



Speech by

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BUILDING AND OTHER LEGISLATION AMENDMENT BILL

Mr HOBBS (Warrego—NPA) (11.48 a.m.): This bill is important. I do not need to remind members of the origins of this legislation, that is, the tragic Childers fire. We all have agonised over what in fact is the best way to manage backpacker accommodation, because there are many old buildings and hotels throughout this state that have safety issues. How do we manage this? What are the costs? What happens to the infrastructure of those towns? Seasonal workers who undertake grape picking, fruit picking or cotton chipping are attracted to these towns. So, the use of these types of accommodation is very, very useful, in fact absolutely necessary, in many communities.

We have to find the best way of keeping backpackers safe. We have to make sure that all visitors to Queensland are provided with safe and secure accommodation. The problem with this legislation is that local government will have to bear too much of the responsibility, particularly in relation to litigation. As we are all aware, insurance costs have gone up. We hear about it constantly in the news, and we hear about the effect that rising insurance costs are having on our own communities. Many groups are facing a very serious financial situation as a result of the increased cost of public liability insurance. Local government is no different. It is experiencing exactly the same problem. In fact, the responsibility of local government has been made quite clear in various decisions that have been made in relation to nonfeasance in terms of litigation for roadworks. If local government is going to have to take on the responsibility of looking after backpacker type accommodation, its public liability insurance premiums will blow out dramatically. Local governments have received quotes for public liability insurance which reveal an increase of up to 100 per cent in their premiums—not specifically because of this legislation, but because of a combination of various events. That is a huge burden on local government.

I know that people try to buy in bulk to get discounts. Local government has been doing that for a long, long time. They pay the cheapest insurance premiums that they can obtain. That does not mean to say that local government cannot do better; however, the reality is that in the past they have put a lot of effort and a lot of thought into their public liability insurance premiums. Local governments are very progressive in the way in which they do business. They have extremely competitive insurance cover.

The opposition will be supporting the broad intentions of this bill, but it will move some important amendments. Those amendments will place the majority of the responsibility for this matter back on fire services where it belongs. Local government is happy to do the work—the inspections and so on—where necessary, but the reality is that fire services should retain their responsibility for those matters. That responsibility is being handed to local government without any compensatory funding that would help them defray their insurance costs. That is the main reason why the opposition believes that local government should not have the total responsibility under this legislation. The amendments that I will move are in those terms.

This Building and Other Legislation Amendment Bill seeks to improve fire safety uniformly across all budget accommodation in Queensland. The objectives of this legislation are outlined in the explanatory notes. They aim to achieve a satisfactory standard of fire safety in budget accommodation buildings by requiring budget accommodation buildings not approved under the Building Code of

Australia to comply with the prescribed minimum fire safety standards and owners of budget accommodation buildings to prepare and implement a fire safety management plan.

As members of this House would be aware, this proposed legislation is the government's response to the Childers backpacker hostel fire. Although we need to review and implement more up-to-date and stringent building fire safety legislation, we have to make sure that we do it in the most appropriate way that meets the needs of our society. The Building Fire Safety Task Force was formed by the state government to review fire safety standards for budget accommodation buildings. This review included backpacker hostels, boarding houses, hotels and other similar share accommodation style buildings. However, it has taken this government nearly 18 months to come up with new fire safety standards for budget accommodation.

I appreciate the fact that it would have been difficult for this legislation to be introduced while the Childers hostel arson trial was going on. The opposition accepts that. Unfortunately, this legislation has taken time to be introduced, which is probably out of the hands of everyone at this stage. It is just one of those things that we have to work our way through. However, the minister has put the onus back on local government authorities to administer and implement the proposals of the legislation. I mentioned that the opposition will move amendments to the effect that the responsibility should lie with the Queensland Fire and Rescue Service. The government has opted for the easy way out and put the burden of costs and responsibilities on local councils.

Generally, budget accommodation has a higher occupation density than other forms of accommodation and a large number of older buildings are being used as budget accommodation. Given the nature of the occupation, the age, the lack of fire safety facilities and the predominant timber construction of the buildings, fire risk is very high in a large proportion of budget accommodation buildings. The majority of budget accommodation buildings were built prior to the introduction of the Building Act 1975 and had to comply only with the fire safety standards established by individual local governments at that time.

Between 1976 and 1992, the Building Act contained only minimal fire standards for new buildings of this type. It took until 1992, when the Building Code of Australia commenced in Queensland, for new budget accommodation buildings to be required to comply with contemporary fire safety standards. As a result, the current building and fire safety legislation does not require older buildings to comply with contemporary fire safety standards unless an owner wants to renovate or alter a building or there is a change in the building's use classification under the Building Code of Australia.

As the explanatory notes rightly point out, the Childers incident demonstrated that fire in older buildings with high density use can have devastating consequences. It was reported that safety inspections of 263 of the 276 backpacker hostels in Queensland over two months following the Childers backpackers hostel fire revealed quite a number of fire safety defects. Ten per cent of those were considered to be serious, including blocked emergency exits, no fire evacuation procedures, and overcrowding. The audit was subsequently broadened to include other budget accommodation buildings, such as boarding houses and hotels with sleeping quarters.

The proposed legislation intends to achieve this improvement through the insertion of Part 2A—Fire Safety for Budget Accommodation Buildings. The fire safety standard would be called up by the Standard Building Regulation 1993 and set minimum standards for smoke alarms and emergency lighting. The installation of these minimum required standards will be self-assessable development and will not require a development approval under the Integrated Planning Act 1997. Owners will be able to approach local government to confirm that their buildings comply with the standard if they are in doubt. In the event of higher-risk budget accommodation buildings requiring additional fire safety improvements other than smoke alarms and emergency lighting, this will require a development application that will then be accompanied by a fire safety management plan to be assessed by local governments.

The Local Government Act 1993 will be amended to provide powers of entry for local government officers into budget accommodation buildings to monitor compliance with fire safety standards and local government assessed fire safety management plans. Therefore, the primary responsibility would be firmly with the relevant local council. That would chiefly involve the initial assessment of the buildings, fire safety management plans, and the conduct of ongoing inspections where it has granted a development approval for building works on a budget accommodation building.

A more limited role has also been outlined for the Queensland Fire and Rescue Service. This process would involve amending the Fire and Rescue Service Act 1990 to increase the powers of entry for fire brigade officers to inspect budget accommodation buildings, including conducting random audits to monitor ongoing compliance with the fire safety management plans.

I also wish to make some more detailed comments on various sections of the bill, starting with definitions. 'Budget accommodation building' is defined in section 12B(1) of the legislation as being a building that has shared facilities, including bathroom and sanitary facilities other than a laundry and/or

provides accommodation for six or more persons. Included in this definition are backpacker hostels, boarding houses, supported accommodation and hotels providing sleeping accommodation, either as a community service or at commercial rates. Excluded from the definition are motels, correctional facilities, juvenile detention centres, aged care facilities, houses, townhouses, home units and, of course, health care facilities.

This legislation proposes a new Part 2A, a fire safety standard for budget accommodation buildings. It provides for the Department of Local Government and Planning to issue guidelines for compliance with fire safety standards and to ensure they are publicly available and accessible. The owner of a budget accommodation building must have regard to the guidelines in ensuring that their building conforms to the standards under proposed new section 12S(2). In addition, new section 12S(2) proposes that an entity—which is local government—must have regard to the guidelines when it carries out its authorised powers or functions.

Proposed new section 12H provides that the owner of a budget accommodation building must install emergency lighting and an early warning system as described within the fire safety standard, if required, within one year of the commencement of the legislation. Proposed subsection 12H(b) of this section requires an owner to install other fire safety measures as described in the fire safety standard, if required, within three years of the legislation commencing.

The National Party supports the proposed standards. A very real need exists to implement these minimum requirements, particularly for budget accommodation which was built prior to the Building Act and the commencement of the Building Code of Australia in 1992. Queensland's backpacker market grew by 20 per cent in the three-year period up to June 2001, surpassing a national increase of 16 per cent, which highlights the need for reform of fire safety standards for buildings.

However, the responsibility for regulatory compliance with building fire safety will rest with Queensland's local governments. Obviously this will result in the shifting of significant costs to local councils, 91 of which have no local law relating to the regulation of budget accommodation. Further, many councils in Queensland—particularly the more remote ones—have neither the expertise to fulfil this responsibility nor the financial wherewithal to pay for it. Many councils responsible for hotels, particularly those in western and remote areas, will be faced with having to find somebody with the qualifications to do that job. Local governments are happy to help and to play their part, but they do not have to cop the cost as well. Councils will be forced to impose huge costs on the owners of budget accommodation and on their ratepayers.

The feedback provided to date from a survey of Queensland's local governments by the Local Government Association has indicated the following results. The fee to be charged by local governments to assess and decide whether a pre-1992 building conforms to the fire safety standards will range from \$165 to \$2,500. Whether that accommodation is in places such as Ilfracombe, Isisford, Boulia or in the fruit picking areas where the big old hotels are used for this sort of accommodation, it will be quite expensive. The variance in the fee arises from the size and location of the local government, the number of budget accommodation establishments in the local government area, the complexity of the application, and whether a local government retains the existing expertise in-house. Some local councils will be faced with the very real likelihood of sending an employee who is not appropriately qualified to conduct building fire safety assessments.

Another issue which is of concern to the National Party is the expected 100 per cent increase in insurance premiums for local governments, which I mentioned before. The current insurance crisis has already started to impact upon insurance premiums for non-profit organisations, small businesses and voluntary associations.

Proposed new section 12I allows for approval of a longer period for conformity with the fire safety standard. This would allow the owner of a budget accommodation building to apply to local government to extend the period for compliance with the fire safety standard. If the local government is satisfied that granting a longer period for conformity will not cause undue hardship to the occupant or the budget accommodation building, it can grant the extension with a time to comply and other reasonably imposed conditions. In the event of a fire in the building within the interim period—20 business days to grant the extension—liability would rest with the local council which granted the owner the extension period for conforming to a minimum fire safety standard. This is a major issue. It places a significant insurance risk on every local council in Queensland that is responsible for budget accommodation.

That is not reasonable at all. It is simply not fair. Therefore, the National Party will move to amend these fire safety laws and place the responsibility for the new standards with the Queensland Fire and Rescue Service, where it should rightfully rest. The bill allows for increased powers of entry for fire brigade officers for inspection and for the issuing of guidelines for fire safety management plans. Those powers are additional to the Queensland Fire and Rescue Service's current role of assessing buildings in terms of safety standards, so it is commonsense that this regulatory role be taken on by the Queensland Fire and Rescue Service.

The Local Government Association, as a representative of local governments, supports this change, which will be contained in amendments to be moved at the committee stage. I urge the minister to accept this constructive and commonsense set of amendments. The National Party is genuine in its approach to this issue. We know that something must be done. We cannot have a recurrence of past events. Fire safety in these sorts of buildings must be fixed. However, in anyone's language it is not fair to duckshove the cost to local government, as has been done here. I do not believe the government intends to assist local government on this issue.

The Local Government Association has been very forthright on this particular matter and has done a lot of research. This is not the decision of a few councils which have problems; it is a state wide assessment of an issue which has to be resolved and dealt with responsibly. I urge members to remember that when this bill is at the committee stage, because I believe that, if the amendments the opposition intends to move are accepted, this legislation will be of great benefit to Queensland.
