




Speech By
Hon. Meaghan Scanlon

MEMBER FOR GAVEN

Record of Proceedings, 16 April 2024

**HOUSING AVAILABILITY AND AFFORDABILITY (PLANNING AND OTHER
LEGISLATION AMENDMENT BILL; BUILDING INDUSTRY FAIRNESS
(SECURITY OF PAYMENT) AND OTHER LEGISLATION AMENDMENT BILL**

Second Reading (Cognate Debate)

 **Hon. MAJ SCANLON** (Gaven—ALP) (Minister for Housing, Local Government and Planning and Minister for Public Works) (12.42 pm): I move—

That the bills be now read a second time.

Following introduction, the bills were referred to the former State Development and Regional Industries Committee and the Housing, Big Build and Manufacturing Committee for consideration. I would like to take this opportunity to thank the committees for their detailed consideration of both bills. I would also like to thank the organisations and individuals who made submissions to the committee and participated in the public hearings. The committee made five recommendations in relation to the Housing Availability and Affordability (Planning and Other Legislation Amendment) Bill. The committee's first recommendation was that the bill be passed and I thank the committee for their support. Today I table the government's response to the committee's report. I propose to move some amendments to the bill during consideration in detail to address the committee's recommendations and respond to feedback received through submissions to the committee's inquiry into the bill.

Tabled paper: State Development and Regional Industries Committee: Report No. 51, 57th Parliament—Housing Availability and Affordability (Planning and Other Legislation Amendment) Bill 2023, government response [567](#).

The committee's second recommendation was that my department consult on amendments to the planning regulation and supporting instruments outside of the local government caretaker period. The government supports this recommendation. The local government elections have concluded and consultation on these amendments will begin shortly.

The committee's third recommendation was to clarify arrangements for state facilitated development in cases involving decisions by the Planning and Environment Court. The government supports this recommendation and I will move amendments during consideration in detail of the bill to ensure that state facilitated development decisions do not conflict with court decisions on the same application. An amendment to the bill will prevent duplicate applications and allow new or substantially different applications to use the state facilitated development pathway.

The committee's fourth recommendation was to reduce the review period for urban investigation zones from five years to two years. In response to matters raised by the committee and key stakeholders, including the Local Government Association of Queensland, regarding the proposed urban investigation zones, I will be moving amendments to remove the urban investigation tool from the bill. Removing this tool will enable additional consultation with councils and industry to identify the best mechanisms for supporting local governments in planning for growth areas and managing out-of-sequence development in their communities.

Finally, the committee's recommendation 5 asks that I clarify whether the amendments related to dual heritage places will sufficiently protect local heritage values. The aim of these provisions is to streamline heritage assessments by avoiding duplication and inconsistencies between state and local governments without undermining local heritage values. In cases where a local heritage place is also listed as a Queensland heritage place, known as dual heritage places, both levels of government may assess cultural heritage values leading to duplicate assessments and potential conflicts. The policy intent is for the state to take the lead in assessing and deciding heritage matters for dual-listed heritage places. I will be moving an amendment to the bill to clarify the roles of state and local government clearly in the assessment process.

I turn now to the detail of the bill and, firstly, the new acquisition and easement tools. This bill enables the state to acquire land or create easements for essential development infrastructure like water, transport, parks and community facilities. This can only occur where necessary for development and after all reasonable attempts to obtain owner agreement have failed. The new acquisition and easement tools empower the state to address housing supply barriers caused by land fragmentation by acquiring land or creating easements for essential infrastructure. This supports coordinated developments where negotiations with landholders have stalled.

This bill establishes a new streamlined alternative assessment pathway for state priority developments with a current focus on expediting the supply of affordable residential housing. As stated in the committee's report, the new state facilitated development pathway has received broad support from the housing and development sector, including Q Shelter, the Planning Institute of Australia, the Property Council of Australia and the Urban Development Institute of Australia. Further clarification is needed on the criteria for declaring a state facilitated development, which will be outlined in the planning regulation.

This bill makes various operational amendments to the Planning Act aimed at enhancing planning efficiencies in Queensland. This includes establishing a head of power for the planning regulation to declare that a material change of use of a premises is 'temporary accepted development' for a set period of time, allowing specified premises to operate without development approval for a limited period. This measure is intended for urgent needs like disaster response with the understanding that the use is temporary and will cease after the designated period. Applicants may seek development approval during this period which, if granted, nullifies the temporary status.

This bill seeks to improve the operation of development control plans, an historic planning tool under the repealed Integrated Planning Act 1997. This bill amends the Planning Act to allow for development applications within a development control plan area to be made, assessed and decided against the Planning Act. In response to a Planning and Environment Court judgement in 2022 the bill confirms that development approvals previously granted in a development control plan area remain valid. This bill simplifies the planning minister's authority to direct local governments to amend local planning schemes without prior notice. Ministerial directions must align with regulation, be consistent with state interests and undergo sufficient public consultation. Amendments to the minister's guidelines and rules will streamline this process intended as a last resort after collaborative efforts with local governments. This bill enhances the applicable event and temporary use licence framework introduced during the COVID-19 pandemic, offering increased flexibility. This includes the ability to revoke a declaration, extend licence periods or cancel licences once the event concludes.

This bill modernises and streamlines urban encroachment provisions to reduce regulatory burden and enhance business certainty for key employment generating activities affected by increasing urban development. The bill provides amendments to improve the registration and re-registration process and the public consultation requirements for making the amending registration are clarified. The bill removes the requirement for public notices in newspapers, allowing electronic submissions, suspending appeal periods and clarifying owner consent for state reserve development. It also makes minor changes to the Economic Development Act 2012, Integrated Resort Development Act 1987 and the Sanctuary Cove Resort Act 1985 eliminating the need for thoroughfare closure notices in newspapers, redirecting them to body corporate websites.

I would like to address some issues raised in the LNP's statement of reservation. The LNP raised concerns across several areas of the bill, including consultation, the state facilitated development process, urban investigation zones, alignment with the South East Queensland Regional Plan and dual heritage matters. This bill and the tools contained within have undergone extensive stakeholder consultation. Additional public consultation will commence shortly on the detailed aspects of the bill outlined in the planning regulation and related instruments. This consultation is taking place after the local government caretaker period and election, underscoring the significance of stakeholder input in shaping these planning reforms.

The committee made one recommendation in relation to the Building Industry Fairness (Security of Payment) and Other Legislation Amendment Bill. The committee's recommendation was that the bill be passed and I thank the committee for its support and note there is no need for a government response to be tabled. I turn now to the detail of that bill. Firstly, the bill will amend the Building Industry Fairness (Security of Payment) Act to clarify which subcontractor parties are beneficiaries of a trust. The amendments move away from the present concept of 'protected work' and instead focus on protected parties and their licensing requirements. By aligning the trust account framework to the long established and well-understood licensing requirements, the amendment will assist industry to better understand which subcontractors are protected by the framework.

The amendments also simplify the trust record keeping requirements. We heard from industry that the current prescriptive process limits flexibility for software and business systems. The amendments will allow for more practical and outcome-based requirements to be prescribed via regulation and guidelines.

The bill also simplifies the independent review requirements for trust accounts. Currently, trustees are required to engage an independent auditor to carry out reviews of retention trust accounts. To make this review process easier and more cost effective, this bill will empower other appropriately qualified professionals, such as qualified accountants, to carry out this function. We are also streamlining the review process to maintain a reasonable balance between rigour and the workload associated with a review.

Finally, the bill clarifies several transitional areas in response to industry queries. In particular, the bill confirms that, as new phases of the trust account framework roll out, they will not apply retrospectively. I am pleased to say that industry is largely supportive of these amendments. In fact, many of the improvements were identified by industry as part of the ongoing monitoring of implementation of the framework.

The bill also formalises key actions taken in response to the QBCC governance review and refocuses the QBCC on licencing and compliance so that it can be more efficient and effective in enabling industry and protecting consumers. These amendments include confirming the new seven-member board size and providing for the publication of the board's conflict of interest register, changes that are already in place from an administrative perspective, as well as transferring responsibility for setting licensing qualifications under the Building Act and the Plumbing and Drainage Act to the department.

The bill will also make some minor amendments to the Building Industry Fairness (Security of Payment) Act, Queensland Building and Construction Commission Act, Building Act, Plumbing and Drainage Act, Architects Act and the Professional Engineers Act to clarify existing provisions, support industry and consumers, facilitate information sharing between agencies and improve regulatory processes.

I would like to address to issues raised in the LNP's statement of reservation. The LNP raised broad concerns around the construction industry, housing, the extended rollout of the trust account framework and the effectiveness of the framework. I take the opportunity to note our investment in the construction industry through our free TAFE and apprenticeships programs and our commitment to delivering more homes for Queenslanders, including building one million new homes by 2046.

I am also pleased to report to those opposite that this bill is all about supporting industry and continuing the ongoing rollout of the trust account framework. Trust accounts work. Since the framework was introduced in 2018, more than \$25.1 billion has been secured for subbies under more than 1,400 contracts. The LNP had two reservations directly related to this bill: first, that including GST in the money set aside for subbies would burden businesses; and, second, that there is a need for more software to support industry compliance.

In relation to the first, GST was always intended to be included in the money set aside for subbies. This bill simply confirms that original policy position. Without the GST component, there could be a shortfall in secured funds. In relation to the second direct reservation, I remind the LNP that this bill enables more software development. The department is already engaging with over 30 software providers to support the development of new software solutions and will continue to do so as this bill is implemented.

Today marks a significant milestone for Queensland. With new easement tools and streamlined state-led assessments, we are removing barriers to housing supply, especially for affordable homes where they are needed most. This government is taking decisive action to build more homes faster, aligning our Homes for Queenslanders Plan and the South East Queensland Regional Plan with legislative reforms in the bill for debate today.

While we action these plans, we are sticking to our principles. We have always said that people should be paid for the work that they do. We will keep making sure tradies building homes for Queenslanders—and larger scale projects—get paid for their efforts. With this bill we are not just supporting tradies; we are making sure the whole construction industry has simpler, clearer processes for payment so that everyone is better off. I thank all those who contributed to the committee process for each of these bills. Together, we are unlocking opportunities and building better communities across Queensland. I commend the bills to the House.