



Speech by

Mrs LIZ CUNNINGHAM

MEMBER FOR GLADSTONE

Hansard 25 February 2003

QUEENSLAND BUILDING SERVICES AUTHORITY AND OTHER LEGISLATION AMENDMENT BILL

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (2.43 p.m.): I rise to support the general concepts in this legislation. As I have said to the minister previously, the QBSA is an authority about which I receive a lot of complaints. I guess that is because the authority is the mediator, in most cases, between a contractor or a builder who feels that they are being asked to do more than their stated agreement with the home owner or home owners who are significantly aggrieved because of defective work.

As the previous speaker mentioned, in one instance under the QBSA process a painting contractor was required to remediate work and the relationship between the home owner and the contractor had deteriorated to a point where there were really no grounds of commonality at all. The home owner refused to have the painter on the premises and the QBSA insisted that the painter remediate the work. It reached such a stalemate that it took approximately 18 months for the situation to be reassessed.

The QBSA legislation is reviewed and changed on a regular basis, and I believe the minister is wise in doing so because it is an authority that sees a lot of change and certainly a lot of review is necessary.

This legislation introduces the demerit point system, and I want to make a couple of points in that regard. I believe there is a lot of worth in the demerit system, but I seek clarification from the minister about one aspect. I am sure it is in the legislation and I have not been able to identify it, but I am wondering whether the demerit points that are accumulated by the various contractors will be public knowledge.

One of the problems that people face after hiring a builder is ascertaining whether a person from whom they receive a quote is a reputable builder. It is usually word of mouth as to whether somebody is a reputable builder. The demerit system means that, except for extreme behaviour, a person will not necessarily be removed from the industry in which they have worked for a number of years to become qualified; however, it is certainly an indicator of the confidence that a home owner can have in hiring a person to carry out work. It also gives contractors who are subject to demerit points an opportunity to see that their reputation will go slowly down the toilet unless they improve the manner in which they do their work.

I commend the minister for introducing the demerit system. It is not punitive to the point where the axe immediately falls on a particular builder or company; it has to involve significant and extreme behaviour. It also provides an opportunity for the community to know the reputation of the builder. I just wonder how public that demerit system will be.

Mr Schwarten: Clause 15 of the bill says that they will be published.

Mrs LIZ CUNNINGHAM: I thank the minister.

The only other issue that I want to raise with the minister relates to the QBSA and, again, it is not dealt with in this legislation. However, it is an issue which has come to the attention of my office on a number of occasions. I refer to the ability of the QBSA to order restorative work in cases where a builder has appeared before a tribunal, the builder has been previously required to do corrective work on a particular property and he does not do that corrective work. The builder goes to the tribunal and

maybe subsequently pays the fine, but the person who has the defective work on their home—in my electorate it is swimming pools—is still left with a job that is not complete and that is not up to standard.

On the information that I have been given, it appears that the builder is able to walk away from that situation, leaving the home owner with defective work. Home owners with pools who have visited me on four occasions have said that there is nowhere else for them to go. They go to the QBSA and they are told that the pool constructor has been fined, but there is no opportunity for the owners of those facilities to have the work remediated other than at their own cost.

In my electorate the QBSA has been at the centre of considerable criticism. I know that this bill addresses issues such as the inability of a person or company which has gone into bankruptcy on a number of occasions to reinvent themselves. I commend the minister for that. There are a lot of people in the community who will ask the question: how is it that they can come back as Jones—

Mr Swarten: They won't be able to any longer.

Mrs LIZ CUNNINGHAM: That is right. I think the minister has answered a lot of community concern in relation to the ability of someone who has shown themselves to be lacking integrity to come back as ABC Construction when they were previously Jones Construction, having left a lot of people wanting in terms of finalisation of debts.

Mr Swarten: On the other matter, you mentioned swimming pools. That is uninsurable work.

Mrs LIZ CUNNINGHAM: I will talk to the minister about that. I have written about it because it is the same company that keeps coming up.

The BSA serves a very important role. As other speakers have said, people invest probably the biggest percentage of their life's earnings in their home and in refurbishments of their home. Not only is the home an asset that people spend a lot of time in—they build a lot of family memories—but people also have a reasonable expectation that, if they have to sell that asset in the future, work that has been done by contractors is of an appropriate standard.

I commend the minister for being willing to revisit the QBSA legislation on a regular basis and to change those areas that are shown to be ineffective or incomplete in their control of shonky builders. I look forward to seeing the reaction in the building industry and in the community to this new legislation.