



Speech by

Fiona Simpson

MEMBER FOR MAROOCHYDORE

Hansard Thursday, 12 November 2009

BUILDING AND OTHER LEGISLATION AMENDMENT BILL

Ms SIMPSON (Maroochydore—LNP) (8.24 pm): If ever there has been an attack on housing affordability, it is this, which is yet another layer of red tape. This has to be the bureaucratic equivalent of painting rocks. It will have a growth industry as far as some jobs are concerned, but they will not be truly productive jobs and they will not be jobs that will aid and abet the enhancement of our environment.

This sustainability declaration which has been mandated by the government has not been thought through. In fact, it will add quite an additional layer of cost to people selling property—for people in the course of one of the most important actions they may ever take with their investments, which is their property—when they find that this is a mandatory sustainability declaration and they read it.

As my colleagues have outlined, what is in the sustainability declaration in itself is unsustainable regulation. Unsustainable regulations are like weeds that are choking and creating a greater burden of cost upon ordinary Queenslanders. I believe that the average Queenslander does not want to move towards a more sustainable outcome. They want to find reasonable ways to save costs and energy in their homes, but they do not like being dictated to by government. They like being dictated to even less by rules which are just stupid. This is just stupid.

This sustainability form is mandatory, and people will face being fined if they do not fill it out under the proposed act. But it does not require them to make any upgrade to their house. On the one hand, it is supposed to be an educational tool with a penalty if they do not fill it out correctly. On the other hand, it does not mean they will have to upgrade something in their house. I am not advocating that there be some mandatory upgrade to their house.

There are better ways to provide an educational tool than to insert this as a mandatory provision at the point of sale. The danger of putting it in as a mandatory declaration at the point of sale is that it will have an impact within the legal contractual system. Sure as eggs, there will be a lawyer who will come along—as some well-learned lawyers have said—who will be able to use this and create an additional burden of cost on people when they realise what the true implications are.

Where is the environment in this? The environment is not served. In fact, all that will result is a greater cost burden, costs for the legal process and confusion within the property market. Why does this government feel that a bureaucratic form will somehow enhance the environment? To the average person on the street, this form will be totally unclear. This sustainability declaration requires people to declare whether there are handrails in bathrooms. I think the average buyer can walk into a house and sort out for themselves whether a house has handrails. If they are really concerned about the width of doors, they can take account of that for themselves. There are already building standards in regard to houses, yet we have here another piece of legislation which does not tie back to a practical outcome.

I urge the minister to reconsider this part of the legislation. Sustainability is not about more red tape. Sustainability, with education, is not something that you mandate with a declarative form such as this. To achieve sustainability, people need to be brought along with you on the journey. I believe that people are willing to do that, but simply creating another industry of people who will have to assess these forms for you because otherwise people will be liable if they fill them out wrongly is not the best way for people to spend their money.

This has the potential to add hundreds of dollars to the cost of the sale of an average home, as people look at this and realise that, if they do not fill it out correctly, they could face legal implications. I understand from the briefings the department has provided to my colleagues and from the debate that has taken place that there has been a move by the government to try to downplay the significance of the mandatory element. I have heard Labor members opposite say, 'Just don't tick the box.' If this is an educational tool, do not make it something that is tied to a penalty under the Building Act.

There are ways to go out to the public without providing a legal noose around people's necks for an outcome which does not provide the benefit that those opposite claim. There are other provisions in the bill which we do support. One is the provision to make the situation with regard to noise in main road corridors clearer in the planning laws and recognition that if people develop beside these corridors there have to be appropriate development controls around those developments such as noise amelioration. There are already some provisions for this in the law but I understand the provisions in this bill will make that clearer.