




Speech By  
**Shane King**

**MEMBER FOR KALLANGUR**

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

 **Mr KING** (Kallangur—ALP) (10.06 pm): I rise to speak to the Building and Construction Legislation (Non-conforming Building Products—Chain of Responsibility and Other Matters) Amendment Bill 2017. As chair of the Public Works and Utilities Committee, I would like to thank the members of the committee, our hardworking secretariat, as always, and those individuals and organisations who lodged written submissions on the bill. I would especially like to thank the heartfelt contributions from family members at the public hearing where they talked to the committee about the tragic circumstances that resulted in the loss of their loved ones.

Every year when I attend Workers' Memorial Day we grieve the loss of workers who have died while doing their job. I have said quite a few times in this place, and I repeat: nobody should go to work each day with any other expectation than to return home in the same physical and mental condition as they left in. The committee hopes that if this bill is passed—and I am sure I can speak on behalf of the committee—lives will be saved and injuries prevented. I acknowledge that there was no statement of reservation and we worked well together on this good piece of legislation.

Our committee made three recommendations. Recommendation 1 was that the bill be passed. In recommendation 2 the committee recommended that the QBCC develops a protocol with the Office of Industrial Relations to ensure that the notification requirements contained in section 54A of the bill do not result in licensees being required to make separate notifications to these agencies about the same matter. I understand that this is happening, and I thank Minister de Brenni for clarifying this. In recommendation 3 we recommended that the minister, in the second reading speech, provide advice on the estimated cost of implementing and enforcing the proposed legislation and what the likely impact will be on the QBCC budget. Once again, I thank the minister for clarifying that, as recommended.

I will speak briefly about nonconforming building products. Nonconforming building products are products and materials that are claimed to be something they are not. They do not meet the required standards for the use in which they are intended or are marketed or supplied with the intent to deceive those who use them. The explanatory notes for the bill advised—

Non-conforming 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 non-conforming building products within a building can also impose significant costs on owners to rectify damages or undertake remedial actions.

We heard during the public hearing that even with something as simple as cyclone rods, which you can buy from Bunnings, there are two different types. The member for Southport will agree with me here. There are different grades and they can make a huge difference to the integrity of a building. Some are meant for sheds; some are meant for high-rise buildings. They are both sold at the same place and should never be mixed up. That is what we need to fix.

The minister in his introductory speech noted that in 2014 it took fewer than 15 minutes for a lit cigarette left on a balcony to cause 13 floors of the Lacrosse building in Melbourne to be engulfed in flames, and that fire was the result—apart from the cigarette—of highly flammable nonconforming aluminium cladding, a cheaper imitation version of a conforming product.

Our committee noted that currently there is limited ability to effectively regulate building products at either the national or state level, with the existing regulatory framework disproportionately focused on the end of the supply chain; the existing building regulatory system does not have any mechanism to trace building products through the supply chain from manufacture to installation; and globalisation of the supply chain has compounded challenges to ensure building products are suitable for their intended use. This bill is a big step in the right direction to help turn this around and make sure everyone in the supply and building chain ensures that only appropriate products are used. If the federal government would adopt similar legislation to stop inferior products coming into the country in the first place, we could make a far bigger change.

During the public hearing we heard from the Garrels family about the tragic case of 20-year-old Jason Garrels, who was fatally electrocuted after coming into contact with temporary construction wiring on a building site. I acknowledge Michael and Lee for the work they did and those who were here in the gallery and other families who were tragically affected. The coroner's inquest into Mr Garrels' death recommended amendments be made requiring principal and building contractors to report any death or serious injury on a building site to the QBCC. In response to this recommendation, the bill provides that QBCC licensees must notify the QBCC about activities on a site that might represent a work health and safety issue. This includes where a person has not complied with a notice issued by the Electrical Safety Office or Workplace Health and Safety.

The amendments protect the privacy of licensees who report workplace health and safety issues through new confidential provisions. In addition, the QBCC will have an obligation to report to health and safety regulators about notifiable incidents. A notifiable incident is the death or serious injury to a person or an accident that exposes a person to risk of serious injury or illness.

The bill further enables the QBCC to enter information-sharing arrangements with other agencies, in particular, work health and safety regulators. Information can be shared to help the QBCC or any other agency to perform its functions or by disclosing the information if it is necessary to protect the health and safety of a person or property.

As we are all aware, workplace health and safety can be a matter of life or death, and time is often of the essence. These amendments will ensure that the QBCC is directly notified of these matters so they can take immediate action. The amendments also encourage a responsive, multiagency approach to work health and safety in the building and construction industry.

I would also like to draw your attention to the amendments in the bill that expand the grounds upon which the QBCC may take disciplinary action against a licensee or suspend or cancel a licence. These grounds include where a licensee has been convicted of an offence relating to work health and safety laws or if the licensee's work on a building site may have caused the death of a person, grievous bodily harm or a serious health and safety risk.

Given the severe consequences that may arise from risky behaviour and breaches of work health and safety legislation, it is appropriate for the QBCC to be able to take these matters into consideration. Licensees who fail to meet their obligations to ensure work is safe and who expose workers to risk should not be able to benefit from holding a QBCC licence. Further, licensees who uphold health and safety should not have to compete with those who do not. These legislative amendments bring new rigour to the work health and safety, and will ultimately benefit the entire building and construction industry. I commend this bill to the House.