

<BUILDING AND CONSTRUCTION LEGISLATION (NON-CONFORMING BUILDING PRODUCTS—CHAIN OF RESPONSIBILITY AND OTHER MATTERS) AMENDMENT BILL

Introduction



Hon. MC de BRENNI (Springwood—ALP) (Minister for Housing and Public Works and Minister for Sport) (12.05 pm): I present a bill for an act to amend the Building Act 1975, the Pest Management Act 2001, the Plumbing and Drainage Act 2002 and the Queensland Building and Construction Commission Act 1991 for particular purposes. I table the bill and explanatory notes and I nominate the Public Works and Utilities Committee to consider the bill.\

Tabled paper: Building and Construction Legislation (Non-conforming Building Products—Chain of Responsibility and Other Matters) Amendment Bill 2017.

Tabled paper: Building and Construction Legislation (Non-conforming Building Products—Chain of Responsibility and Other Matters) Amendment Bill 2017, explanatory notes.

I am pleased to introduce the Building and Construction Legislation (Non-conforming Building Products—Chain of Responsibility and Other Matters) Amendment Bill 2017. The bill seeks to establish a chain of responsibility, placing duties on building supply chain participants in order to ensure building products used in Queensland are safe and that they are fit for purpose.

The bill seeks to update the compliance and enforcement powers of the Queensland Building and Construction Commission, the QBCC, and the responsible minister. The bill will facilitate, and in some cases obligate, information sharing on workplace health and safety and public health matters between the QBCC and state work health and safety regulators. The bill will allow the QBCC to take disciplinary action against a licensee. It will allow the QBCC to suspend or cancel a licence where serious safety issues are at stake.

Members will recall that I have raised the issue of nonconforming building products a number of times in the House. In 2014 it took less than 15 minutes for a lit cigarette left on a balcony to cause 13 floors of the Lacrosse building in Melbourne to be engulfed in flames. That fire was a result of highly flammable nonconforming aluminium cladding, a cheaper imitation version of a conforming product.

The proliferation of cheap, imported and often substandard products entering our nation is a risk to the health and safety of all Queenslanders. It is a risk to Queenslanders when they gather at events, when they gather at public places, when they go to work in a modern office tower, when they visit major shopping centres and even when they return to their homes at the end of a busy day. These products are often costly to rectify and they are often difficult to replace once they have been installed. These costs currently are falling on the builder, the installer, the building owner or the strata title community.

The Queensland government has been leading a national push for a stronger approach to this issue. The Palaszczuk government is determined to secure public confidence in our built environment. That is why I am proud to present this bill, a bill that delivers a new approach to addressing nonconforming building products and also establishes, importantly, a model for other jurisdictions that are looking to improve their own legislative frameworks.

It is important to note that the single most effective way of dealing with this problem would be for the Commonwealth to take some action to stop the importation of these products at the border. Despite significant pressure from the states, meaningful action to date has not been forthcoming. To protect Queenslanders, whether they be in the office or at the shops, at home or on a construction site, we are called to act. This bill will implement a chain of responsibility that places duties on supply chain participants—specifically designers, manufacturers, importers, suppliers and installers. We do this so as to ensure that nonconforming building products are not incorporated into our built environment.

017 Additional duties will be placed on parties in the chain of responsibility to ensure that building products are accompanied by appropriate information. The bill requires that parties in the chain of responsibility must not make false or misleading statements about a building product's performance. These duties will more fairly allocate responsibility for the management of nonconforming building products. This will correct a situation that exists in Queensland where the only safeguard currently preventing a dangerous building product being permanently incorporated into the built environment is the vigilance of a tradie, developer or certifier. The bill establishes a duty on supply chain participants to notify the Queensland Building and Construction Commission of nonconforming building products.

The bill will also update the compliance and enforcement powers of the Queensland Building and Construction Commission. Under these laws the QBCC will be able to take a range of actions to address the conduct of those who breach their duties. The QBCC will be able to make use of modern compliance tools, such as enforceable undertakings. Importantly, the QBCC's powers of entry will be significantly broadened. For example, to pursue the removal or the rectification of nonconforming building products, the QBCC will be able to enter finished construction buildings rather than, as the current situation has it, only active building sites. This is because experience tells us that nonconforming building products can often become apparent well after the construction project has concluded. The QBCC will also be able to direct or take remedial action to make a place safe and to take building products and samples for examination and testing. In the interests of public safety, the bill provides the ability for the responsible minister to issue a warning statement about a product and to issue a recall order where deemed necessary. The bill will also establish the Building Products Advisory Committee, which will be a key source of information and guidance about issues relating to nonconforming building products.

I turn to workplace safety amendments on building sites, which I have mentioned in this House already today. I pause for a moment to again acknowledge Mr Michael and Mrs Lee Garrels, who are in the gallery today for this important occasion. On behalf of the House, I thank you for your tireless advocacy for safer workplaces for all Queenslanders. Lee and Michael Garrels lost their son when Jason was fatally electrocuted when working on a building site in Queensland. I cannot imagine the utter devastation suffered by the Garrels family. I cannot imagine the utter devastation suffered by Jason's mates and those in the local community because of that tragic and preventable incident. I have no doubt that the Garrels family's advocacy for better workplace safety has and will continue to save the lives of Queenslanders. Again, I thank you for your determined campaigning.

Influenced by the Garrels family's sensible advocacy, in this bill I am proposing amendments that will seek to establish a requirement that the QBCC shares information with workplace health and safety regulators, including the regulator under the Electrical Safety Act 2002, the Workplace Health and Safety Act 2001 and the Public Health Act 2005. These amendments also require licensees to report notifiable health and safety incidents, breaches and risks to the Queensland Building and Construction Commission. The bill allows the QBCC to then suspend or cancel a licence or take other disciplinary action if a licensee has caused death or serious injury or is causing serious risk to health and safety on a building site. The bill further allows the QBCC to take action if a licensee is convicted of an offence or is in breach of relevant legislation.

The intent of these provisions is to fulfil the community's expectation that the QBCC should take into account the conduct of a company when considering the suspension or cancellation of a licence. Licensees who fail to meet their obligations to ensure the safety of workers and who expose workers to risk, for example, dangerous chemicals and things such as asbestos or many of the hazards that are prevalent on construction sites, should not have the privilege of holding a building and construction industry licence in Queensland. If you fail to protect the safety of workers, you do not deserve to operate in this state.

I will be very clear: the great majority of builders who do the right thing and who do behave in a way that is consistent with the expectation of the Queensland community should not have to compete with builders who consistently cut corners, be it on quality, payment or safety. Those builders, together with the tradies, the young workers—men and women such as Jason Garrels—and the certifiers in the construction industry deserve the support of a modern chain of responsibility to control the dangers created by nonconforming building products and a proactive regulatory authority to protect their health and safety. I commend the bill to the House.

~~First Reading~~

~~Hon. MC de BRENNI (Springwood—ALP) (Minister for Housing and Public Works and Minister for Sport) (12.16 pm): 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.~~