



Speech by

ANITA PHILLIPS

MEMBER FOR THURINGOWA

Hansard 21 February 2002

SUBCONTRACTORS' CHARGES AMENDMENT BILL

Ms PHILLIPS (Thuringowa—ALP) (5.50 p.m.): I rise today in support of the Subcontractors' Charges Amendment Bill. I will not be very detailed, as much has already been said in support of the bill from both sides of the House. I would like to congratulate the minister and his department on developing such well-accepted legislation. I cannot recall such a bipartisan response to other bills.

The bill currently before the House will deliver unprecedented protection to subcontractors. This is very good news for the many subbies who live in my electorate of Thuringowa. I will be making sure that they are all well aware of these changes that have been introduced for their benefit by this Beattie Labor government. The proposed amendments include aims to extend the application of the Subcontractors' Charges Act 1974 for subcontractors to claim a charge not only on moneys payable under the contract but also on security for the performance of a contractor's obligations to the employer. The bill in fact seeks to create a balance in the industry. On one side the amendments will expand the categories of persons entitled to claim a charge under the act to include manufacturers and suppliers of labour. They will also widen the definition of 'work'. They will also include measures to better ensure that subcontractors' claims relate only to the work carried out for a contractor under the subcontract and that these claims are not considered unreasonable. In fact, the amendments will require the subcontractor to provide a statutory declaration declaring that the amount claimed is correct. As far as I am informed, the bill has been drafted in consultation with industry stakeholders representing contractors, subcontractors and legal specialists and has the support of the Queensland Master Builders Association and the Housing Industry Association.

There is another amendment included in the bill to introduce a new definition of 'project specific materials'. This will now include materials made specifically for inclusion in the particular work. This inclusion also reflects the growing demand in the market for specialised products and services. The proposed amendment allows subcontractors who may have manufactured project specific components, but whose work has never been fixed into the project, also to be able to lodge a valid charge. At present under the act, for example, a person who designs and manufactures, say, a steel central span for a bridge does not have the ability to lodge a charge unless that span is actually affixed to the project under contract or subcontract.

In common with other members, many subcontractors have approached me in my electorate regarding security of payment. I note the minister's public comments that he will not make a promise to solve this issue because it is a promise that cannot be kept. I think that his response is realistic and responsible. I do not believe that any government should be claiming that it will ever be able to secure a system that provides a 100 per cent guarantee that everyone will always get paid. But I believe the amendments in this bill, including those related to payments, are a forward step by the Beattie government to address issues for subcontractors and they demonstrate our commitment to all of my electorate, including small business owners such as subcontractors. I commend the bill to the House.