




Speech By
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MEMBER FOR SOUTHPORT

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**BUILDING AND CONSTRUCTION LEGISLATION (NON-CONFORMING
BUILDING PRODUCTS-CHAIN OF RESPONSIBILITY AND OTHER MATTERS)
AMENDMENT BILL**

 **Mr MOLHOEK** (Southport—LNP) (10.13 pm): I rise to speak to the Building and Construction Legislation (Non-conforming Building Products—Chain of Responsibility and Other Matters) Amendment Bill 2017. An important feature of this legislation is the chain of responsibility, not just nonconforming building products. As the deputy chair of the committee, I have to say that it was very difficult to consider or perhaps justify a statement of reservation given the seriousness of the impact of nonconforming building products and some of the negligence that has occurred within the chain of responsibility over many years.

In the committee report we summarise the main features of the bill, and I want to touch on them very briefly. The bill proposes to implement a chain of responsibility that places a duty on supply chain participants for building products, specifically designers, manufacturers, importers, suppliers and installers, to ensure that building products are safe. As we heard from the chairman, there are many and various products that are available in the market. Some are high quality and some are not, and I wish to elaborate on that further in my speech this evening.

The second part of the bill is to impose additional duties on parties in the chain of responsibility to ensure that building products are accompanied by appropriate information and require that parties may not make false or misleading statements about a building product's performance. The third key feature of the legislation is to enable the government through the administering minister and the Queensland building regulator, the QBCC, to investigate and effectively respond to incidents of nonconforming building products.

I want to bring the House's attention to the definition of a nonconforming building product because I think it is important to have this on the record. Nonconforming building products are products and materials that are claimed to be something that they are not. They do not meet the required standards for the use in which they are intended or they are marketed or supplied with the intent to deceive those who use them.

In the explanatory notes from the minister we were advised that nonconforming building products pose a significant risk to health and life safety as their use threatens the integrity of a building, putting all those who enter and use the building or building site potentially at risk. The use of nonconforming building products within a building can also impose significant costs on owners to rectify damages or undertake remedial actions. Other consequences can also impact on the construction, manufacturing, trade, import and retail sectors.

At the very outset I highlighted the issue of the chain of responsibility. It is not just the safety of our workers and our tradespeople who work on these construction sites. There are also significant long-term potential consequences for consumers, many of whom are families who have bought their

first home or perhaps who have been renovating a home, as we heard from some of those who appeared at the public hearing, and I will touch on that in a moment. Particularly in larger scale buildings, the consequence, as we have seen in more recent times, can be quite significant and life threatening.

We had many submissions over the course of the hearings and I want to run through a few highlights. In particular, I want to touch on the one that the chairman raised earlier. We heard from the Building Designers Association of Queensland in respect of the proposed legislation. James Dunstan spoke at length about a simple product: a cyclone rod—a common threaded bolt that is used in the construction of homes in North Queensland to ensure that houses are securely fastened to the ground and that they will not blow away. The point he made is that there are different standards of cyclone rods and that they are commonly sold in major hardware stores but not always clearly identified as those which are suitable perhaps for building a chicken coop out the back of a farm and those that are plated to what I think he described as a zinc 275 standard, which means that the life of those cyclone rods is significant and the home owner who has had a house built using the correct materials can be confident those rods will have a long life.

We heard a very lengthy dissertation from James Dunstan, from the Building Designers Association, around the difference between nonconforming products versus the nonconforming use of products and substitutions. That is why this concept of chain of responsibility is so important. It may not always be the fault of the product; it may be the fault of the installer, the architect, the designer or the person who is actually specifying the products to be used in the particular project or construction.

We heard from a number of other organisations throughout the day. One of the groups that came to see us was the Property Owners' Association of Queensland. They raised concerns around faulty building products which have been imported without proper notification of fire testing and without proper resistance warranties. They raised for the committee's attention the fact that there are requirements that this information be properly stamped on the back of the product. Again, it was interesting and quite educational to hear about some of the challenges.

We also heard from the Bureau of Steel Manufacturers, which was not a group I expected to turn up. They raised concerns around the proliferation of cheap, imported and often substandard products entering our nation. A lot of formwork or steelwork—I am not sure whether it is formwork or steelwork—or a lot of finished steel products that are being imported and bolted into frames at buildings do not always meet the high standards that we have here in Australia.

We heard from the department around the failure of Infinity cable and we asked the department to provide some advice as to what action had been taken. Fines were imposed on the importer at the time, while investigations revealed that the original product that was imported did comply but then there was a lapse in quality. The concerning thing is that many home owners who had that cabling installed in their homes back in 2012 and 2013 were advised to contact their electrician and make a claim to have the faulty cable replaced. However, based on the department's best access to information, they revealed that there are still many home owners who have not had that cable replaced. In many cases, people have bought and sold the homes and have moved on and are not even aware that some of the cabling in their homes may be of this poorer quality.

I want to touch on the public hearing and I want to thank all of those who came to the hearing, as the minister and the chair have thanked them. We had many of the trade organisations there. We heard from the Housing Industry Association, Master Builders and the Master Plumbers Association. The Master Plumbers Association spoke at length about the importance of installing plumbing products that have the appropriate watermark on them so that people know they are getting a quality product that is going to last a long time.

Most moving on the day was those families—and I believe some of them are in the gallery tonight—who came to share their very personal stories. The chair, others on the committee and I commended them for their courage. It was compelling and very moving to hear such firsthand accounts. I particularly want to thank Don and Julie Sager for their willingness to come along and share with us their story. I also want to thank Michael Garrels and Dan and Debbie Kennedy. All of them have lost sons to unfortunate incidents.

The one story that particularly moved me and that I wanted to touch on was the Sager family. They talked at length about the dangers of asbestosis and they highlighted their concerns. It was surprising to hear through the hearing that, despite the fact there is so much awareness around asbestos—and certainly there are many legacy issues with older homes, dwellings, schools, halls and many other buildings that have asbestos in them—there are still new products slipping through the system and not being picked up by border control or the appropriate bodies at an import level. Some of these products, sadly in this day and age, still represent a significant threat to the wellbeing of our workers and families who eventually move into some of those dwellings.

This highlights the fact that as a parliament there is still more work for us to do in terms of exploring the issue of asbestosis. I note there is a requirement to maintain a register of public buildings with asbestos and for those records to be quite detailed, but there is still no real requirement to maintain a register for residential buildings and older houses. For many do-it-yourselfers and many tradespeople who undertake basic repairs, there is significant risk if they are not aware. I suggest that is another area we will need to look at in the future.

I will close with those comments. I am pleased to say that we are supporting the legislation. It provides for some sensible reforms. We did highlight some concerns about the QBCC's approach to budgeting and financing the future measures. I am satisfied for now with the answers that came from the QBCC. We need to remain vigilant with the monitoring of nonconforming building products and chain of responsibility. We also need to make sure that the QBCC continues to operate efficiently and effectively and in the best interests of all Queenslanders.