



Speech By  
**Hon. Tim Mander**

**MEMBER FOR EVERTON**

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Record of Proceedings, 22 May 2014

## **PROFESSIONAL ENGINEERS AND OTHER LEGISLATION AMENDMENT BILL**

### **Message from Governor**

**Hon. TL MANDER** (Everton—LNP) (Minister for Housing and Public Works) (4.01 pm): I present a message from Her Excellency the Governor.

The Deputy Speaker read the following message—

MESSAGE

PROFESSIONAL ENGINEERS AND OTHER LEGISLATION AMENDMENT BILL 2014

*Constitution of Queensland 2001, section 68*

I, PENELOPE ANNE WENSLEY AC, Governor, recommend to the Legislative Assembly a Bill intitled—

A Bill for an Act to amend the Building Act 1975, the Plumbing and Drainage Act 2002, the Professional Engineers Act 2002 and the Queensland Building and Construction Commission Act 1991, and to make minor or consequential amendments of the Acts mentioned in schedule 1, for particular purposes


(Sgd)

GOVERNOR

Date: 21 MAY 2012

*Tabled paper:* Message, dated 21 May 2014, from Her Excellency the Governor, recommending the Professional Engineers and Other Legislation Amendment Bill 2014 [\[5188\]](#).

### **Introduction**

 **Hon. TL MANDER** (Everton—LNP) (Minister for Housing and Public Works) (4.03 pm): I present a bill for an act to amend the Building Act 1975, the Plumbing and Drainage Act 2002, the Professional Engineers Act 2002 and the Queensland Building and Construction Commission Act 1991, and to make minor or consequential amendments of the acts mentioned in schedule 1, for particular purposes. I table the bill and explanatory notes. I nominate the Transport, Housing and Local Government Committee to consider the bill.

*Tabled paper:* Professional Engineers and Other Legislation Amendment Bill 2014 [\[5189\]](#).

*Tabled paper:* Professional Engineers and Other Legislation Amendment Bill 2014, explanatory notes [\[5190\]](#).

Through this bill, the Queensland government continues to deliver on its plan for a brighter future for the Queensland building and construction industry as one of the four pillars of the Queensland economy. We are delivering on our plan by cutting red tape and reducing the regulatory requirements on business. This bill is another step in the Queensland government's plan to boost confidence in the industry.

The Board of Professional Engineers of Queensland administers the Professional Engineers Act 2002 and manages the registration of engineers. Following a review of the Professional Engineers

Act 2002 by the Board of Professional Engineers and a subsequent review undertaken by KPMG, the government proposed a number of amendments which promote compliance with the act, ensuring it is effective and up to date. During the review, KPMG consulted with a range of engineering and construction industry stakeholders to ensure industry concerns were addressed.

The bill will make a number of amendments to the Professional Engineers Act 2002. Firstly, the amendments will clarify critical definitions in the act to provide greater clarity and guidance to stakeholders. In addition, it will be made clear that a person undertaking professional engineering services outside Queensland, for projects based in Queensland, must be a registered professional engineer or working under the direct supervision of a registered professional engineer. Another area of change is the introduction of a new category of non-practising engineer to cater for retired engineers and for engineers on maternity leave or other career breaks.

With respect to the operations of the Board of Professional Engineers, the bill introduces new provisions whereby all penalties and fees recovered by the board under the act are to be paid to the board and become part of the board's funds, to offset costs incurred due to investigatory and disciplinary action taken. The bill also will extend the time for which proceedings for offences against the Professional Engineers Act 2002 can commence from six months to one year after the offence comes to the complainant's knowledge, which will give the board more time to investigate offences and make decisions based on the investigator's report. The bill also gives the board the power to reject a complaint if it reasonably considers that the complaint is unfounded or lacking in substance. This is in addition to the current reasons the board can reject a complaint, which includes frivolous, vexatious or trivial complaints.

The changes contained in the bill also expand options available to the board in decisions about unregistered engineers, such as to caution, reprimand or enter into undertakings, so that lengthy and expensive prosecution processes may be avoided in some circumstances. Finally, the bill permits the delegation of decisions in relation to the registration and renewal process to a board member, a committee of members, the registrar or an appropriately qualified board staff member to alleviate difficulties experienced in processing the increase in the number of registrants.

In May 2013, the government's response to the recommendations of the Transport, Housing and Local Government Committee report No. 14, *Inquiry into the operation and performance of the Queensland Building Services Authority 2012*, was tabled in parliament. The response included the government's 10-point action plan which involved changes to licensing, dispute resolution, building certification procedures and the Queensland Home Warranty Scheme. This bill is the second stage of amendments which form part of the biggest reform to the regulator of the building and construction industry in more than two decades.

The government's plan with these reforms is to make sure that both consumers and contractors have confidence in the industry—confidence to build a new home or to renovate an existing home, and confidence to start or grow a business or get a job within the industry. The first round of this reform process saw the removal of the Queensland Building Services Authority, the BSA, and the establishment of the Queensland Building Construction Commission, the QBCC. The advisory board of the BSA was replaced by a proper governance board for the QBCC while a new QBCC Commissioner was also appointed. These changes are already helping to grow industry confidence, and I am constantly hearing from industry participants about how refreshing they are finding the new QBCC and their new direction and attitude. This second stage implements a number of key reforms.

Firstly, it is proposed to amend the QBCC Act to provide for internal review of QBCC decisions that have the potential to go to the Queensland Civil and Administrative Tribunal, QCAT. This allows a person who is dissatisfied with a decision about matters such as licensing, homeowner complaints or insurance claims to elect to have the decision independently reviewed within the QBCC, at no cost, before taking the matter to QCAT. This should enhance the quality of decision making within the QBCC and reduce the number of matters being referred to QCAT.

Secondly, it is proposed to amend the QBCC Act to more clearly identify that a licensee ought not to be categorised as a 'permanently excluded individual' merely as a result of a 'relevant bankruptcy event' and a 'relevant company event' arising out of the same incident. This proposed amendment stems from issues raised during the parliamentary committee hearings that bankruptcy and company insolvency events arising from the same circumstances should be treated as a single event. To do otherwise is clearly unfair.

Thirdly, the bill contains provisions which amend the Building Act 1975 and the Plumbing and Drainage Act 2002. Currently, for the plumbing and drainage industry there are different regulators for occupational and contractor licensing. To reduce the industry's administrative costs and the burden on licence holders, the functions of the Plumbing Industry Council, PIC, will be moved to the newly

created QBCC. If you hold an occupational and QBCC trade contractor's licence, you will only need to hold a QBCC trade contractor's licence in the future. Having to hold and pay for only one licence will save \$118.90 annually. If you only hold an occupational licence, you will still be required to hold it. However, it will be issued by the QBCC in the future. Additionally, all functions currently administered by the Pool Safety Council including licensing, compliance and disciplinary action relating to pool safety inspectors will be transferred to the QBCC as part of this bill.

As a consequence of these changes, the Plumbing Industry Council and the Pool Safety Council will be disbanded. I want to take this opportunity to thank the members of these councils for their contribution to the plumbing industry and to pool safety. I am confident that these proposed amendments to the nominated acts will maintain industry standards while streamlining the processes and activities of both the Board of Professional Engineers of Queensland and the QBCC. This will result in improved services to consumers and industry. I commend the bill to the House.

### **First Reading**

**Hon. TL MANDER** (Everton—LNP) (Minister for Housing and Public Works) (4.12 pm): 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.

### **Referral to the Transport, Housing and Local Government Committee**

**Mr DEPUTY SPEAKER:** Order! In accordance with standing order 131, the bill is now referred to the Transport, Housing and Local Government Committee.

### **Portfolio Committee, Reporting Date**

**Hon. TL MANDER** (Everton—LNP) (Minister for Housing and Public Works) (4.12 pm), by leave, without notice: I move—

That, under the provisions of standing order 136, the Transport, Housing and Local Government Committee report to the House on the Professional Engineers and Other Legislation Amendment Bill by 18 August 2014.