

Queensland Building and Construction Commission and Other Legislation Amendment Bill 2025

Submission No: 8
Submitted by: Strata Community Association (Qld)
Publication:
Attachments:
Submitter Comments:

14 July 2025

The Secretariat
State Development, Infrastructure and Works Committee
Queensland Parliament
Via Email

Re: Queensland Building and Construction Commission and Other Legislation Amendment Bill 2025

Dear Committee,

We thank you for the opportunity to provide feedback on these important issues. We are grateful to have the opportunity to provide input into the *Queensland Building and Construction Commission and Other Legislation Amendment Bill 2025*, (*the Bill*).

About SCAQ

Strata Community Association Queensland (“SCAQ”) is the peak industry association supporting Queensland’s professional strata management sector, with more than 1,200 individual and corporate members who help oversee, advise and manage assets worth in excess of \$280 billion for Queenslanders. Our industry generates around \$1.75 billion worth of economic activity annually and employs circa 60,000 people directly and indirectly.

SCAQ understands the strata sector from a broad array of viewpoints owing to our diverse membership. We pride ourselves on our ability to advocate from a “whole of industry” perspective.

As of 2025, there are over 530,000 lots in more than 53,000 community title schemes across Queensland.

This number is expected to grow exponentially as strata living, apartments, townhouses and other shared developments, become an increasingly critical and affordable component of our housing mix into the future. As Queensland grapples with our current housing crisis, efficient forms of housing and land use, plus well-located housing close to existing infrastructure are central to the solution.

Introduction

SCAQ is pleased to make a submission on the Bill and supports the discreet modifications it makes to various pieces of building related legislation. We are pleased to see the Government is moving in the direction of substantial reform in the building sector and would like to see further progress to enhance the productivity and standards of Queensland’s construction industry.

We will talk to individual proposed changes below, as well as propose further reforms which we believe are needed in this space.

Amendment of the Building Act 1975

SCAQ is supportive of the changes to the Building Act 1975, which essentially remove red tape and clarify some obligations for tradesmen as to their physical licenses. We understand these changes are pragmatic and hope they have a positive effect on the productivity of tradesmen. These are simple, procedural changes and we are happy to support them.

Amendment of the Plumbing and Drainage Act 2018

SCAQ is supportive of the changes made to the Plumbing and Drainage Act as they relate to licensing. Again, these are modern, pragmatic measures to help make life easier for tradesmen, we hope these minor amendments will help make the lives of tradesmen easier.

Amendment of the Queensland Building and Construction Commission Act 1991

SCAQ is supportive of the changes made to the QBCC Act as they relate to licensing. Again, these are sensible measures to help make life easier for tradesmen, we hope these minor amendments will help streamline matters for both tradesmen and the Commission.

Amendment of s54A (Notification of Particular Safety Matters)

SCAQ is pleased to see notification requirements around safety requirements expanded to be more stringent. Safety should be the preeminent concern of any legislation as it relates to the construction industry. It is critical that regulators are appropriately empowered to ensure safety and that licensees understand fully their obligations.

Clarity for Investigators

SCAQ is pleased that the obligations of investigators of have been clarified by the Bill. We believe again that clarity is a welcome improvement and will ensure tradesman can focus on high quality, productive work.

The Need for Further Reforms

Experience of SCAQ – Building Defects

SCAQ believes that the overarching culture and regulatory environment of the Queensland construction sector needs a substantial overhaul, particularly with regards to medium and high-density properties. These properties have difficulties which emerge from their system of Governance and oftentimes the complex nature of their construction. Particularly, we believe substantial action is needed regarding building defects in bodies corporate.

Where the construction industry “gives birth” strata managers “raise” a body corporate scheme through its life cycle. Given this, any problems with defective construction, titling or service provision become the problem of the body corporate manager and the lot owners, whilst the original owner/developer can shift the impost of these defects onto purchasers.

A variety of estimates have been given around the impact of building defects in economic and statistical terms. It is important to note that there is no one full accepted “source of truth” around these issues due to difficulties in data collection and aggregation. Given this lack of clarity, we will reference a variety of sources, what we would note is that there is a clear consensus this is a major issue.

- A building defect being defined as “a failing or shortcoming in the function, performance, statutory or user requirements of a building, and might manifest itself within the structure, fabric, services or other facilities of the affected building¹.”
- The most comprehensive study done into the topic of building defects in Australia in multi-owned (strata or body corporate) was undertaken by Griffith and Deakin Universities. Titled “An examination of building defects in residential multi-owned properties²” (the Report or Deakin Defects Report) and authored by academics Dr. Nicole Johnston and Assoc Prof. Sacha Reid, the Deakin Defects Report outlines the serious problems facing building standards in this section of the built environment.

It is important to understand the magnitude of this problem that is building defects in strata properties.

The Deakin Defects Report examined 212 building audit reports from New South Wales, Victoria and Queensland and found over 3000 line-item defects³. 85% of buildings analysed had at least one defect and the average number of line-item defects was 14. The Deakin Defects Report⁴ defined the following core “construction systems” in a high-rise building to inform their analysis also:

- Building Fabric and Cladding
- Electrical, Lighting and Data
- Fire Protection
- Hydraulics
- In Motion Equipment
- Mechanical and Ventilation
- Roof and Rainwater Disposal
- Safety
- Structural
- Utility Supply
- Waterproofing
- Non-essential Services
- Access and Egress

¹ David Watt, Building pathology: principles and practice (Blackwell Publishing, 2nd ed, 2007) 96

² Johnston, Nicole and Reid, Sacha 2019, An examination of building defects in residential multi-owned properties, Deakin University, [Melbourne, Vic.]

³ Johnston, Nicole and Reid, Sacha 2019, An examination of building defects in residential multi-owned properties, Deakin University, [Melbourne, Vic.]

⁴ Australian Building Management Accreditation (ABMA), ABMA Building Management Code (2018) Queensland Edition.

The Role of the QBCC and Licensing Broadly to Reduce Defects

Whilst ideally, we believe that an important step in reducing the rate of defects in strata buildings would be to expand the home warranty scheme above 3 storeys, we understand that is a larger body of work. There are matters within the licensing, enforcement and regulation scope of the QBCC we believe could be examined to help reduce the rate of defects

The QBCC is responsible for issuing directions to rectify defective work. We believe the QBCC should be empowered to deliver harsher penalties for failure to comply with such a direction. We are also of the view that reform to the building sector should necessitate the introduction of a requirement for licensing for waterproofing work. Waterproofing work is a significant source of defective work within strata buildings.

Building Certifiers

Certifiers generally need more robust and significant oversight according to a substantial volume of feedback from SCAQ members. Feedback from members of SCAQ involved in these issues is that the Government should take stronger action to ensure that commercial interests and other pressures do not prevent building certifiers from acting in the public interest.

Building certifiers face practical and commercial pressures to provide client advice that may conflict with their compliance and enforcement roles as independent checking professionals – the concerns are:

- conflicts of interest;
- disengagement of building certifiers;
- confusion over the building certifier role;
- the standard of building certifier work; and
- enforcement action.

SCAQ believes appropriate oversight of these factors, particularly relationships with developers, need to be addressed. In the industry, there is a view that certifiers can often have conflicted priorities owing to commercial relationships with developers. SCAQ believes this needs to be addressed through a comprehensive auditing system with respect to the activities of building certifiers.

Such a regime could consist at the outset of the QBCC examining the practices of certifiers who have signed off on projects where the QBCC has been forced to issue directions to rectify for significant defects. If it is found by the QBCC that upon investigation the defects ought to have been picked up, then the regulator should be empowered to issue fines, or other punishments, in a similar fashion to how it operates with other licenses.

SCAQ also sees scope for the regulation of how certifiers interact with developers like how auditing practices are regulated by the Corporations Act (2001) (Cth). Specifically, section 324DA which reads:

(1) If an individual plays a significant role in the audit of a listed company or listed registered scheme for 5 successive financial years (the extended audit involvement period), the individual is not eligible to play a significant role in the audit of the company or the scheme for a later financial year (the subsequent financial year) unless:

(a) the individual has not played a significant role in the audit of the company or the scheme for at least 2 successive financial years (the intervening financial years); and

(b) the intervening financial years:

(i) commence after the end of the extended audit involvement period; and

(ii) end before the beginning of the subsequent financial year.

Similarly drafted legislation around time periods or even the number of projects certified without interruption by a specific certifier, may have the effect of removing any real, or perceived, conflicts to their role.

SCAQ also believes on-site inspections must be made mandatory for certifiers and that photographic proof of this inspection must also be mandatory. This should be accompanied by a statutory declaration indicating the attending certifier attended on site, inspected and took the photos.

The benefit of such a change is that it imposes no new costs or red tape, encourages competition and promotes integrity by certifiers.

Conclusion

SCAQ is pleased to see the Government taking a proactive approach to building matters and we hope to see further reform across this term of Parliament.

Yours sincerely



Laura Bos
General Manager, SCAQ