




Speech By
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MEMBER FOR KURWONGBAH

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BUILDING AND OTHER LEGISLATION AMENDMENT BILL

 **Mr KING** (Kurwongbah—ALP) (5.12 pm): I rise today to contribute to this debate on the Building and Other Legislation Amendment Bill 2022, which aims to: better support consumer expectations about efficiency measures like solar hot-water systems and solar panels, greywater, and holding tanks for sewage and greywater; and enhance regulatory frameworks around head contractor licensing, sharing information on investigation outcomes and decision-making to increase transparency and efficacy.

When this bill came before the Transport and Resources Committee we held public briefings, hearings and received numerous submissions. As the minister mentioned, the committee made two recommendations. Those recommendations were: firstly, that the bill be passed; and, secondly, that in developing the regulation relating to the head contractor licensing exemptions, the minister should clearly define the type of work prescribed under the regulation and consider the timing of commencement as suggested by stakeholders. It is pleasing to see that the minister has considered this recommendation.

I will turn to the first aim of this bill. I will start with the ‘ban the banners’ provision which is intended to bring legislation into line with consumer expectations around efficiencies in building. Most people have heard—and the previous member spoke about it—about the legal case where a home owner was sued for having her solar panels placed in a location on her roof that was prohibited by a developer’s housing estate covenant. While I respect the legality of covenants, most people, including me, were disappointed to hear about that case. I do not think it passed the pub test. That is why I am pleased to support this legislation which will make clear our government’s intention to encourage consumers to install solar products, like water heaters and solar panels, without regard to aesthetics. Efficiency of operation should always outweigh aesthetics. These products are not cheap and they should provide the maximum benefit and not just be put where they look good. They have a purpose and that purpose should be achieved.

The bill will enable treated greywater to be used in cooling towers for air conditioning in large building developments as well as for some other purposes such as flushing toilets. This provision was supported by submitters. It is great news for our environment and for our water supply. The science behind water recycling these days is remarkable, and our innovation means we can achieve and regulate better building and environmental outcomes through measures like these while still ensuring good public health outcomes.

Finally, in terms of consumer expectations around sewage and greywater, this bill addresses some challenges that currently exist around temporary toilet facilities such as those on construction sites or at outdoor concert facilities. The law currently says that where premises are located in an area served by a sewerage system, any sewage there must be discharged into that system. In addition, the law currently says that where premises are not in an area served by a sewerage system, any sewage and greywater must be discharged into a treatment facility before reaching a holding tank for collection and disposal. It is not something most of us give any thought to on the odd occasion we go past a construction site or attend a concert and see all the portaloos, but these requirements can be costly

and impractical. This bill will create a permit, issued by the local government, to discharge greywater or untreated waste and water from a toilet directly into a holding tank for collection and offsite disposal. This is a good outcome, providing regulated oversight to again uphold public health outcomes while reducing build costs and complications.

I now turn to the second aim of this bill, being regulatory frameworks around head contractor licensing, sharing information on investigation outcomes and decision-making to increase transparency and efficacy. Under the QBCC Act as it stands, building work is generally only able to be carried out by people who hold an appropriate licence. However, there is provision in the act for a head contractor in certain circumstances to procure work that will be carried out by an appropriately licensed contractor.

During a transport and public works parliamentary committee inquiry that I chaired in the last parliament, we heard feedback about the alleged misuse of this licensing exemption and recommended its repeal in the Building Industry Fairness (Security of Payment) and Other Legislation Amendment Act 2020. After further stakeholder feedback showed that this exemption features heavily in commercial contracting processes, particularly those with only minor elements of building work, our government has decided to reinstate the exemption. However, in order to address the remaining concerns about its use in contracting and to allow the government to pivot with new emerging issues, there will be a new regulation in the QBCC Act requiring some head contractors to obtain a licence, including those who engage in high-risk work. The committee's second recommendation was around this.

This legislation also provides more freedom for the QBCC to communicate with complainants about the outcomes of their complaints without being hindered by an inflexible protection of privacy for all parties, including those accused of wrongdoing. This amendment has potential to better inform complainants about the viability of bringing civil proceedings to court, which can be a costly process both emotionally and financially.

This bill also furthers our crackdown in Queensland on combustible cladding. Currently both the QBCC and local governments can issue an infringement notice for combustible cladding checklist offences. However, while councils can commence court proceedings where necessary, the QBCC requires permission from council. This legislation gives the QBCC power to directly commence prosecutions. The minister will move an amendment to clarify this. This bill also expands the scope around suspensions of a QBCC licence to apply a test of broader public safety as well as the existing protections for consumer outcomes, serious harm and financial loss.

Lastly, the bill strengthens our security-of-payment measures introduced in the BIFOLA Act 2020 and expands the rights of consumers for review of QBCC decisions on pool safety management plans. These are good amendments. There is absolutely no doubt the industry is currently facing some of its toughest challenges yet, with the supply chain struggling to recover from the COVID-19 pandemic and other global factors leading to increased costs and issues with availability of materials. When we read news articles on a regular basis about the collapse of Australian builders, I am thankful we have put in the work to try to protect subcontractors, consumers and builders themselves from financial ruin by having regulated expectations in place for how much money builders need to stay in the game and keep operating.

I thank the minister, the department, the QBCC and their teams for the work that has gone into this bill. I acknowledge other stakeholders who provided input into these amendments. I also thank our committee for working together to produce this report: the members for Mundingburra, Stretton, Gregory and Toowoomba North. I would have loved to have heard the contribution from our former colleague the member for Callide, particularly on the aesthetics of solar panels, because I know deep down in his heart he loved a good solar panel. He has gone on to better things. His contribution was welcome at the time. I also thank our hardworking secretariat team who always work hard and we work well with them. Deb, Zac and Amanda, thank you. I commend the bill to the House.