




Speech By  
**Michael Hart**

**MEMBER FOR BURLEIGH**

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Record of Proceedings, 17 November 2021

**JUSTICE LEGISLATION (COVID-19 EMERGENCY RESPONSE—PERMANENCY)  
AMENDMENT BILL**

 **Mr HART** (Burleigh—LNP) (3.38 pm): I too rise to speak on the Justice Legislation (COVID-19 Emergency Response—Permanency) Amendment Bill 2021. I was not intending to speak to this bill. As members in the House would know, I am a part owner of a brewery on the Gold Coast, so I did not think it was appropriate to talk about the liquor aspects of this bill—so I will not, but there are some good parts of this bill and, as we know, the LNP will support the bill.

There were a number of recommendations made by the committee I was a part of. Those recommendations include that the minister should expand the electronic signing of documents to deeds from the state. Unfortunately, when the government enacted this bill originally that was not applicable to the states. We heard from a number of presenters to the committee that that was causing an issue in that corporations could electronically sign deeds, but they were then having to wait for a couple of months for the state to actually physically sign it. So I think that suggesting that recommendation is very sensible, and I am glad to hear that the government has accepted that. They will move a number of amendments during consideration in detail.

There are a number of other things in this bill, including changes in relation to domestic violence issues, and those are things that I fully appreciate and support. I was surprised to see there was an amendment around the QBCC that was put in late in the minister's speech, and that is what has prompted me to get up today and talk to this bill. I listened to the Minister for Public Works' contribution to this debate. He said, in part, that this was a minor technical amendment. The explanatory notes that have been sent around with this amendment state—

One of the Queensland Building and Construction Commission's key compliance and enforcement mechanisms is the ability to direct a person to rectify defective or incomplete building works or remedy consequential damage within a prescribed period.

The original act included a time frame in which these directions to rectify were made, but there were changes made by this government in 2017 that came into force in November 2019 which moved the prescribed period to a regulation, but they never did the regulation. The regulation was never put in place. That has put in doubt every notice to rectify that has been issued since November 2019, and there would be thousands of them, which means that a builder or a homeowner who has had one of these directions to rectify issued to them could go to a court and challenge the whole thing based on the fact that the legislation was never actually put in place. This is not a minor technical amendment; far from it. It is the government coming in here once again to rectify one of the mistakes they have made around legislation in this place. We have constantly seen amendments to bills at the last minute to fix the government's incompetence. That is basically what this is all about.

A direction to rectify is a very important issue and, as I said, there are thousands of people who would have had these issued to them. There is a group called the QBCC Action Group which has been very vocal about these sorts of issues. I will table for the information of the House the QBCC Action Group's terms of reference for the inquiry the minister announced yesterday. They would like to widen those terms of reference, as would the LNP, and their mission statement. I will table that for the House.

*Tabled paper:* QBCC Action Group document, undated, titled 'Terms of Reference: Independent Judicial Commission of Inquiry: Queensland Building and Construction Commission' [1951](#).

*Tabled paper:* QBCC Action Group document, undated, titled 'Mission Statement' [1952](#).

The gentleman who runs that action group is Mark Agius, and I have been talking to him quite a bit. He has been writing to the minister trying to get some action on some of his issues in Townsville. He sent an email to the minister yesterday and he has asked me to table that as well.

*Tabled paper:* Email, dated 17 November 2021, from Mr Mark Agius to the Minister for Energy, Renewables and Hydrogen and Minister for Public Works and Procurement, the Hon. Mick de Brenni, titled '2021 11 17—Ministerial Response—QoN 1255-2021' [1953](#).

There are a number of attachments to that. Unfortunately, I have not had time to look at those attachments so I do not intend to table them here this afternoon. If the minister would like to have those attachments, I am happy to give them to him, mentioning that they have been emailed to him. A response has been requested pretty quickly because this gentleman is having his action dealt with in the next few days. For the minister to come in here and tell us that these are minor technical amendments is just an absolute insult to this place and the people of Queensland whom we serve. They are not minor technical amendments; they are a complete stuff-up by this government, quite frankly.

We have seen now that the minister has quickly put a hurried inquiry in place, but its terms of reference are very narrow and they need to be expanded greatly. They need to look at the legalities of the things the QBCC is doing and make sure they are operating inside their remit. We also heard of the Groupline case on the Gold Coast, where it was found that the QBCC acted outside their legal powers. They have lost a court case about that. I did an RTI into this, and one of the responses to the RTI was that there is some doubt held inside the QBCC that they may not be able to shut down projects in the future because they do not have the legal right to do that. Yet, that is exactly what they have been doing around the issues we have seen on the Gold Coast lately with cranes. They have been closing down worksites, and possibly those things have been done illegally and outside the remit of the QBCC.

We are hearing as well that the board of the QBCC is interfering in operational matters. So is the minister, for that matter. These things need to be ventilated quite thoroughly as well. I would encourage Jim Varghese, who is looking into this, to look at these things and submit a comprehensive report to the government about this particular inquiry.

No doubt I will have more to say when we get to consideration in detail on these QBCC amendments, but we are getting sick and tired of coming into this place and having to rectify an issue this government has created because of their complete incompetence and their stacking of the QBCC board, their operational interference in what is supposed to be an independent regulator. I will leave my contribution there.