



Speech by

Fiona Simpson

MEMBER FOR MAROOCHYDORE

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BUILDING AND OTHER LEGISLATION AMENDMENT BILL

Miss SIMPSON (Maroochydore—NPA) (Deputy Leader of the Opposition) (4.50 pm): The opposition will be supporting this legislation, which covers a wide range of issues. Certainly, in our consultation with industry it does not appear to be controversial, but we reserve the right to seek clarification and further guarantees about its implementation on specific aspects.

In summary, this bill will address changes to the Building Act 1975 and seeks to clarify the definition of 'boarding and share accommodation', redefining them as 'budget accommodation' in certain circumstances which will require development approval for a material change of use and also compliance with the Fire and Rescue Service Act. There are also changes with regard to building surveying technicians and how temporary structures are caught up within the Building Act and other legislation. There are also amendments to the local government superannuation scheme.

Firstly, in addressing the issue of the fire regulations and changes in the definition of 'shared accommodation', I support the government's moves to tighten fire regulations. The current range of legislation is a dog's breakfast and not straightforward for people who are seeking to comply with fire regulations if they have six or more tenants sharing a house. Current provisions are scattered across an array of legislation—the Building Act, development codes, the Fire and Rescue Service Act as well as different types of tenancy acts such as the budget accommodation and student accommodation legislation. I note that the legislation we are looking at does not necessarily make it any easier for people to find various references affecting compliance with a shared house with six or more, but I would urge the government to take this opportunity, with the tightening of the legislation, to educate landlords and the public as to their legal responsibilities.

'Six or more tenants' is designated by this legislation as constituting budget accommodation or shared accommodation and therefore required to comply with the Fire and Rescue Service Act. My understanding previously was that that act would have captured those types of accommodations anyway, but I understand that this legislation is coming forth because there have been challenges in court such that these types of accommodation have successfully had actions overturned. If there are negligent people who are trying to flout the law or the intention of the law, the book should be thrown at them. However, I also note that in this day and age, where people may be taking in boarders and have existing family members in that house, it may not be unreasonable to expect that there may be six people living in a house who now would have to clearly, under this legislation, ensure they are certified under the Fire and Rescue Service Act and also have proceeded through local government channels in terms of a material change of use. Therefore, there are implications in that area. However, I understand that the intention of bringing this legislation forward is to overcome a problem where there have been clear concerns about increasing numbers of people being put into accommodation and the potential for an escalating risk of fire.

The legislation as it stands may be closing a loophole, but there is still an issue of people being aware that they need to comply, because I think there are many people who potentially would have tenants in a shared accommodation situation who may not view themselves necessarily as a boarding house. As a result, there is a need to educate them as to their legal responsibility under this act and how to go about reaching compliance. Under the existing fire regulations, share accommodation providers can face fines of

more than \$12,000 per breach. If there are a number of breaches, the fines can really add up. In supporting good fire safety to protect people, I would also urge the government to support good education programs to ensure that people are aware of their legal responsibilities.

It is interesting to note that when I raised these issues in consultation with a number of bodies, including the REIQ and the Insurance Council of Australia, their feedback was not one of a terrible degree of concern. But if a landlord—and I will admit that I have a rental house, but I would certainly not want any more than the four people who are currently in that house—does not know that somebody in their tenancy adds additional people to that house and as a result they are taken over that legal threshold, they may find that they are no longer insured. They may find that they consequently, as a landlord, face the possibility of substantial fines, even though that house may in fact be quite safe. I would urge the government to add to the current legislation, which is tightening a loophole, the need for people to be aware of their legal responsibilities. But perhaps we should ask the Deputy Premier just how many people a reasonable person can add to a domestic dwelling, because I believe he is quite an expert in this regard. However, I would welcome the minister's explanation as to what the feedback has been from government stakeholders, how this education program will be rolled out and how to put that information into the hands of real estate agents and into the hands of tenants who have a right to know what level of fire safety they should expect in their rental accommodation.

This legislation addresses a number of other issues, as I have mentioned. It also brings temporary structures under the Building Act, and I accept that this has been highlighted in light of the tragedy regarding a Western Australian mining camp accident where there was an event involving cyclonic winds and lives were lost. That has highlighted the fact that people can be in these structures and be quite vulnerable in the event of adverse weather, and we certainly recognise the need for this to be addressed in legislation. There are also a number of provisions in this legislation that seek to improve efficiencies in relation to the building technicians surveyors act.

With regard to the water-saving measures, I note that these provisions are also being brought in under this particular legislation under the Building Act 1975 with an update to schedule 1 with reference to the new and renumbered parts of the Queensland Development Code which came into force on 1 January 2008, including the parts introducing the new water-saving measures which are part and parcel—

Mr Lucas: No, it is just adopting the renumbering. They have been adopted separately, not as part of this legislation.

Miss SIMPSON: I accept the minister's explanation that they have been adopted separately, but there has been clarification with the renumbering that is embedded into this new legislation. We also note, though, that there are quite a number of new water regulations that have separately recently been published that will also be coming into effect in the near future with the reforms and the other alterations that we have seen—institutional changes with the ownership of water, changes with local government and a range of measures—and they are going to be quite extensive.

This bill amends the superannuation provisions in the Local Government Act 1993. The feedback from the Local Government Association is not one of concern with regard to these particular changes, and we acknowledge that. However, there is clarification with regard to how the Ombudsman Act is applied to local government owned corporations. In fact, there is recognition that the Ombudsman did not have jurisdiction in certain circumstances, and this has been clarified so that in fact there will no longer be immunity from the Ombudsman with regard to this particular jurisdiction. In summary, we support the legislation. We seek the minister's clarification on the specific aspects that we have brought forward, as this is what we would call SLUMP legislation covering a wide range of issues, many of them technical in nature. We commend the bill to the House.