



Speech by

Hon. Stirling Hinchliffe

MEMBER FOR STAFFORD

Hansard Thursday, 29 October 2009

BUILDING AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

Hon. SJ HINCHLIFFE (Stafford—ALP) (Minister for Infrastructure and Planning) (2.31 pm): I move—

That the bill be now read a second time.

The Building and Other Legislation Amendment Bill 2009 contains key components of the government's decisive strategy to help address climate change through improvements in the building sector, while keeping its election commitments. The built environment provides some of the most promising opportunities for reducing greenhouse gas emissions of any sector. The government is acting decisively with its innovative and nation-leading sustainable housing policy.

This bill will amend the Building Act 1975 and the Body Corporate and Community Management Act 1997 to implement the government's 'Ban the Banners' election policy, ensuring conditions that are placed on new development will not lock in bad practices like requiring dark coloured roofs. This will also help address climate change impacts from our considerable existing building stock by invalidating new covenants and provisions of body corporate by-laws and statements restricting owners from using sustainable features, such as photovoltaic cells or solar hot-water systems. The policy gives choice and freedom back to homeowners and builders so they can build as green as they want to. The policy will also help to reduce the cost of homes by allowing prospective homeowners to choose designs and features with a small environmental impact as well as a small impact on their pockets. Owners will be able to choose whether they want rendering, ensuites and double garages, and they will be able to choose the size of their home.

The bill will introduce a nation-leading sustainability declaration to help to raise awareness and drive housing markets to reflect the true value of sustainable housing features. The declaration is a simple mandatory form to be completed before a house, town house or unit is sold in Queensland, it will be user friendly and it can be completed by the homeowner or a delegate. Advertising such as web listings and especially created signage will need to reference where the sustainability declaration can be viewed. The declaration will also need to be made available during open-house inspections as well as within a reasonable time frame if a copy is requested by a person interested in purchasing the property.

Queensland will be the first state in Australia to implement a comprehensive sustainability declaration during the sale of homes. The declaration will be mandatory from 1 January 2010 and it will cover a range of sustainable features. The declaration must be completed after engaging an agent to sell the property, and the property is not allowed to be advertised for sale until it is completed. Prospective purchasers will also be able to get an indication of the ongoing water and electricity savings that could be achieved by certain features, including energy-efficient lighting and insulation. Just as many people look at fuel economy and ongoing running costs when buying a car, sustainability features should be an important consideration for prospective homeowners. The declaration will not complicate real estate sales as obligations will not be attached to or affect contracts of sale.

With intensifying urban development, it is vital we protect the health and amenity of residents. This bill supports the introduction of a new building code that will ensure that development near major transport routes is constructed in a manner that will achieve an adequate level of noise reduction for occupants.

Consultation in 2008 indicated strong support for a new process and code setting noise standards for buildings in transport corridors. This will provide certainty for developers and reduce delays and holding costs for developments. Mandatory requirements of this nature will be an Australian first. Local governments will also have the ability to designate transport noise corridors.

This bill will expand the role of building surveying technicians to allow them to work in the private sector, enhancing career opportunities for building industry professionals and assisting to address the looming shortage of building certifiers.

Using learning from the Binary Industries fire, the bill provides more clarity on the classification and use of buildings. For any changes of use within building classifications, where the change would trigger new building work, a new certificate of classification will be required. The bill ensures that, for any future changes of the building code classification rules, offences will only apply to acts that occur after the amendments have been made so building owners who complied with the rules in effect at the time will not be impacted.

Building certifiers will have to have regard for guidelines made under the Building Act. New transitional arrangements for changes to the building assessment provisions will allow certifiers to use earlier provisions where there has been substantial planning at the design stage. Alternative building solutions will be assessable rather than self-assessable to ensure the use of performance measures is properly overseen by a certifier. The bill will cut red tape by allowing certifiers to send approval documents to the building owner or applicant once a copy of the approval documents has been sent to the local government with the lodgement fee.

This bill introduces compulsory acquisition powers for koala habitat outside the urban footprint in South-East Queensland. The introduction of specific acquisition powers for koala conservation will contribute to the government's koala crisis response strategy announced in December 2008.

The acquisition provisions proposed will be limited in their application to the local government areas where koala populations are known to be under the most threat in South-East Queensland. These provisions are to be exceptional circumstance provisions only and used once all other options have been exhausted, and there will be guidelines in place to confirm this approach.

Minor amendments to the Animal Management (Cats and Dogs) Act 2008 will prevent cats and dogs under eight weeks of age from being microchipped, unless under advice from a veterinary surgeon.

The bill amends the Sustainable Planning Act 2009 to require that a decision notice issued by a building certifier must state the classification or proposed classification of a building. Important transition provisions are also contained within the bill, such as a reference to the Local Government Act 2009 in the Sustainable Planning Act 2009 may be taken to be a reference to the Local Government Act 1993 until the new Local Government Act 2009 commences. This bill also amends the Plumbing and Drainage Act 2002 to replace the Plumber and Drainers Board with the Plumbing Industry Council.

With this bill, the government is taking decisive steps to reduce greenhouse gas emissions from the building sector and to fulfil our election commitments. We are leading the nation with these innovative measures, the majority of which are the first of their kind in Australia. This legislation will make Queensland a better place to live while protecting our unique environment and way of life for generations to come. I commend the bill to the House.