



Speech by

Hon. Stirling Hinchliffe

MEMBER FOR STAFFORD

Hansard Wednesday, 18 August 2010

BUILDING AND OTHER LEGISLATION AMENDMENT BILL (NO. 2)

First Reading

Hon. SJ HINCHLIFFE (Stafford—ALP) (Minister for Infrastructure and Planning) (12.03 pm): I present a bill for an act to amend the Ambulance Service Act 1991, the Animal Management (Cats and Dogs) Act 2008, the Building Act 1975, the City of Brisbane Act 2010, the Local Government Act 2009, the Royal National Agricultural and Industrial Association of Queensland Act 1971 and the Sustainable Planning Act 2009 for particular purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Tabled paper: Building and Other Legislation Amendment Bill (No. 2) [2772].

Tabled paper: Building and Other Legislation Amendment Bill (No. 2), explanatory notes [2773].

Second Reading

Hon. SJ HINCHLIFFE (Stafford—ALP) (Minister for Infrastructure and Planning) (12.03 pm): I move—

That the bill be now read a second time.

This bill implements stage 2 of the government's swimming pool safety improvement strategy. This bill culminates a two-year comprehensive review of and consultation on Queensland's pool safety. Queensland will have the toughest pool laws in Australia. I thank all stakeholders who have provided their expertise in the development of the pool safety laws, such as Hannah's Foundation, the Royal Life Saving Society, the Queensland Law Society, the Real Estate Institute of Queensland and numerous organisations from the pool, building, community title and health sector, as well as all the members of the community who provided their input.

Between 1 January 2004 and 18 May 2010, 35 children under five years of age drowned in residential swimming pools. Further, in 2008-09 eight children drowned in swimming pools. There are approximately 50 non-fatal immersion incidents each year, with cases that are often characterised by permanent brain damage. In 1991, pool fencing legislation resulted in a dramatic reduction in drowning deaths and, as a result, we know that better laws will save lives. This government will not accept tragedies as inevitable. Of course, nothing replaces adult supervision of children when they are near water, but the new laws aim to drastically reduce the risk of young children entering pools on their own.

Stage 1 of our improvement strategy commenced on 1 December 2009 for new pools. Stage 2 will mostly cover Queensland's 325,000 existing pools. Primarily, this bill will replace the current assortment of

pool safety standards with a single uniform standard. The bill extends state pool laws to indoor pools and pools associated with hotels, motels and other residential buildings, caretaker dwellings and caravan parks. One single standard will make pool safety laws easier to understand, easier to enforce and easier to comply with. Also, to ensure pool owners have time to adjust and are not unduly disadvantaged, this bill allows a five-year phase-in period for owners to upgrade their pool fencing and safety arrangements, unless they sell or lease the property first.

Pool safety organisations agree that the risk of drowning is highest during the first six months of occupation, particularly on rented premises. Seventy-one per cent of the drowning deaths involving young Queenslanders between 2007 and 2009 occurred on rented properties. This bill establishes mandatory inspections of regulated pools with a pool safety certificate issued by licensed pool safety inspectors, if triggered by the sale or lease of a regulated property. No property with a non-shared residential pool can be leased without a current pool safety certificate. For all other pools, where a pool is sold without a pool safety certificate a prescribed notice must be given by the seller to the purchaser advising that the pool may be non-compliant. The Pool Safety Council must also be advised that the property was settled without a pool safety certificate.

The bill provides for a six-month phase-in period for pools associated with short-term accommodation to obtain a certificate. This phased implementation is in direct response to our tourism stakeholders, such as the Hotel Motel and Accommodation Association and the Queensland Tourism Industry Council, telling us that December and January is one of their busiest periods. All other shared pool owners will have two years to get ready and plan for upgrading their pool fences to the one standard, and be required to obtain a pool safety certificate. The Commissioner for Body Corporate and Community Management, along with key stakeholders, has advised that this phase-in period is critical to allow bodies corporate sufficient time to comply with the scheme.

The bill also addresses strong community concern of the risks portable pools pose to young children. It does so by reducing the maximum depth of portable pools not requiring a compliant pool fence from 450 mm to 300 mm, and in doing so brings Queensland in line with the rest of Australia.

The bill implements Queensland's mandatory immersion incident reporting system. This will facilitate accurate pool immersion data collection and a comprehensive assessment of the practical operation of our pool safety reforms. The amendments mandate reporting by a private or public hospital and the Queensland Ambulance Service of an immersion incident of a child under the age of five. They must report it to Queensland Health within five business days and include information about the date and location of the incident. Queensland Health will then distribute the information to relevant bodies, including local governments, the Pool Safety Council and the Queensland Injuries Surveillance Unit.

Most importantly, this information will trigger local government action, as the bill requires local governments to inspect the relevant pool so that appropriate improvements are identified and undertaken. To make sure pool owners and the various affected sectors of new pool safety obligations—such as the pool community title, real estate and legal sectors—know of the new obligations for pool safety, my department is developing a targeted education and awareness campaign.

The bill also amends the Animal Management (Cats and Dogs) Act 2008 to clarify that American Staffordshire terriers, also known as Amstaffs, are not 'restricted dogs'. The Queensland Supreme Court recently concluded that Amstaffs are the same breed as American pit bull terriers. As pit bulls are classified as 'restricted dogs', this caused significant uncertainty for Queensland Amstaff owners.

This bill will also prevent creditors or liquidators from dealing with particular public land and will, instead, revert ownership back to the state. The Royal National Agricultural and Industrial Association, the RNA as we better know it, is entering into a development agreement with Lend Lease (Bowen Hills) Pty Ltd in order to redevelop the Ekka site. The purpose of the proposed amendments are to facilitate this commercial arrangement while at the same time guaranteeing that the historic Ekka site is not lost to future generations. Under this arrangement, only that part of the site that is necessary for the Lend Lease development will be available as security for the financial transaction. The balance of the site will be quarantined from the financial arrangements and will remain in public hands.

Finally, the bill amends the Sustainable Planning Act 2009 to enable local governments to continue publishing material relating to development applications on their websites. Currently, publication of this material may be in breach of the Information Privacy Act (2009). However, these websites are important, widely used tools that facilitate transparency in the IDAS process, which is a matter of critical importance to all stakeholders. The amendment authorises online publication of certain documents or information relating to development applications. A determination of which documents are appropriate for online publication is being formulated with a balance struck between personal privacy and public accountability. I commend the bill to the House.