



Speech by

Jann Stuckey

MEMBER FOR CURRUMBIN

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BUILDING AND OTHER LEGISLATION AMENDMENT BILL

Mrs STUCKEY (Currumbin—LNP) (8.56 pm): I rise to speak to the debate on the Building and Other Legislation Amendment Bill, which seeks to make amendments to the Building Act 1975 to implement the legislative and administrative requirements for the second stage of the government's pool safety strategy; also to the 'ban the banners' provisions of the Building Act 1975 to remove or modify some prohibitions relating to covenants and body corporate by-laws which impose certain building restrictions; and to the Urban Land Development Act 2007 to provide certainty to the Urban Land Development Authority in relation to sealing plans and development approvals.

In addressing the pool safety aspects of this bill, I wish to place on record that, as a former paediatric nurse, I am well aware of the irreversible impact that immersions and drownings of young people have on families. I nursed many children who were left in a vegetative state as a result of being found unconscious in swimming pools and dams, and I can tell honourable members that to this day, some 30 years since I cared for those children, I am still moved by their images and those of their parents—perfectly formed children who, through an avoidable tragedy, could no longer communicate and parents filled with grief and often guilt, praying for a miracle each time they visited.

Despite this government's legitimate attempts to improve pool safety in Queensland, there can be no legislation or regulation that dilutes the responsibility of parents and guardians to supervise children in and around the pool or any watercourse.

Mr Hinchliffe: Hear, hear.

Mrs STUCKEY: I acknowledge the minister agreeing. While these laws may strengthen regulations for pool fencing, it is critically important that safety messages are drilled into adults and children alike. On a broader scale, this government also has a responsibility to actively promote water safety around dams and other open water spaces and at the beach. Despite the tragic drownings of tourists that mark our state every summer, many hotels and accommodation outlets on the Gold Coast are still not displaying the surf safety message.

Swim coach and pool safety advocate Laurie Lawrence, who resides in my electorate of Currumbin, should be praised for his dogged efforts in promoting the swim safety message to all Australians. 'Kids Alive—Do the Five' has been one of the most successful safety campaigns in educating the public about child drownings and five preventative steps that should be observed stringently. A new pool fence inspector licensing system is being proposed under the provisions of this bill and a Pool Safety Council formed to oversee the system and its training requirements. I spoke recently with an experienced building certifier who confirmed that there are simply not enough qualified individuals in Queensland to certify the existing number and future growth of pools with fences. These comments are contrary to what the government claimed was ensured through consultation with key industry stakeholders for the bill.

This expert has warned that there will be an enormous uptake of inspector licences to gain access to the booming industry. It is imperative that the Bligh government control the resulting situation more thoroughly and efficiently than their federal counterpart in the failed insulation and green loans schemes and this government's own solar plans. The immediate safety of children's lives is at stake. The legislation

must not give rise to an influx of shonky training academies and a boom of inexperienced pool fencers and inspectors, trying to cash in on another poorly planned Labor government scheme.

In light of the fact that this bill was subject to some guillotining earlier, I seek leave to have the remainder of my speech incorporated in *Hansard*. I have passed it by Mr Speaker today and he has approved it.

Leave granted.

This Bill also provides the authority for the Government to create and maintain a State-based swimming pool register.

According to the Government's Swimming Pool Safety Improvement Strategy: Regulatory Impact Statement released for comment regarding the stage 2 recommendations of the pool safety law reform, 2009 projections from ABS data estimate some 300,000 homes in Queensland have an in or above-ground swimming pool. This figure I expect is an understatement as no accurate data has been collected.

Pool ownership is undoubtedly a popular trend in Queensland, accompanying our booming population in South East Queensland, and the Gold Coast in particular.

Concerns have been aired that owners of soon-to-be non-compliant pools may risk not registering their pool to avoid facing the large costs involved in reaching compliancy. What will the Minister do—send out swimming pool police in helicopters to count the pools? Only one problem: we don't have a police helicopter.

While uniform pool safety measures are paramount, it is equally important to afford home owners and body corporate managers enough time to implement the new requirements without being penalised. If the subsequent regulation is adopted later this year, pool owners will be required to register their pool within 6 months, or face 20 penalty units (\$2,000).

The timeframe for meeting the new safety standards is 5 years, however the Government is proposing that by 1 December 2010, a person will be unable to sell or lease their property until the pool safety barrier has been inspected and a compliance certificate issued—that's only 6 months away. The Government have had years to act on this issue but left it until April 2010 to bring in this legislation and then force people to comply in a matter of months.

This is certainly not enough time to allow all owners wanting to sell their property to bring their pool fences up to the proposed regulated standard, and could impose severe financial consequences. Non-compliance penalties are tipped to range from \$500 on the spot, to a \$16,500 court penalty (GCB 1/05/10). Many home-owners are finding their mortgage repayments prohibitive with other costs such as fuel, electricity, licences, and water rising and are having to sell their properties. How will they manage to find extra funds to properly fence their pools before they put their home on the market? What measures will be introduced for families and individuals suffering hardship?

Current pool fence exemptions have been operating for years and many homeowners, particularly on the Gold Coast, will be affected by the proposed strategy. It was originally intended for these exemptions to only span the period of time the occupier remained living at the property. However, it can be assumed that this has not been strictly regulated over the years, with owners who gained exemptions selling and moving on, leaving the new home-owner to inherit the situation.

The average cost to individual householders to upgrade their pool fences to the required safety standard is estimated at \$430, and the cost of installing a new fence estimated at \$3000-5000 according to publications by the Department of Infrastructure and Planning. However, as many pools on the Gold Coast have been designed with lake, canal or beach views in mind, many pool owners would be seeking a glass fence that would not obstruct their views rather than the cheaper aluminium alternative. Costs could reach up to \$20,000 which is a hefty impost, particularly for home owners whose exemptions will be removed without consideration.

The Departmental fact sheet on these stage two reforms says the proposed measures are to "remove pool barrier exemptions and variations granted by local governments so that all pools meet the same safety standards".

Whilst preventative measures to improve pool safety are meritorious I do ask the Government to show some consideration towards those who will be severely compromised by these new laws and also offer some protection to them from unscrupulous contractors.

Will the Minister clarify that this exemption will continue to be granted for people with disabilities if the proposed second stage of the pool safety strategy comes into action later this year?

Moving now to the amendments relating to the Building Act 1975, I note the "Ban the banners" provisions which were rushed through Parliament last November, are already up for amendment a mere 6 months later. As was the case with the embarrassing Sustainability Declaration Form, subsequent industry consultation that had been previously ignored revealed that, once again, the Government got it wrong with this policy. As my colleagues and I reiterated in the debate last November on amendments to this Act, we whole-heartedly support the delivery of more sustainable housing in Queensland.

However the government's November amendments went too far and the Government has been forced to backtrack on its restrictive and counter-productive laws.

I recall the introduction of the hastily prepared sustainability declaration, which saw my electorate office staff printing out new copies of revised forms just about every week as concerned constituents requested information!

I wish to turn now to the amendments to the Urban Land Development Authority Act 2007 contained within this bill. According to the explanatory notes, amendments to Section 56 of the ULDA Act are needed to remove the barriers that inconsistencies with land use plans are presenting to the delivery of the significant developments.

Also stated in the explanatory notes are the aims of the Authority: to bring housing and land supply to the market quickly and, by and large, to assist with improving housing affordability in Queensland. Three years have now passed since the ULDA was established in 2007, albeit under a cloud of controversy, and neither of these goals is closer to being achieved.

Local governments cried foul at the blatant power grab that was established with the ULDA. The Authority can override local governments, local communities and well-established local planning procedures, all at the behest of the responsible Minister.

The handover of the final parcel of land to the ULDA was delayed by this Labor Government until April this year, making a mockery of the swift land to market concept underpinning the Authority's purpose (CM).

The reality of owning one's home is merely a distant afterthought for many Queenslanders while Premier Blich and Labor are in Government. Applications for social housing in my electorate, totalling 803 applications as of April 2010, reflect the desperation of far too many people struggling to make ends meet week after week. The current financial demands facing the average Queenslanders are crippling, imposed by a Government that cannot keep utility prices down and cannot keep housing affordable.