

## BUILDING AND OTHER LEGISLATION AMENDMENT BILL

### Message from Governor

**Hon. SJ HINCHLIFFE** (Stafford—ALP) (Minister for Infrastructure and Planning) (2.54 pm): I present a message from Her Excellency the Governor.

The Deputy Speaker read the following message—

MESSAGE

BUILDING AND OTHER LEGISLATION AMENDMENT BILL 2010

*Constitution of Queensland 2001, section 68*

I, PENELOPE ANNE WENSLEY, Governor, recommend to the Legislative Assembly a Bill intituled—

A Bill for an Act to amend the Building Act 1975, the Land Title Act 1994, the Royal National Agricultural and Industrial Association of Queensland Act 1971 and the Urban Land Development Authority Act 2007 for particular purposes.

(Sgd)

GOVERNOR

Date: 15 APR 2010

*Tabled paper:* Message, dated 15 April 2010, from Her Excellency the Governor recommending the Building and Other Legislation Amendment Bill.

### First Reading

**Hon. SJ HINCHLIFFE** (Stafford—ALP) (Minister for Infrastructure and Planning) (2.55 pm): I present a bill for an act to amend the Building Act 1975, the Land Title Act 1994, the Royal National Agricultural and Industrial Association of Queensland Act 1971 and the Urban Land Development Authority Act 2007 for particular purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

*Tabled paper:* Building and Other Legislation Amendment Bill

*Tabled paper:* Building and Other Legislation Amendment Bill, explanatory notes.

### Second Reading

**Hon. SJ HINCHLIFFE** (Stafford—ALP) (Minister for Infrastructure and Planning) (2.55 pm): I move—

That the bill be now read a second time.

The bill primarily implements key measures for the second stage of the Queensland government's swimming pool safety improvement strategy. In the five years from 1 January 2004 to 31 December 2009, 35 young children drowned in Queensland residential swimming pools. All, except one, were under five years of age. It is also estimated that 50 young children present to emergency departments each year due to immersion injuries, some of whom suffer permanent brain damage.

In 2008 and 2009 the Queensland government conducted a review of its swimming pool safety laws. An independent swimming pool safety review committee, including representatives from Kidsafe Australia, the Queensland Master Builders Association, Housing Industry Association, Australian Institute of Building Surveyors and the Swimming Pool and Spa Association, was established and provided a report to the government with 23 recommendations—all of which will be put in place.

Following extensive consultation, and to allow pool owners and local government time to adjust, the government has adopted a two-staged swimming pool safety improvement strategy to implement these recommendations. Stage 1, which applies to new pools, commenced on 1 December. Stage 2, which affects existing pools, is expected to be brought before the House later this year.

This bill amends the Building Act 1975 to facilitate a new swimming pool safety inspector licensing system and establish a Pool Safety Council to oversee the administration of that licensing system. The licensing system needs to be in place by mid-2010 to ensure a smooth transition for the draft stage 2 measures that include mandatory inspections at the point of sale or lease.

Coronial findings on the pool drownings of young children have repeatedly found defective fences at fault. Many of these children have gained access to a fenced pool through a gate or door including instances where a pool gate has been propped open, an automatic latch found to be defective, or via a door that forms both part of the house and the pool barrier.

Tragically many of these incidents occur shortly after families with young children move into a new and unfamiliar environment. This is why the state government has proposed pool owners who want

to sell or lease a property will first need to obtain a pool safety certificate. We want to ensure residential pools are safe before a new family moves in.

In order to facilitate this requirement, the bill creates a swimming pool inspector licensing system and a new class of licensed pool safety inspectors. Under the amendments, licensed swimming pool safety inspectors will be empowered to conduct pool safety inspections on swimming pools controlled by state law. Inspectors will issue a pool safety certificate only if a pool meets the prescribed standard. Organisations such as the Local Government Association of Queensland and the Royal Life Saving Society have voiced their support for this new pool safety inspector licensing system. A licensed pool safety inspector will also be able to carry out 'minor repairs' prescribed under the Building Regulation 2006. This is expected to help reduce costs for pool owners by reducing the need for multiple inspections.

025 Under the bill an independent Pool Safety Council will be established to oversee the swimming pool safety licensing system. Council's role will include approving pool safety inspector training courses, licensing inspectors, responding to complaints and imposing disciplinary sanctions on inspectors. To ensure pool safety inspectors receive high-quality and relevant training, amendments under the bill provide that registered training organisations and other approved training organisations deliver approved courses. Guidelines to specify the required content for these courses will be published.

The bill also provides the authority to create and maintain a state based swimming pool register. The pool register will contain information gathered by licensed swimming pool safety inspectors, building certifiers and local governments. Owners of regulated pools will be required to register, and an offence will apply to owners who fail to register their pools. These amendments are necessary to ensure a smooth transition to the mandatory point-of-sale and lease inspection system. This will allow owners preparing to sell or lease their properties time to obtain a pool safety certificate.

The bill also includes amendments to the 'ban the banners' provisions under the Building Act 1975. Following the passage of the 'ban the banners' amendments through the parliament last year, I made it clear that I was keen to listen to concerns from the property sector based upon its practical experience of the legislation's operation. As a consequence of subsequent extensive consultation with key stakeholders and the community, the decline in industry confidence in the wake of the global financial crisis was identified as being put at further risk by some elements of the amendments.

For this reason, the government proposes to amend the 'ban the banners' provisions to ensure legislation does not hamper confidence in the residential property sector. However, the government remains committed to its election pledge, and the bill provides that covenants relating to house orientation remain valid when they require an orientation for energy efficiency purposes.

While there will be no changes to the current prohibitions relating to minimum floor area, covenants will be able to require a minimum frontage to preserve street amenity. This will be allowed except where imposing a minimum frontage would result in the construction of less energy efficient housing.

The bill will have no effect on the existing prohibitions on solar hot-water systems, photovoltaic cells, dark coloured roofs, energy efficient windows and the minimum number of bathrooms and bedrooms. Other elements of these provisions are proposed to be removed. However, it is important to note that it is in the interest of industry to deliver a diverse product suitable to the needs and desires of Queenslanders. To help industry help provide certainty to the residential property sector, the 'ban the banners' provisions will start at the commencement of the act.

The bill also amends the Urban Land Development Authority Act 2007 to enable the authority to approve a proposed development if it is consistent with either a previous preliminary approval, obtained from local government, or the land use plan prepared by the authority. The amendments also provide certainty as to the process the authority is required to undertake to seal plans and will support the authority's primary function of bringing land to market quickly.

Finally, the bill also amends the Royal National Agricultural and Industrial Association Act 1971 to provide the Governor in Council the power to approve of the association selling land and for the Governor in Council to attach conditions on any such approval. This amendment will ensure the proposed redevelopment of the Royal National Agricultural and Industrial Association showgrounds can proceed without undue obstacles, thereby preserving the future of the RNA and one of Brisbane's most iconic events, the Ekka, into the future. I commend the bill to the House.

Debate, on motion of Mr Nicholls, adjourned.