




Speech By
Hon. Leanne Linard

MEMBER FOR NUDGEES

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QUEENSLAND BUILDING AND CONSTRUCTION COMMISSION AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

 **Hon. LM LINARD** (Nudgee—ALP) (7.37 pm): The construction industry is one of the largest employers in Queensland and is an industry where the regulatory settings that we put in place in this place have real consequences for workers, for licensees, for consumers and for the broader safety culture of the sector. This includes the thousands of local tradespeople and small contractors across my electorate of Nudgee who rely on the QBCC every day.

With respect to the digital reforms proposed in the bill, the bill removes the requirement for physical QBCC licence cards and authorises digital licences through the Queensland Digital Licence app. It modernises communication processes by allowing documents to be served electronically and it requires licensees to update their contact details within 14 days to ensure accuracy and communication.

These changes matter to local contractors, to local tradespeople. For carpenters, plumbers, electricians, tilers, roofers and small building companies, having a licence accessible on their phone, receiving documents electronically and cutting down on paperwork will make day-to-day compliance faster and easier. For many contractors, particularly in small businesses, these efficiencies make a practical difference to how they manage their workload.

Importantly, individuals who prefer or who rely on in-person services, particularly in regional Queensland who may have connectivity issues or just a preference, will continue to have those options available. This ensures that those without consistent digital access and workers on sites where phones are restricted are not disadvantaged.

The opposition supports these reforms because digitisation makes licensing faster and easier for builders and consumers. We, of course, also support digital reforms as they build directly on work initiated under our former Labor government when we commenced the transition to digital licences and the supporting ICT and regulatory work. These reforms are therefore a continuation of the modernisation program Labor began, and we are pleased to see this work being followed through with.

The second component of this bill concerns amendments to the safety notification requirements under section 54A of the Queensland Building and Construction Commission Act. In 2017 dual notification requirements were introduced following the coronial investigation into the tragic death of young worker Jason Garrels. The coroner identified gaps in communication between agencies and recommended direct statutory notification to ensure the QBCC was made aware of serious safety incidents that may indicate risks associated with particular work practices or license holders.

The dual notification requirement meant that licensees were required to notify both the Office of Industrial Relations and the QBCC. This ensured that the QBCC received the information it needed to perform its compliance and disciplinary functions in a timely manner. The bill removes this requirement.

Under clause 26, licensees would notify only the Office of Industrial Relations with the expectation that relevant information would then be shared with the QBCC through administrative arrangements rather than through a legislated mechanism.

The Labor opposition will not support the removal of this safeguard. In the past five years the QBCC has acted on more than 900 safety notifications. This has resulted in 26 show cause notices and five licence cancellations for serious safety breaches. These outcomes demonstrate that direct notification of the QBCC has supported appropriate regulatory action. The dual notification requirement was introduced for a clear reason, informed by a coronial investigation, and based on the principle that multiple pathways improve regulatory visibility. Relying solely on administrative arrangements such as a memorandum of understanding is not the same as having a legislated obligation. Administrative arrangements can vary over time and do not carry the same level of certainty or clarity as a statutory requirement.

I would like to respectfully acknowledge the presence of Michael Garrels at parliament today. He has been in the gallery all day and has taken a short break over dinner. I want to acknowledge the tragic loss that he and his wife, Lee, and their family experienced as a result of a totally preventable workplace incident.

The opposition acknowledges that some stakeholders argued for reducing duplication in reporting processes while others emphasised the importance of maintaining statutory reporting obligations to ensure direct regulatory oversight. We, of course, considered these views in forming our opinion on the bill as an opposition. However, given the history of this provision and the clear regulatory outcomes that have resulted from dual notification, Labor's position is resolutely that this safeguard should be retained.

I note the comments of many government members in this House during this debate, labelling these statutory obligations to notify of particular safety measures as 'inefficient', 'red tape' and 'duplication'. I acknowledge that, for many of the government members who have used these terms, they will have come from speaking notes. We understand this; we have been in government. We understand that ministers respectfully provide speaking notes to assist their members. We understand that. It is also important to understand the realities behind the amendments that are being made, the previous positions that are being changed and the stories. This amendment, which was introduced under our government, came from a coronial investigation. It came from an avoidable loss on a worksite. Clause 26 is amending 54A. If any of those opposite have looked at it they would know that what an individual licensee is required to do is incredibly simple. Section 54A(1) states—

This section applies if a licensee becomes aware of either of the following—

It then goes into the threshold. Section 54A(3) states—

The notice must be given in the fastest way possible in the circumstances—

- (a) by telephone; or
- b) in writing.

It goes on to clarify that you could give details of the safety matter by an email. This is not red tape or inefficiency. It could take 10 minutes of someone's day to do this in order to continue to give effect to and honour what was a coronial investigation recommendation. It is not an inefficiency and it is not red tape. A father who has grieved the loss of his son has become a workplace safety advocate, sat on multiple committees and informed a former government that this very easy additional safety notification was a very real way to ensure that an incident like that does not occur again. It is as easy, Minister, as listening to his calls. We can say what we like in here. You can ignore all of them; however, many of us have also been ministers and would also speak to the fact that we have listened. We actually listen. We are not standing here because we like the sound of our own voices. We are standing here—

Mr O'Connor interjected.

Ms LINARD: I am not taking your interjections because, again, the minister is not listening.

Mr O'Connor interjected.

Madam DEPUTY SPEAKER (Dr O'Shea): Member for Bonney, the member for Nudgee is not taking your interjections.

Ms LINARD: The minister is still not listening. With regard to omitting this requirement to also directly notify the regulator, the QBCC, it would be so simple for the minister to say, 'I heard you. You have raised a valid concern.' Don't listen to us; listen to Michael. It is not only the father of this young man who lost his life saying this, there were also coronial recommendations. Then just don't admit it, but do not try and muddy the waters, Minister—through you, Madam Deputy Speaker—that we are

arguing against tougher penalties and protections. We are talking about the dual reporting requirement contained in the QBCC Act under section 54A to also notify the QBCC as well as the workplace health and safety officer. That is what we are here arguing. That is what all of us have argued. It is simple. All you need to do is change your current clause 26 and give honour to a man who lost his son, to a family who lost their son, and to prevent that from happening again.

Dual notification, as I said, has delivered tangible results. It remains an important statutory protection within the building and construction regulatory framework. While we support the other amendments in here such as digitalisation—they make sense for industry—the omission of this existing requirement makes absolutely no sense. The opposition rightfully will stand with Michael and people on worksites to keep them safe.