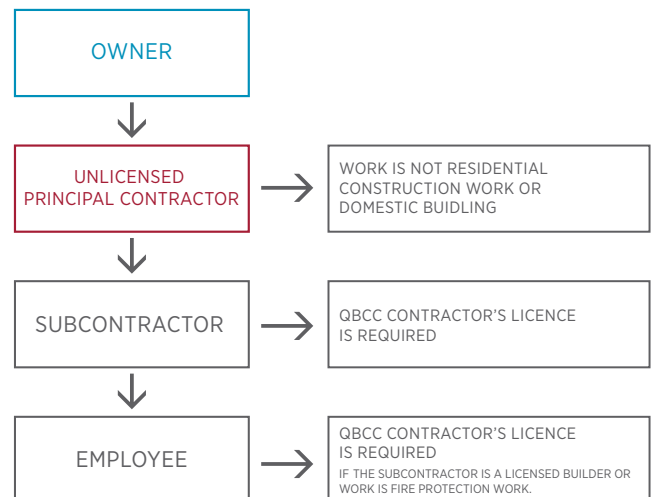
All individuals who personally perform or supervise fire protection work as an employee for a licensed fire protection trade contractor **must** hold a fire protection occupational licence (or another licence issued under legislation that authorises them to do this work).⁵



SUBCONTRACTOR FOR AN UNLICENSED PRINCIPAL CONTRACTOR - COMMERCIAL WORK

An unlicensed individual or company may enter into a principal contract to carry out building work provided the work is not residential construction work or domestic building work.⁶

However, the unlicensed principal is not allowed to personally carry out or provide building work services for the work.⁷ An individual or company who subcontracts to carry out building work for the unlicensed principal contractor in these circumstances must hold a contractor's licence of the relevant class for the work that they have been subcontracted to carry out.⁸



EMPLOYEES

An unlicensed person who carries out, in the course of employment, building work (other than fire protection work) for which the person's employer holds a licence of the appropriate class under the QBCC Act is **not** required to hold a contractor's licence.⁹

An employee who carries out building work that is fire protection work for an appropriately licensed contractor **must** hold a fire protection occupational licence or a contractor's licence that allows them to carry out the work.¹⁰

An employee who completed their apprenticeship after 1 January 2020 and carries out mechanical services work for an appropriately licensed contractor **must** hold a mechanical services occupational licence or a contractor's licence that allows them to carry out the work.

LIMITATIONS WITH THE ABOVE INFORMATION

It is important to note that the above information is a general guide only. For example, the information needs to be considered in the context that there are 53 exemptions listed in Schedule 1 of the QBCC Regulation that exempt work from being defined as "building work" (thereby negating the need to hold a contractor's licence).

There are also a range of situation specific exemptions from the need to hold a contractor's licence stated in schedule 1A of the QBCC Act. The specific exemptions include those relating to public private partnerships, partnerships generally, prescribed government projects and design work by landscape gardeners, owner-builders and consumers.

⁵ Section 42C, QBCC Act.
⁶ Section 42 and section 8, Schedule 1A, QBCC Act.
⁷ Section 8, Schedule 1A, QBCC Act.
⁸ Section 42 and section 8, Schedule 1A, QBCC Act.
⁹ Section 42 and sections 1, Schedule 1A of the QBCC Act.
¹⁰ Section 42 and sections 7, Schedule 1A of the QBCC Act.