




Speech By  
**Hon. Tim Mander**

**MEMBER FOR EVERTON**

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**QUEENSLAND BUILDING SERVICES AUTHORITY AMENDMENT BILL**

**Second Reading**

 **Hon. TL MANDER** (Everton—LNP) (Minister for Housing and Public Works) (11.42 am): I move—

That the bill be now read a second time.

I thank the Transport, Housing and Local Government Committee for its prompt consideration of the Queensland Building Services Authority Amendment Bill 2013. In particular, I thank the committee and the chairman, the member for Warrego, for their deliberation and report on the bill. The committee tabled its report on 31 July 2013. I am now pleased to table the government's response to the committee report.

*Tabled paper.* Transport, Housing and Local Government Committee: Report No. 27—Queensland Building Services Authority Amendment Bill 2013, government response [\[3294\]](#).

I would also like to thank those who made submissions on the bill to the Transport, Housing and Local Government Committee. Submissions on the bill included those from the Queensland Master Builders, the Housing Industry Association and the Australian Institute of Building. I thank all submitters for their time and effort in providing a response and I note that all submissions were carefully considered by the government.

The construction industry is one of the pillars of the Queensland economy. It is vital that we have a building regulator that allows the industry to thrive and that adequately balances the interests of contractors and consumers. The main purpose of the bill is to amend the Queensland Building Services Authority Act 1991 to establish the Queensland Building and Construction Commission—QBCC—in place of the Queensland Building Services Authority. The new commission will have a professional governing board and a commissioner who will be appointed by and report to the governing board. The board of the QBCC will set the strategic direction and the operational, financial and administrative policies of the commission. It will report to me directly on matters of performance and issues affecting the building industry and consumers.

The bill is the first stage of the implementation of the government's response to the report in November 2012 by the Transport, Housing and Local Government Committee on the operation and performance of the Queensland Building Services Authority. The second stage of reforms will address the balance of the committee's recommendations and is being overseen by an implementation committee chaired by my director-general, Mr Neil Castles. The committee will make recommendations to the government later this year on the reform of building certification, the insurance scheme, licensing and a proposed dispute resolution process for domestic building disputes.

The committee's report on the bill, tabled on 31 July 2013, makes four recommendations for amendment of the bill. Recommendation No. 1 is that the bill be passed, and I thank the committee for its endorsement of the bill. Recommendation No. 2 is that new section 20J of the bill, which details the responsibility of the commissioner, be amended to include a provision that makes the commissioner responsible for preventing conflicts of interest between business divisions of the new commission and for advising the board of any conflicts of interest that arise. I understand that perceived conflicts of interest within the Building Services Authority were one of the major issues raised by stakeholders during the committee's review and I agree wholeheartedly with the sentiment of the proposed amendment. However, although I recognise the issue underpinning the recommendation, I do not propose to proceed with that amendment, because I believe that that concern is adequately dealt with under the administrative law principles in the Judicial Review Act 1991, which require statutory decisions to be made independently. I am also mindful of the risk of inadvertently adding an unnecessary layer of red tape by creating additional avenues for legal disputes. On that basis, I consider it more appropriate to rely on the established principles in the Judicial Review Act rather than restating them in the bill.

The committee's third recommendation was that proposed new subsection 11(f) of the bill, which sets out the functions of the board, be amended to read—

... advising the Minister about unfair or unconscionable trading practices affecting the security of payments to subcontractors and contractors.

This amendment would include contractors as well as subcontractors in the provision. The committee supported the submission that the new subsection 11(f) should be amended to capture the entire contractual chain. It was of the view that both contractors and subcontractors should be included in the wording. The committee's view was that this amendment would ensure that the board is responsible for advising me about unfair or unconscionable trading practices affecting the security of payments to both contractors and subcontractors. I support this proposed amendment.

The committee's fourth recommendation was that, for the purpose of consistency, schedule 1 of the bill include an amendment to section 14(1)(d)(i) of the Pest Management Act 2001 to replace the provision's reference to the Queensland Building Services Authority Act 1991 with the Queensland Building and Construction Commission Act 1991. This is to correct a drafting oversight and I support this amendment.

Once again, I thank the committee and all the stakeholders for their contribution to the bill, which is the first step in a suite of initiatives which, as a whole, will have a positive effect on the construction industry in Queensland. Lastly, I would like to thank the existing board of the QBSA for its commitment to the improvement of the building industry in Queensland and its cooperation during the period of review. I also thank the staff of the QBSA for their ongoing dedication to delivering high-quality services to consumers and licensees throughout Queensland. I commend the bill to the House.