



Speech By  
**Hon. Tim Mander**

**MEMBER FOR EVERTON**

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Record of Proceedings, 14 October 2014

**PROFESSIONAL ENGINEERS AND OTHER LEGISLATION AMENDMENT BILL**

**Second Reading**



**Hon. TL MANDER** (Everton—LNP) (Minister for Housing and Public Works) (5.15 pm): 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 Professional Engineers and Other Legislation Amendment Bill 2014. In particular, I thank the committee and the chairman, the member for Warrego, for their deliberation and report on the bill which was tabled on 18 August 2014. I would also like to thank those individuals and stakeholders who made submissions on the bill to the committee. Submissions were received from various stakeholders including Master Builders, the Housing Industry Association, Engineers Australia, the Australian Institute of Building and the Institute of Public Works Engineering Australasia. The committee's report makes only one recommendation: that the bill be passed.

This bill is about effective regulation and support of our state's building and construction industry. This bill serves two purposes: to amend the Professional Engineers Act 2002; and to implement the second stage of the amendments to the Queensland Building and Construction Commission Act 1991. First, the bill strengthens the ability of the Board of Professional Engineers of Queensland to properly regulate the industry so that Queenslanders can have the peace of mind of knowing that they are dealing with a qualified, professional and reputable engineer. Secondly, the bill will give effect to the second stage of the implementation of the government's 10-point action plan to overhaul the building industry regulator.

I will speak to the engineers component in the first instance. In late 2012 the Board of Professional Engineers of Queensland began a review of the Queensland Professional Engineers Act 2002 to check that the act remains fully up to date and reflects contemporary best practices in the regulation of engineering services. The review resulted in a number of proposed changes and amendments to the act, and this bill is designed to give effect to those changes. Those changes include clarifying critical definitions in the act. This will help those working with the act to better understand what some key definitions mean. This will help people work with the act and understand how it is to be applied more accurately.

Secondly, it will introduce a new category of non-practising professional engineer. This will capture those who have retired as well as those on maternity leave or career breaks. Those who become registered as non-practising engineers will pay a reduced registration fee and maintain their registration but will not be able to provide professional engineering services. It will also extend the time for which proceedings under the act can commence, from six months to one year in some circumstances. The current time limit of six months has proved difficult to meet, particularly when the board needs to investigate a situation and then potentially prosecute someone. It will also expand options for the board in deciding about unregistered engineers. Options such as caution or reprimand may be more appropriate and may negate the need for lengthy and expensive prosecution processes.

I now move to the part of the bill that covers the second tranche of amendments to the QBCC. Under this bill, an amendment to the Queensland Building and Construction Commission Act 1991, otherwise known as the QBCC Act, will allow the QBCC to review its own decisions about insurance, homeowner complaints and licensing rather than having them challenged in the Queensland Civil and Administrative Tribunal. This will potentially save consumers and licensees time and money. The review will be undertaken for free by an officer within the QBCC who was not involved in the original decision and who is of equal or higher level than the original decision maker. Licensees and homeowners will still have the right to appeal any QBCC decision, including internal reviews, to the Queensland Civil and Administrative Tribunal.

The bill also amends the Building Act 1975 and the Plumbing and Drainage Act 2002 to allow for the transfer of functions from the Pool Safety Council and the Plumbing Industry Council to the QBCC. For many years the Plumbing Industry Council has been responsible for licensing plumbers and drainers and regulating their conduct. Since 2010, the Pool Safety Council has done the same for pool safety inspectors. This means that many plumbers and drainers currently have to pay for two licences from different regulators—the Plumbing Industry Council for their occupational licence and the QBCC for their contractor licence. Having the QBCC as the single regulator will provide a number of benefits to local businesses and the industry, including cutting red tape and administrative costs for licensees and providing cost savings to local businesses and the industry. For example, plumbers will save time, money and hassle as they will only need to hold and pay for one licence, saving \$123.10 per year. It will also provide an effective one-stop shop for pool safety inspectors, plumbers and drainers for their licensing needs and it will also bring about a consistent and experienced arbiter of issues relating to the conduct of construction industry licences.

Finally, the bill also amends the Queensland Building and Construction Commission 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 act arising out of the same incident. This amendment stems from a recommendation in the Transport, Housing and Local Government Committee's report tabled on 30 November 2012 that the QBCC Act be amended to provide that where an individual's relevant bankruptcy event and a relevant company event stem from the same financial incident they may be deemed one event for the purpose of penalties. This recommendation came about as a result of criticism from witnesses who submitted that bankruptcy and company insolvency events arising from the same circumstances should be treated as a single event because to do otherwise is unfair. The government supported this recommendation by the parliamentary committee and, as a result, this bill addresses the issue.

While the Plumbing Industry Council and Pool Safety Council will cease operating, licences from these councils will remain valid until they expire. Any endorsements, conditions or restrictions on the licence will also continue to apply. Although the QBCC will be assuming the operational functions of the former councils, legislation and policy matters will remain the responsibility of the Department of Housing and Public Works. It is proposed that the Pool Safety Council will be transitioned to a consultative group to provide advice to the department and myself on issues relating to pool safety.

I want to foreshadow some further minor amendments that I intend to move during the consideration in detail stage of the bill. Firstly, it is intended to insert a new section in both the Building Act 1975 and the Plumbing and Drainage Act 2002 to allow the QBCC to retain the revenue it will raise from the transfer of enforcement aspects for pool safety and plumbing laws. Currently, the act states that the revenue must go to the Consolidated Fund. This will be similar to provisions which already exist in the Queensland Building and Construction Commission Act for offences against that act. This is important to ensure that funds go to the QBCC so that it is not out of pocket as a result of its enforcement activities.

Secondly, some minor amendments are proposed which relate to the transfer of licensing functions from the Department of Housing and Public Works to the Queensland Building and Construction Commission. These include amending the Queensland Building and Construction Commission Act so that the Queensland Building and Construction Commission Commissioner can allocate demerit points to a pool safety inspector. There will also be an amendment to the Building Act to transfer the ability to prosecute pool safety offences from the chief executive to the Queensland Building and Construction Commission Commissioner. These amendments to the bill ensure that the policy intent for the new roles and functions of the Queensland Building and Construction Commission and the Queensland Building and Construction Commission Commissioner are delivered. I commend the bill to the House.