



Speech by
Jarrod Bleijie

MEMBER FOR KAWANA

Hansard Thursday, 12 November 2009

BUILDING AND OTHER LEGISLATION AMENDMENT BILL

Mr BLEIJIE (Kawana—LNP) (7.59 pm): I rise to speak to the Building and Other Legislation Amendment Bill before the House tonight and also to put on the record my severe reservations with respect to aspects of the bill, particularly in relation to the sustainability declaration.

Government members interjected.

Mr BLEIJIE: Members opposite are surprised! May I premise my speech by welcoming 11 of my family and friends to the gallery this evening.

Mr Sorensen: Aren't they going to get a shock?

Mr BLEIJIE: They are in for a show. In particular, I welcome my wife, Sally, on her second visit to parliament and my two daughters, Taylor and Madison. No doubt those opposite will contain themselves during my speech so as not to upset my little ones.

I thought I ought to place on the record my disgust with which the Labor Party treats the conventions of this parliament.

Government members interjected.

Mr BLEIJIE: I did say for the other side to behave, not me. I, of course, refer to the guillotine provisions moved by the Leader of the House today. For some dumbfounded reason, the Leader of the House used the excuse to declare this bill urgent that she had heard comments from the speakers today that are somewhat similar in nature. When there are 89 members of parliament elected individually to represent quite diverse areas of Queensland and they debate one piece of legislation, I submit that there is potentially going to be some discussion that overlaps. That is what we are elected to do. That is what the taxpayer pays us to do. If it means working till midnight, those on this side of the House are happy to do it. It is a shame that those on the other side of the House do not share the same enthusiasm and commitment to their constituents as we do on this side of the House. We are happy to debate this bill well into the night.

The bill before the House makes a number of amendments to the relevant acts including the Building Act 1975, the Plumbing and Drainage Act, the Property Agents and Motor Dealers Act and various other acts. At the outset I have to say that encouraging sustainable development should be at the forefront of every town planning scheme in the state. In my electorate of Kawana, I am proud to have a property that has just been constructed called The Edge. This commercial complex achieved a four-star green star rating of best practice standard by the Green Building Council of Australia. I believe it is one of the first in Australia to receive that rating.

Mr Hinchliffe: You can fill out the form.

Mr BLEIJIE: They did not have to fill out a form. The design and construction of the complex was completed by the RGD Property Group, which is also based in the electorate. The rating was a significant achievement for the developers as they continue to raise the bar in delivering sustainable developments on the Sunshine Coast. The property includes a waste management plan to divert greater than 60 per cent of construction waste by mass from landfill. Each tenancy is metered individually, with an additional

submeter for tenancy air conditioning to allow the tenancy lighting and equipment to be determined separately.

The design provides 42 secure bicycle storage racks and lockers, six showers and change rooms for staff and 14 secure visitor bicycle racks such that 10 per cent of the staff have access to bicycle facilities. All of the roof areas convert rainwater and divert it to a 105 cubic metre rainwater tank, harvesting for reuse in toilet flushing and landscape irrigation. The concrete used in the project has 25 per cent recycled cement replacement content and the structural steel used in the project consists of 90 per cent post consumer recycled content.

This is naming just a few of the sustainable qualities identified by the Green Building Council of Australia. I say congratulations to the development industry for its efforts with that project and its continual pursuit of excellence in the construction of sustainable building developments.

The 'ban the banners' component of this bill is a necessary step in ensuring that affordable housing measures are made available for future generations of Queenslanders. Since being elected in March, I have met most of the key industry and relevant stakeholder groups in the Kawana community, and the issues of land lock and affordable housing continue to be at the forefront of most developers' minds. While I do not think that there is a need for housing developments that see all blocks of a similar size jammed into streets one metre apart, ensuring that neighbours live on top of each other—which is a negative aspect—I believe that there needs to be a balance of high, medium and low-density options offered in each development as we need to continue to strive for affordable housing measures that ensure the great Australian dream of owning one's home is achievable in a housing market that continues to rise in median price.

In a region such as the Sunshine Coast, where population growth continues to increase exponentially, developers need to continue to ensure that there is a range of affordable housing options on offer for different ends of the market. Government and council must also ensure that there is sufficient land available for this type of development. The 'ban the banners' policy will ensure greater flexibility for property owners and bodies corporate in offering a range of products to a market that is increasingly diverse in terms of sustainable living options.

I abhorrently oppose the introduction of the mandatory sustainability declarations in this bill. I could not possibly let the chance go by tonight without speaking about it. This initiative is poorly thought out, and it was obviously the second condition put on the Greens preferences deal given to certain ALP candidates that we have seen introduced into this House following the March election, and to include it in this bill is nothing other than a smokescreen. The government is keen to talk about sustainability. However, I am beginning to wonder if smoke of this density is sustainable at all.

While the government may continue to claim that the mandatory sustainability declarations component of this bill is for educational purposes, the amount of red tape or, in this case, green tape that continues to increase under this government is why this state is now considered the 'nanny state' of Australia where there are regulations and red tape upon regulations and more red tape to the detriment of all Queenslanders and industry.

The implementation of this form is obviously designed to promote the awareness of energy consumption. After reading the two-page document, I have to say that it is as confusing as it is ridiculous. The purchase of a new dwelling is daunting enough with all the legal documents and financial requirements without this unnecessary and confusing document being added to the list—all for the purpose of satisfying a preference deal struck by Labor and the Greens at the last election. For this reason, the opposition opposes this component of the bill.

May I suggest to the Minister for Infrastructure and Planning that, instead of this poorly set out two-page form that is a mandatory requirement for all new homebuyers, if the government wants to embark on an education program to increase community awareness of sustainability features and to promote sustainability features in homes then perhaps a leaflet of green tips could be sent to homebuyers after the settlement of a property has been reached. This would achieve the educational outcomes desired by the department and also reduce the mandatory green tape obligations of all new buyers put on to them by a dodgy Greens preference deal.

As a lawyer who practised property law, I have to say that over the years I have seen PAMDA tinkered at the edges and go through some major changes with respect to disclosure and warning statements—so much so that in Queensland we have a situation where a seller or a seller's representative must give a warning statement warning the buyer of the existence of another warning statement. Now to topple that, we are adding further pressure to this administrative burden by requiring the sellers to complete these forms with every sale. It is a nightmare for consumers, sellers, real estate agents and lawyers practising in the field.

The PAMDA legislation is still being litigated to find out what it all means, despite the regulations and the amendments to the legislation coming into force in 2006. I have even used the provisions of PAMDA—

and other lawyers in this House may admit to it—as a loophole to get clients out of particular contracts. That is what they paid me for. The bill has sufficient loopholes to allow lawyers to do that. I note that the bill does provide in a particular clause that buyers will not be able to terminate the contract due to mistakes or misleading information in the form. However, I do not hold confidence that that will stand up, particularly as opposed to misleading and deceptive conduct.

I say to the minister that I do believe that we need to revisit PAMDA and even look at the system of sellers' disclosure. We have to get the priorities right here. I can understand where we would potentially require sellers to disclose such information as local government approvals for improvements or infrastructure on the property, but here we are dealing with such things as light bulbs, laminate on glass and a pale or light coloured roof.

The minister should really treat Queenslanders with a bit more respect and give some more credit to them. Minister, when we are walking up to a house that we are looking at buying, some of us can work out ourselves whether it has a black roof or a cream roof. I do not really need the government to force the seller to tell me that. I can also work out without the minister's help—although he has good intentions—that a black roof is likely to be hotter than a cream roof.

Mr Messenger: Wow!

Mr BLEIJIE: It is a fascination, wow. Look at the stunned crowd. I do not need the government to force the seller to tell me that.

Mr Gibson: I think they might. They may need that help.

Mr BLEIJIE: I take the interjection. It is possible that they just might. One thing that has surprised me out of all of this debate is that I would have thought my honourable colleagues with law degrees on that side of the House would have joined me in talking about the negative aspects of this declaration and the legal implications that it has. Unfortunately, no-one has. In all of my discussions with lawyers outside this place, I have found that even real estate agents believe this to be a logistical nightmare.

When the government passes the bill tonight, the honourable minister will have to take responsibility for this. He will have to take responsibility for additional administrative charges from real estate agents. He will have to take responsibility for additional charges caused by some people who have to hire professionals to assist with the forms. He will have to take responsibility for additional legal fees charged by lawyers in providing professional advice on the legalities of the form. At the end of the day, it is a legal form—signed, sealed and delivered; unsealed and delivered.

Ms Grace interjected.

Mr BLEIJIE: I take the interjection from the member for Brisbane Central. Let us talk about the member for Brisbane Central's contribution to the debate. She told us she could fill the form out in a quick matter of time. She probably could, but not much would be completed on the form. She may have a couple of ticks. In fact, when challenged on this during the honourable member's speech, through the opposition's vigorous interjections, the member could not tell us if she knew the answer to all of the questions.

We then had the member for Morayfield, another esteemed lawyer in this place, talk about little old ladies. I take his point, but I will say that the shadow minister and others on this side of the House certainly were not patronising towards little old ladies. We simply make the point that, when you have an elderly person completing these types of forms, it is cumbersome and unnecessary and they should not have to deal with it. If they want to sell their house, they should be able to sell their house—

Mr Gibson: What have you got against little old ladies?

Mr BLEIJIE: Yes, what have you got against little old ladies?

Mrs Miller: What have you got against them?

Mr BLEIJIE: I have got nothing against little old ladies.

Mrs Miller: Will you help them fill that out?

Mr Hoolihan: Yes, and he charges for it.

Mr BLEIJIE: It is another tax for little old ladies; I take the interjections. If they want to sell their house, they should be able to sell their house without having to explain to buyers whether they have installed energy efficient light bulbs, whether it is a gas cooktop or an electric cooktop or whether there is insulation in the roof. That is why the buyers get building and pest inspections. The back of this form asks whether you have a smoke alarm installed or a safety switch installed, but the legislation currently provides that. If any honourable members opposite had picked up a contract at the REIQ lately, they would have seen that it is a requirement to fill that out.

Mr Rickuss interjected.

Mr BLEIJIE: I will not take that interjection. Parliamentary privilege will not extend to that. They pay. It is a buyer beware environment. The buyer pays for professionals to tell them these things and we should not have to be doing this. I have three shower heads in my house. I have three showers.

Mr Sorensen interjected.

Mr BLEIJIE: We run a family day care from home so it is for the downstairs. I notice one of the members tonight talked about not wanting an ensuite because of the cleaning and so forth, but I have three shower heads. I would not have a clue after reading this form if they are three-star WELS rated. When you buy them, you get a plumber to install them. I did not keep the packet in the shelf so I could say to my daughters every day, 'Look, this is a three-star WELS rated shower head. Anna Bligh is going to be happy with me.' This is nothing more than another green tape, bureaucratic nightmare that ultimately the Queensland public will have to wear. They will have to wear more costs and more red tape, and this is happening again and again always under a Labor government.

With respect to the amendment of the Animal Management (Cats and Dogs) Act—

Government members interjected.

Mr BLEIJIE: I can take the interjections but please limit them to one at a time so I can deal appropriately with them.

Mrs MILLER: Mr Deputy Speaker, I rise to a point of order. Could you please rule on the repetitive drivel that this member is coming up with?

Mr DEPUTY SPEAKER (Mr Wendt): That is not a point of order. I would ask all members to give the member for Kawana the consideration he is due. The member for Kawana has the floor.

Mr BLEIJIE: Thank you for your protection, Mr Deputy Speaker. They just cannot stand hearing my drivel. That is the problem; they cannot stand hearing it.

Let us turn to another matter in the bill—that is, the Animal Management (Cats and Dogs) Act. I support the provision which provides for the microchipping of animals under eight weeks of age by accredited veterinary professionals as long as it is deemed that it is not likely to be considered a serious health risk to the animal. I understand that in certain cases there needs to be more flexibility in this regard and I am happy to add my support to the proposed legislative amendment in that regard.

I am disappointed with the knee-jerk response from the minister in mandating the sustainability declaration. Regardless of any preference deals done with the Greens, I think the educational outcomes that are trying to be achieved here could be done in a far less restrictive way. While it is important to encourage sustainability features into new or existing dwellings, mandating this tricky, poorly constructed sustainability declaration is not the answer. Can those members opposite answer this question, through you, Mr Deputy Speaker: how many business days are there before this is introduced—before every seller for every property sold in Queensland will have to fill out this form I am holding? The silence is deafening. There are 35 business days.

Mr DEPUTY SPEAKER: Order! The member for Kawana will not hold up that information.

Mr BLEIJIE: Certainly, Mr Deputy Speaker.

Mr Rickuss: Only 35.

Mr BLEIJIE: There are 35 days to implement one of the biggest restrictive changes under the Property Agents and Motor Dealers Act in Queensland. That will affect every seller. We had the other amendments to the Property Agents and Motor Dealers Act a few years ago. It has taken three years—

Mr Rickuss interjected.

Mr BLEIJIE: That is exactly right. It has been three years, and lawyers are still litigating it because lawyers cannot understand it. There has been case after case going through the courts because of the legitimacy of real estate agents or sellers learning how to prepare these documents, and now we are going to be doing it all again. We will have another debate in three years where we are back to this point that we as an opposition have raised tonight.

The government will not listen. I cannot for the life of me understand how the qualified lawyers on that side of the House who have practised in the property law industry can stand up in this place and say that this is a positive move for Queensland. If they have practised at all under the Property Agents and Motor Dealers Act, I cannot understand how any lawyer, real estate agent or seller would want this, because at the end of the day this is all about common sense. It is common sense for a buyer to walk in and ask a question about a dishwasher. It is common sense for a buyer to walk in and ask whether the house has been insulated. It is common sense for a buyer to walk around a house and say, 'Gee, there's not a tank connected to this pool. I'll get one or I'll negotiate with the seller to get them to fork out a couple of grand to install a rain tank.'

But putting this administrative burden on Queenslanders selling their house at this time is outrageous. It is an incompetent decision. It is a rushed decision. I can tell the House that when this starts in January next year to the surprise of the many who I have talked to who do not even know this is coming—they certainly will after tonight—

Mr Messenger interjected.

Mr BLEIJIE: It is a complete surprise. There has been no consultation. In the consultation that I have conducted, I phoned many people to talk about this bill but no-one knew about it. Lawyers did not know about it. I said to the lawyers, 'Are you aware that when contracts come in you're going to be asking your clients whether they have filled out a sustainability declaration? Are you going to tell the 81-year-old to fill out the form—and I wear contacts and I cannot even read the form—and ask them whether they are aware that it is an offence under the Building Act to provide misleading or false information?' This is a legal document. I am happy to support the general principles in the bill, but a mandatory sustainability declaration is an unnecessary piece of green tape—again, instigated by an incompetent, out-of-touch and tiring government.