




Speech By  
**Bart Mellish**

**MEMBER FOR ASPLEY**

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### **PLUMBING AND DRAINAGE BILL**

 **Mr MELLISH** (Aspley—ALP) (4.48 pm): I rise to speak in support of the Plumbing and Drainage Bill 2018, and specifically about the range of measures that are contained within it. Firstly, I would like to thank the committee members who looked at the bill: the chair, the member for Kurwongbah; the member for Bundamba; the opposition members, the members for Callide and Hervey Bay; and the member for Traeger from the crossbench. I thank the minister for his help along the way, all the submitters to this inquiry and the witnesses who attended at the hearings that were held. I also thank the committee staff, who did a great job.

I want to speak in particular about the introduction of a new occupational licence for mechanical services work, which is contained in the bill. The new licence class for mechanical services will improve the industry standard of work by ensuring that work is carried out by an appropriately qualified individual. The nature and scope of mechanical services work is often misunderstood. In short, this important trade involves the construction, installation, maintenance or testing of mechanical heating or cooling systems in a building. Noncompliant mechanical services work can pose a serious public safety risk by creating an environment that is conducive to legionella, for example.

The QBCC currently regulates some aspects of mechanical services work through its existing contractor licences—for example, individuals and companies must be licensed to carry out air-conditioning and refrigeration work valued at over \$3,300—but more can be done to protect the health and safety of the community. The new occupational licence means that mechanical services work of any value must be carried out by a licensed and qualified individual. Introducing an occupational licence for mechanical services work aligns with other high-risk trades such as plumbing and fire protection. This occupational licence targets large or public buildings such as commercial retail centres and residential apartment blocks where complex heating, cooling and ventilation systems present a particular risk.

I will make a few points with regard to the mechanical services licence. The Queensland model has been refined based on the results of the Queensland Building Plan consultation. This consultation was based on the Victorian model and this was not widely supported. The proposed mechanical services framework includes four classes of licence which recognise the different streams of mechanical services. The technical qualifications for each licence class will reflect the specialist skills needed for the streams of work.

Why is there a need for four mechanical services licence classes? Like other trade work, mechanical services has various streams of specialised work, for example, air-conditioning or plumbing work associated with cooling and heating systems. Medical gas is also considered a specialised stream, which I will refer to a bit later. It is important that people carrying out this work have the correct skills and qualifications so that the licence classes recognise the need for these tradespeople to be licensed and skilled to the appropriate level.

The amendments allow the licence to be divided into classes, as I mentioned, that will be set by regulation. This is to capture the full range of specialised trades that currently do mechanical services work. Formal training requirements will apply to the licence classes to ensure that individuals are suitably qualified. The bill will ensure that critical mechanical services work continues to be carried out by the right people with the right qualifications. As mentioned, the introduction of a mechanical services licence which will regulate medical gas work is to be commended.

The incorrect installation of medical gas can have fatal consequences which was tragically demonstrated in New South Wales in 2016. One infant died and another suffered permanent brain damage because of nitrous oxide being administered instead of oxygen. While there are current procedures in place in Queensland hospitals and health facilities to ensure that medical gas systems operate as they should, no formal licensing requirements exist. The introduction of a new mechanical services licence will ensure the health and safety of Queenslanders by ensuring that the individuals doing this work are suitably qualified specifically for the class of medical gas.

More broadly, the Queensland Building and Construction Commission, as the state's building industry regulator, will administer the new licence. This includes taking action against individuals who operate unlicensed or perform defective medical gas work. It is great to have a tough cop on the beat. The bill provides strong penalties for unlawfully carrying out mechanical services work, including escalating penalties for repeat offenders. The first instance will incur the current penalty of 250 penalty units. A subsequent offence increases to a maximum of 300 penalty units and third and subsequent offences will be 350 penalty units or a year's imprisonment. This offence is necessary due to the significant health and safety risks that may arise when mechanical services work is carried out by unlicensed and unqualified individuals. These penalties align with the existing provisions under the QBCC Act 1991 and will send a strong message to the industry and the community that acting unlicensed will not be tolerated.

The medical gas licence class will strengthen the existing regulatory framework and help safeguard our loved ones when they need it most. Currently, medical gas is not regulated at contract or occupational level, nor is high-risk work that is undertaken at occupational level. This new licence class intends to streamline present licensing and create new licences to place them into the one licence class. This will ensure that people undertaking the work have the appropriate skills and qualifications.

Speaking more broadly, industry will be allocated adequate time to prepare and transition into the new licensing requirements for mechanical services. A significant amount of consultation has been undertaken to contribute to the reforms in this bill. As the minister mentioned earlier, there were roadshows, round tables, information sessions and, of course, committee hearings. The new plumbing laws represent working with industry, local government, licensees and the community over a three-year period to develop a stronger, modern and flexible regulatory framework. Throughout this time there has been strong stakeholder support for the reforms which we saw through the submissions and through the hearings.

The mechanical services reforms have also been shaped and refined as a result of industry and community feedback. The introduction of a mechanical services licence was included in the Queensland Building Plan which was the subject of significant statewide consultation from November 2016 to March 2017. This consultation at the time identified some broad concerns about basing the mechanical services licence on the Victorian model, as I mentioned earlier, where only plumbers can do this work. Translating this model to Queensland may have resulted in air-conditioning and refrigeration contractors being displaced. The government listened to this feedback and the new mechanical services licence will avoid this. Rather, the amendments allow the licence to be divided into classes that recognise the specialised trades that perform this work. Stakeholders provided this feedback, through the parliamentary committee process, about the technical qualifications and scopes of work that should be set by regulation. This detail will be finalised in close consultation with industry going forward.

For current licensees, the bill includes transitional provisions aimed at minimising disruption to their businesses by recognising their existing qualifications and experience. The transitional period will also allow people who are currently working unlicensed, including employees of a contractor licensee, time to complete the necessary qualifications or demonstrate that they have the appropriate skills and experience to obtain a licence. The mechanical services licence reforms will enhance the health and safety of the community while still providing flexibility to ensure industry is prepared for the changes and can move seamlessly to the new licence.

Speaking briefly about the provisions in the bill regarding WaterMark, the bill contains clauses to prohibit plumbing products, including WaterMark products, if they are found to be defective or not fit for purpose. This is an important extra safety net as it provides increased protection for all Queenslanders.

Clauses in the bill address concerns around the implementation of the national WaterMark Certification Scheme for plumbing products. These WaterMark products can be residential or commercial and can vary in size from small scale to entire bathrooms, for example.

On the committee we heard plenty of feedback, including around the whole bathroom models and potential issues with those. It is great that these provisions are in the bill where concerns about defective products can be addressed. The WaterMark Certification Scheme is a national scheme for plumbing and drainage products to ensure that they are fit for purpose and appropriately authorised for use in plumbing and drainage installations. It is good that this bill has this extra level of protection where the state government is able to act swiftly to prohibit plumbing products, including WaterMark products, from being installed where they are found to be defective or pose a public health risk.

It is intended that the plumbing regulation will prohibit the installation of identified WaterMark products that are deemed unsuitable for installation. This will provide the flexibility to adjust the adoption of the WaterMark scheme through an amendment to the regulation. The department has indicated during inquiry hearings that the power to prohibit a plumbing product that has WaterMark certification will be used sparingly and as a last resort, for example where delays in the national process have the potential to cause significant health and safety risks to the Queensland community. Many submitters and witnesses to the inquiry on the bill discussed issues and potential issues with WaterMark products. These measures in the bill will be beneficial for industry and the broader public.

In terms of the recommendations of the committee, recommendation 1 was that the Plumbing and Drainage Bill be passed. It is great to see that recommendation supported by all sides. Recommendation 2 was that the minister consider investigating ways to help ensure the safety of contractors when installing or working with refrigeration fluids and single-head split systems, which the minister addressed earlier. Finally, the committee recommended that the minister provide an explanation of what is meant by the acronym MPU by way of clarification during the second reading of the bill, which I understand the minister did earlier. I commend the bill to the House.