




Speech By  
**Michael Hart**

**MEMBER FOR BURLEIGH**

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Record of Proceedings, 24 May 2022

**BUILDING AND OTHER LEGISLATION AMENDMENT BILL**

 **Mr HART** (Burleigh—LNP) (6.38 pm): I was not going to speak to the bill but I did not think I could let it slide by that the Minister for Housing had a free kick on this—from me in particular. This bill is mostly about fixing what is, quite frankly, government stuff-ups and I will get to those shortly. As a starting point, I will do something unusual and praise the minister for something that he has done.

**An opposition member** interjected.

**Mr HART:** I do not feel too bad. I have not heard any other members mention this tonight. I think something that the minister has done right in this bill is to allow people to seek information about the outcomes of particular investigations carried out by the QBCC into issues that they personally have had or their companies have had without having to do an RTI.

Before this change, people had to submit an RTI, go through that long, drawn-out process to find out information about their own company—what they did wrong, right or indifferent—and why the QBCC reached its decision. Making this change makes a lot of sense. I congratulate the minister for putting this to the parliament. That is the one matter he has done right in here and that is the only one. That is the end of the nice stuff.

As for other issues concerning this bill, we will talk about ‘ban the banners’. Basically, as we heard, that is something the government put in place years ago. When the matter was challenged in court, the government apparently got it wrong. We are here tonight to rectify that situation revolving around areas that have covenants put on them. I support the use of covenants to make sure that buildings are built to a certain specification that encourages people to go to that particular area, to buy into that estate and to build a home for the rest of their lives in that sort of place. When a covenant gets in the way of sensible matters such as putting solar panels on one’s roof, it needs to be rectified.

Unfortunately, when the government did this years ago, it got it wrong and the courts said it needed to be tightened up. We are here tonight to fix that. In this case at least one person went to court, won on one occasion and then lost in the appeals court. That is why we have to fix it. That person was given an ex gratia payment by the government because the government had stuffed it up. That is why they received an ex gratia payment. Other members said that this meets community expectations. It certainly does meet community expectations but, unfortunately, the government failed in terms of those community expectations.

I also refer, as the committee chair mentioned, to the crackdown on cladding. This is an issue that this government has been dealing with for five years. It started with the government putting out a checklist with which people had to comply. That was delayed and extended and has just dragged on and on. We have already heard from other members that 3 May 2021 was when everybody had to have all these checklists completed. The government had 12 months to commence prosecution of people who did not do the right thing in terms of not having the checklists done. That 12 months expired on 3 May this year. It expired three weeks ago, but we are only just getting to this legislation to fix something that has already expired. We are fixing that.

Apparently, the government tells us, the only body that can approve the QBCC taking someone to court is local government. Some local governments said, 'Yes, we will do that,' and some said, 'No, we will not.' My understanding is that only a number of cases were sent to court. Some were up for mention only a few weeks ago and I think only one is anywhere near finalisation. Having said that, we have been waiting five years for this problem to be fixed. I recall that the minister at the time said that this was urgent and that we needed to take urgent action to fix this problem because of the fires that we have seen in other countries with flammable cladding. Flammable cladding, I must point out to members, was approved by the government. There was nothing to stop people putting this on their buildings. In fact, it was the government's fault that some of these materials were installed because there was nothing in the Building Code that prevented people from doing so.

**Mr de Brenni:** That's wrong.

**Mr HART:** If that is wrong, I want the minister to outline exactly why this cladding ended up on people's buildings to start with if it was not allowed to be on buildings. Perhaps the minister could explain that to us. This is another of those stuff-ups that we are fixing for the government. The government has been caught out. I understand that 30 government buildings, as other members said, have not yet had their cladding replaced. If the government cannot fix its own buildings, what is happening with some of these unit owners who possibly do not even know that they are living in a building that has problems with cladding on the outside? At the very least, they do not know that they are probably responsible for replacing this cladding and that they will have a massive bill to fix some of these problems that they should never have faced to start with, apart from the fact that the government got it wrong.

We also are looking at changing the conditions around the particular licensing that some head contractors had to have. This was something that the government repealed two years ago. It has always been the case that a head contractor did not necessarily have to have a builder's licence. For instance, if they were a civil contractor having to put a small shed on a building, that would require a building licence, but the head contractor did not need a building licence. He could hire someone with a building licence to do that work. At the time two years ago, the government said, 'Oh, no, the head contractor needs that particular licence to do that particular work.' It has not actually come into force. The government told us at the time that this would not work. The government was warned by the industry that it would not work, yet it went ahead and did it anyway. Lo and behold, it did not work. We are back here trying to fix that tonight.

We hear that in fact this will be enforced by regulation. Perhaps the minister can tell us whether a draft of that regulation is available. I have not seen that regulation. If that regulation is not available to the parliament tonight to look at as part of this legislation, why? What may be in there that the parliament may not like? The problem with regulation is that the minister can change that regulation at a whim after consulting the people important to him.

We all know the people important to the ministers of this government. It is their union mates: the CFMMEU, the ETU and people such as that. There is no real consultation that takes place in this respect. This is consultation with their union mates. We do not need to look much further than the people on the board of the QBCC to see who are their mates. We have a prime example of Jade Ingham sitting on the board. To his great credit, Rob Schwarten said that he will not stand for re-election the next time the board is put up. That is my understanding. I read it in the paper. If that is incorrect, maybe someone could tell us.

**Government members** interjected.

**Mr HART:** Well, that is where we get most of our information from.

**Mr de BRENNI:** Mr Deputy Speaker, I rise to a point of order on relevance. There is nothing in the bill that goes to the composition of the building commission board. I ask you to rule on relevance.

**Mr DEPUTY SPEAKER** (Mr Martin): Thank you, Minister. I will ask the member to return to the long title.

**Mr HART:** I am talking about consultation. The only consultation is with union members of the board. To Rob Schwarten's great credit, he is not standing again. I suspect that some other board members of the QBCC will be the scapegoats when the Varghese report is released.