Queensland Building Plan

A discussion paper for industry and consumers

Have your say!

Department of Housing and Public Works
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Minister’s message

Queensland has a strong building and construction industry. This government is committed to making sure that it grows even stronger. And if you want to be strong you need a plan.

Over 200,000 Queenslanders earn a living in the industry. It contributes $44 billion in economic activity in our State. A modern building and construction industry makes our enviable lifestyle possible. It is the foundation of the homes we live in and it supports the infrastructure and services that we rely on.

Our plan will make sure that Queenslanders can continue to have confidence in our modern and innovative construction industry. It will assist industry to reform and find ways to leverage opportunities for growth and development. It will give consumers peace of mind and security in their investments.

Every family who buys a house should be confident that their investment is secure. Queensland buildings are world leading, innovative, beautiful and safe, and Queenslanders expect government to make sure they stay that way.

Builders deserve to be able to operate in a system that is free of unnecessary red tape. And our State’s subcontractors should have confidence that they will get paid in full, on time, every time.

Your input will be key to the success of the Queensland Building Plan.

I invite you, through this discussion paper, to have your say about the potential reforms and strategies to ensure our building and construction industry remains strong into the future.

The Hon. Mick de Brenni MP
Minister for Housing and Public Works
November 2016
WHY DO WE NEED A BUILDING PLAN?

Every day, tens of thousands of men and women across Queensland start and finish their day contributing to our State through their work in the building and construction industry.

They don’t just build houses or apartments or office blocks, they build the communities in which we live and work. From planners, architects and builders, through to suppliers, subcontractors and certifiers, their work impacts on Queenslanders and our economy – now, and into the future.

Queensland needs a plan that acknowledges that impact and sets the long-term strategic direction for building and construction in the State. A plan that guides changes to policy and legislation so we can have a safer, fairer, and more sustainable industry that creates job opportunities and economic growth.

We need a plan that will foster a confident and successful building sector where businesses benefit from better processes, are paid on time and take pride in their high quality work. And we need a plan that enhances consumer confidence in the industry, ensures the right person and materials for the job, and drives innovative, liveable and sustainable design.

What other Government-related planning is underway?

To help drive the economic, social and financial development of our State, a wide range of related planning activity is underway across Queensland. The Queensland Building Plan will form part of the broader planning and building framework that is used to guide infrastructure planning and investment, strengthen regions, design communities, boost jobs growth and increase opportunities to partner with the private sector.

The State Infrastructure Plan released in March this year, addresses Queensland’s future infrastructure needs, focusing on using our resources wisely, partnering with the private sector, and implementing a program of reform initiatives.

Plans for each of the State’s 13 regions provide strategic direction to achieve regional outcomes that align with Queensland’s interest in planning and development, and respond to existing or emerging regional issues.

The South East Queensland Regional Plan focuses on creating well-designed communities that provide a diverse range of affordable living while addressing the shift in size and demographics of the region’s population.

Through the Advancing our Cities and Regions Strategy, a 10-year property and infrastructure program, an innovative approach is outlined to renew and repurpose surplus and underutilised State property.

At present, the Department of Housing and Public Works is developing the Housing Strategy, which has as its scope issues spanning the housing spectrum from homelessness and social housing to affordable rental, home ownership and retirement living.

The Queensland Building Plan will present possible building measures to improve the sustainability performance of our buildings. Progression of the building measures will support the Queensland Climate Transition Strategy’s efforts towards a low carbon future.

It is also important that the Queensland Building Plan complements the Queensland Government’s Procurement Policy demonstrating that the Queensland Government is leading the way.

When finalised, the Queensland Building Plan will complement and form a key piece of the planning activity underway across the State, our regions and communities. It will deliver confidence and security to advance the building and residential living sectors and drive liveable, innovative and sustainable buildings and houses for all Queenslanders.
How will the Plan be developed?

Everyone will have the opportunity to be part of developing the Plan through meetings, public forums and online surveys.

All consultation feedback will be analysed and summarised in a report by mid-2017. It is anticipated that the Queensland Building Plan will be presented to the Government for endorsement in the second half of 2017.

We want to hear from industry and consumers to help develop a comprehensive and robust plan of reform and improvement to the building and construction industry in Queensland.

We will use the 10 areas outlined on the following page as the basis for discussions with industry peak bodies and their members, tradespeople, local government and the general public. Some of these discussions will focus on validating what we have already heard from industry, while others will be new conversations about new proposals.

The areas and proposed changes are summarised in this consultation paper, along with focus questions. Where required, separate, more detailed documentation (including technical questions) is available for review and assessment.

How can you get involved?

We want you to tell us what is working, what isn’t working and what needs to be improved. If you are interested in any of the existing reform work underway, the topics yet to be addressed or wish to raise other points for consideration, we need to hear from you.

Community and industry consultation will be held around the State and online from November 2016 to March 2017. Have your say by:

- attending industry or community engagement sessions – details available at www.hpw.qld.gov.au
- preparing a written response and sending to – email: qldbuildingplan@hpw.qld.gov.au
  post: Queensland Building Plan
  Department of Housing and Public Works
  GPO Box 2457
  CITY EAST BRISBANE QLD 4001
- completing the online survey on our Engagement Space at www.hpw.qld.gov.au
Consultation on the Queensland Building Plan will focus on the following 10 areas, each of which is explained on the following pages, and through more detailed documentation where required.

We have been working closely with industry stakeholders to identify, understand and engage on a range of proposals to improve outcomes in the industry. While some of the conversations about proposed changes are just beginning, we are well-advanced on others including:

- **Security of payment**
  Consider ways to create security of payment for subcontractors to support a successful building and construction industry.

- **Non-conforming building products**
  Consider strengthening building regulator powers to identify and deal with non-conforming building products.

- **Queensland Home Warranty Scheme**
  Enhance the structure of the Scheme and consider issues of equity, fairness and transparency in decision-making and address technical legal issues.

- **Inclusive communities**
  Make our communities more inclusive for people with disabilities by providing accessible public facilities.

- **Liveable housing design**
  Develop mandatory and voluntary strategies to increase the uptake of liveable housing design in new Queensland dwellings.

- **Licensing reforms**
  Review Queensland Building and Construction Commission licenses to simplify licence classes, modernise the approach, cut costs and timeframes, increase mobility and employability, and consult on Service Trades Council functions.

- **Sustainable buildings**
  Increase the use of sustainability features in residential dwellings and commercial buildings, including energy and water efficient appliances.

- **Queensland Housing Code/Reconfiguring a Lot Code**
  Update design and siting regulations for dwellings and develop best practice subdivision guidelines for creating new neighbourhoods.

- **Plumbing and Drainage Act reform**
  Revise current plumbing laws and consider the case for government action for a range of technical issues raised by stakeholders during the review.

- **Building certification**
  Ensure confidence in the certification process and address the perceived conflict of interest arising from the financial relationship between a building certifier and their client under the current system.

- **Servicing of payment**
  Consider ways to create security of payment for subcontractors to support a successful building and construction industry.
Security of payment

**Goal:** To make sure payments for subcontractors working in the building and construction industry are paid in full, on time, every time

The current payment system, where subcontractors are reliant on the contractors above them for their payment, can result in delayed payments to subcontractors or subcontractors not being paid at all for work.

The Government made an election commitment to review security of payment and to consult widely on the issue. The *Security of Payment* discussion paper was released in late 2015. Consultation revealed systemic problems within the building and construction industry.

Some of the problems that were identified during consultation were poor cash flow management and non-compliance with existing contractual requirements.

Feedback from industry revealed significant emotional, family and social costs that have resulted from a lack of security of payment.

The Government commissioned an economic and financial analysis of certain reform proposals that arose as a result of consultation. Independent legal advice on these proposals was also provided.

**Proposals**

The Government proposes to progress a package of reforms to improve security of payment for subcontractors. These proposals include:

- **Project bank accounts (PBAs)** to apply to all government projects (excluding engineering projects) valued at between $1 million and $10 million from 1 January 2018. PBAs are trust accounts, proposed to be set up by the head contractor with the head contractor and subcontractors as beneficiaries. Under the proposed model, these beneficiaries will be the subcontractors who contract directly with the head contractor. The aim of PBAs is to safeguard progress payments from the head contractor to the subcontractor in the event of head contractor insolvency. The Government will roll out the PBA model to both government and private sector projects over $1 million from January 2019, subject to successful outcomes from implementation on government projects between $1 million and $10 million.

- **Amendments to the Building and Construction Industry Payments Act 2004 (BCIPA)** are proposed to enhance the independence of the Adjudication Registry within the Queensland Building and Construction Commission (QBCC). Other amendments include improvements to the claims process.

- **Redrafting the Subcontractors’ Charges Act 1974 (SCA)** to update its language to the current drafting style.
Education programmes for QBCC licensees aimed at improving financial management practices and business skills in the building and construction industry. It will also include information on the Personal Properties Securities Register and the BCIPA.

Combining Acts that relate to security of payment into the one Act. The Queensland Building and Construction Commission Act 1991 contains various provisions aimed at protecting payment to subcontractors. The BCIPA and the SCA specifically provide for security of payment. It is proposed to include in the one piece of legislation the BCIPA and SCA provisions, as well as legislative provisions relating to PBAs so that there is a ‘one stop shop’ for security of payment provisions.

Possible additional proposals

In addition, consultation revealed concerns about ‘unfair contracts’. For example, where ‘termination for convenience’ clauses can be used to avoid the BCIPA. The Government is interested in exploring options to address this issue.

Questions

1. The proposed PBA model is a significant new initiative. Do you have any suggestions about how a PBA could be implemented in the private sector to projects over the value of $1 million?

2. Should the PBA model also be applied to private residential construction?

3. Should the PBA model be used on large residential projects, such as retirement villages?

4. Other than the language of the SCA, are there other improvements to the Act that you think should be made?

5. Do you have any concerns with a single new Act, combining legislation required to implement PBAs, the BCIPA and the SCA?

6. What contract provisions can operate to delay, avoid or adversely affect payment to subcontractors i.e. ‘unfair’ provisions?

7. How can this problem be best addressed?

8. Are there any other issues you want to raise in relation to the proposed package of reforms?
Queensland Home Warranty Scheme

Goal: To improve the Scheme for all Queenslanders

The Queensland Home Warranty Scheme provides consumers with insurance cover for residential construction. The Scheme covers loss where a building contractor licensed by the Queensland Building and Construction Commission (QBCC) fails to complete residential construction work or performs defective residential construction work and fails to rectify it.

A licensed contractor who contracts with a consumer to carry out residential construction work valued at more than $3,300, must pay a premium on behalf of the consumer to the QBCC. The QBCC administers the Scheme.

The Scheme applies to work for detached houses, unit buildings (not more than three storeys) and duplexes.

Changes to the Scheme that started on 28 October 2016 expanded coverage to include:

- building work within the ‘building envelope’ (which would include, for example, painting and tiling work on the inside or outside of a residence)
- owners being able to purchase a higher level of coverage if they wish.

The changes will benefit consumers who did not previously have access to the Scheme for this work.

The changes also provide a process for payment of a premium where contract variations occur. Also, the Scheme’s terms and conditions have been transferred from a Queensland Building and Construction Board policy into the Queensland Building and Construction Regulation 2003.

Proposals

Further improvements to the Scheme are being considered to improve equity, fairness and transparency in decision-making. We are also seeking feedback on how the Scheme could be generally improved.

A number of areas of the present Scheme could be reviewed such as whether:

- the discretionary powers of the QBCC in its decision-making are adequate e.g. clarifying the criteria for when a contract is ‘properly terminated’
• the present level of coverage should be increased. For example, should the maximum entitlement for a duplex building be the same regardless of whether it is unfinished or completed
• coverage for prefabricated homes should include defects in off-site manufacture
• the present method of premium calculation for common property is suitable e.g. gutters
• pre-payment and over-pricing reductions by the QBCC are appropriate
• the threshold (currently $3,300) for home warranty coverage is still appropriate given it has not been amended for many years
• a higher premium for a licensed contractor who has a higher than average percentage of claims or directions to rectify against them should be imposed

Questions

1. What aspects of the current Scheme would you change and why?
2. Do you feel the current Scheme provides sufficient coverage (both the amount of cover and the type of work covered)?
3. Do you have any issues with the present premium calculation method, particularly for common property?
4. Should the contract threshold remain at $3,300 before a premium is required or should it be raised?
We recognise that the plumbing industry plays a vital role in maintaining the health and safety of all Queenslanders by ensuring safe practices through the installation and maintenance of plumbing infrastructure.

We also recognise that high quality and cost-effective plumbing laws assist in protecting and enhancing the health, safety and well-being of Queenslanders.

A review of the plumbing and drainage laws commenced in 2014 focusing on the regulatory framework. Representatives from industry bodies such as the Master Plumbers Association of Queensland, the Housing Institute of Australia through to local regional councils, other government agencies and union groups offered their feedback and opinion through surveys, public information forums and targeted workshops.

As a result of this earlier consultation, a number of proposals have been developed to amend the framework. These reforms are designed to make the laws easier to understand, promote best practice and facilitate innovation within the industry, as well as save time and money for the industry and consumers.

During the consultation phase however, a number of technical issues were identified as possible areas of reform.

We are seeking feedback on both the proposed plumbing and drainage laws as well as the more technical matters. Details of the proposed reforms and potential impacts are outlined in the supporting fact sheets along with questions to respond to each of the proposed reforms.
Proposals

In relation to the review of the plumbing and drainage laws the following strategies are proposed:

› Restructure the laws to make them easier to find.
› Rewrite the laws to make them easier to understand.
› Streamline the permit process to provide a fast track process for standard (low risk) new housing.

In relation to the specific technical issues raised in earlier consultation, we are seeking feedback on the following:

› Facilitating off-site construction of bathroom pods.
› Monitoring the construction and maintenance of on-site sewage and grey water treatment plants.
› Improving plumbing installations for buildings constructed on reactive and unstable soils.

› Allowing the use of innovative plumbing products.
› Restricting the sale of certain plumbing products which are not ‘Watermarked’.
› Reform around requirements for temperature control devices.
› Orientation of panels for solar heated water systems.

This feedback will be used to inform whether particular proposals should be further investigated, including undertaking detailed cost benefit analysis.

We are seeking feedback on the proposals. Details on the suggested changes and the questions are available in the supporting fact sheets available on www.getinvolved.qld.gov.au
Queensland Housing Code

Goal: Consistent building assessment rules for houses across Queensland

The Queensland Development Code (QDC) sets the rules for siting and design of houses and duplexes including aspects such as minimum setbacks from lot boundaries and maximum building heights. Industry groups and local governments have raised concerns that these rules are now out of date and do not reflect contemporary housing practice.

Most local governments include alternative siting and design requirements in their planning schemes. They also allow new residential developments to set their own rules in Plans of Development (PoDs). This creates a complex assessment system which leads to costly delays for the building sector and applicants.

The proposed Queensland Housing Code (QHC) will replace Parts 1.1 – 1.3 of the QDC with a single contemporary code that reflects current building and planning trends, simplifies processes and eliminates duplication between building and planning assessments.

This will standardise design and siting rules for the majority of residential dwelling development in Queensland and provide further guidance about what and how siting and design rules can be included in planning schemes.

Industry groups have argued the lack of a mandatory Statewide housing code is costing industry and consumers millions of dollars each year. The more consistently the proposed QHC is applied the greater the affordability and efficiency gains will be.

The draft code applies to single and attached Class 1 dwellings, dual dwellings and associated Class 10 buildings (e.g. garages, car ports) and structures.

Work on the proposed QHC commenced in 2014 in consultation with members of the building, planning, property, design and local government sectors. A draft QHC was presented to industry and local government at the first of a series of ‘deep dive’ sessions in early September 2016.

Proposals

The proposals include:

› providing local government and the housing and property development industries with up-to-date siting and design rules that reflect emerging best practice for dwelling house development. This will in turn reduce the number of relaxation applications and siting-related building development appeals

› having new siting and design rules to support housing affordability by encouraging more efficient use of land and saving on infrastructure costs, and to allow for innovation in housing to provide for the changing housing needs of the community
having a consistent set of siting solutions with statewide application that reflects what is currently being approved by local government and being built in the community

local governments retaining the ability to shape their communities through neighbourhood design. The proposed QHC will not impose density outcomes or set minimum lot sizes and will only deal with housing outcomes inside allotments once the local government has approved a subdivision

saving on costs by streamlining current approval processes for standard housing development

putting in place a faster and less expensive process that will benefit consumers and the building industry as a whole

facilitating more efficient use of land, being more responsive to market needs and encouraging more affordable housing by reducing the land costs associated with new housing development.

We are seeking feedback on a range of issues related to this proposal including:

› the ability of the QHC to improve housing affordability

› how the QHC should be implemented (i.e. mandatory or voluntary)

› how do we ensure that the QHC supports the housing needs of all Queenslanders

› how do we simplify processes and eliminate duplication between planning and building assessments

› how do we maintain the local character of our neighbourhood.

Details on the suggested changes and the questions are available in the supporting fact sheet on www.getinvolved.qld.gov.au
Queensland’s current planning and building processes may require applicants developing residential housing to obtain at least two development approvals: one for a building approval and one for a planning approval.

Additionally, there are differences across the state in residential development standards, not only for building matters, but also for subdividing lots. Improving these processes, including better integration, could provide cost savings by reducing multiple costs for separate approvals, and land holding costs while separate approvals are obtained.

Queensland is also growing and changing. By 2026 less than 40 per cent of households in this state will be the more “traditional” households. Instead, there will be more one and two person households due to changes in size of our population, demographics (particularly the proportional size of the “baby boomer” cohort), and how we live. To manage these complex changes and challenges, and achieve greater housing affordability, a diverse range of choices in housing types and lot sizes is required.

The Reconfiguring a Lot Code (RaL Code) has been designed to work together with the Queensland Housing Code to provide an integrated set of standards and support best practice, diverse and affordable subdivision and housing outcomes. The two codes will provide a set of improved and standardised codes for subdividing land and developing residential housing. Specifically, the RaL Code provides standards for best practice subdivision design, including allowing for a variety of lots and layouts and for roads and parkland.

The RaL Code has been informed by input on the challenges, issues and ideas from representatives across the building, planning, property, design and local government sectors.

During the preparation and testing of the RaL Code, concerns were raised about the consistency of building plans with planning approvals, particularly in relation to major projects. It has been reported that, in some situations, the plans approved by the building certifier depart from those given planning approval by a council. This can impact on the design quality of the outcome and can affect the local character, amenity and heritage of a local area. This is particularly relevant when larger, more significant developments such as high density residential or commercial developments are approved.
Proposals

The proposal includes:

- Providing local government, the development industry and the community with a set of standards for best practice subdivision and neighbourhood design. When applied with the Queensland Housing Code, approvals can be simpler, more streamlined and save on costs.

- Providing standards that create attractive, accessible and functional neighbourhoods that allow for a diverse range of lot sizes to meet the changing needs of our community. When applied with the Queensland Housing Code, a diverse and affordable range of housing types can also be achieved. Together, the Queensland Housing Code and RaL Code provide a framework that allows for innovation in subdivision and housing design.

- Assisting local government to make informed choices in considering more diverse and affordable communities by applying best practice neighbourhood design standards. The RaL Code does not specify a minimum lot size. It provides flexibility to nominate smaller or micro lots to achieve good design outcomes and encourage affordable and diverse housing. If local government chooses to apply the codes together, diverse and affordable communities with best practice design can be achieved.

- Investigating a new requirement that, in relation to defined categories of significant development, certifiers must obtain advice from the local government in relation to the consistency of the building plan with the planning approvals and planning scheme requirements generally. This will provide an opportunity to provide clarity and guidance to council and industry (including certifiers) about the respective roles of a planning scheme and building controls such as the Queensland Development Code (which includes the Housing Code).

We are seeking feedback on the application of the RaL Code and its ability to complement the Queensland Housing Code to provide best practice subdivision and neighbourhood design standards. We are seeking your feedback on a range of issues affecting the implementation of these proposals including:

- the ability of the RaL Code to provide a framework for innovation, diversity and affordability of housing

- how the RaL Code should be implemented (i.e. should it be mandatory or optional and should it be applied everywhere or just in new urban release areas)

- how do we simplify and clarify the interaction between the planning and building systems

- how do we maintain good design outcomes and preserve local character and ensure that development occurs that is consistent with planning.

Details on the suggested changes and the questions are available in the supporting fact sheets on [www.getinvolved.qld.gov.au](http://www.getinvolved.qld.gov.au)
A perceived weakness in the private building certification system is the potential for conflicts of interest arising from the financial relationship between a building certifier and their client.

It has become usual practice for a builder to employ a private certifier to assess their own work. Often builders or developers have ongoing business relationships with specific certifiers or certification companies. This is due to a range of factors such as cost and timeliness, which can cause perceptions of a conflict of interest.

In 2014, we released a discussion paper with options for reform and held 19 consultation sessions across the State (258 people attended). Further consultation was undertaken with key stakeholders in December 2014, April 2015 and September to October 2015.

Building certification

Goal: To improve the building certification framework

Proposals

Based on the results of previous consultation, a range of measures are proposed to improve the current building certification framework. Some of the key proposals include to:

- enable owners to obtain more inspections and call for a final inspection if issues arise between the certifier and the builder
- add restrictions on the use of ‘competent persons’ and a requirement for a certifier to physically attend mandatory inspections
- introduce new mandatory inspections for fire separation in duplexes and townhouses
- allow local government to have sole responsibility for taking enforcement action, so certifiers are no longer able to do this
- protecting consumers and ensuring the integrity of the building by tightening up the rules for engaging a certifier
- increase auditing of building certifiers
- require that all waterproofing be done by a licensed person regardless of value.
An additional proposal

An option to consider, which was not raised as part of previous consultation, is to introduce a new ‘cab rank’ type model for assigning building certifiers. This would involve consumers or builders approaching the Queensland Building and Construction Commission (QBCC), responsible for regulating and licensing building certifiers, to be assigned a building certifier.

This model would need to consider several factors, such as licence type and expertise of the certifier, location of the certifier and their ability to travel, and their level of insurance. A standardised fee structure would be required, as competition for certification services would be removed. Instead, each certifier would be allocated certification work without direct consumer/builder engagement.

Questions

1. Do you support these proposals?

2. What do you think about a model that uses a systematic allocation of building certifiers?

2a. If you support that proposed model, should there be a standardised fee structure for certification services?

2b. Do you think the proposed model will result in additional costs or delays for property owners or industry? If so, what sort of costs and delays might be involved?

2c. Do you agree that the QBCC is the most appropriate entity to be responsible for allocating certifiers to projects?

See the ‘Building certification’ factsheet for more information about the proposals outlined above.
Queensland is leading national work on ways to address the complex issue of non-conforming building products (NCBPs), whether domestically manufactured or imported.

NCBPs are building products that make false claims as to their quality and purpose or do not meet required standards for their intended use. NCBPs are a matter of national concern, impacting on the construction, manufacturing, trade (imports) and retail sectors. These products have potentially serious health, safety, economic and legal consequences for consumers and the building industry.

The extent of NCBPs in Australia is largely unknown and Queensland’s current building regulatory system has limited powers to address the use of these products.

The Queensland Building and Construction Commission (QBCC), as the relevant regulator, can investigate building practitioners and building works. Directions to fix defective or incomplete building work may be issued and non-compliance may be handled through disciplinary action. However, existing QBCC powers focus on building practitioners and licensees, rather than being able to properly address building products.

An analysis of the QBCC’s powers has found several gaps in comparison with other Queensland regulators such as the fair trading, workplace health and safety and electrical safety regulators. For example, the QBCC can only inspect building work on an ‘active building site’ and cannot gain entry and inspect a building once the work is completed without permission from a building owner.
Proposals

One proposal is to strengthen the QBCC’s powers to ensure buildings are safe and products that are used meet the relevant standards. To do this, it is proposed that the QBCC has the power to:

- audit and investigate buildings that are not active building sites
- enter a building and take samples of a building product for testing or seize evidence
- require parties other than building industry licensees, such as a retailer or manufacturer, to produce information about alleged NCBPs
- declare a building or building site unsafe
- direct rectifications of an unsafe building or building site if other attempts to compel a responsible party have failed
- where appropriate, prosecute offences relating to supplying or installing a NCBP
- apply to charge a cost recovery fee for any evidence-gathering and testing of proven NCBPs as testing can be expensive
- enshrine the Queensland Building and Construction Product Committee (or similar) in legislation under the Queensland Building and Construction Commission Act.

Another proposal could involve providing the Minister or the QBCC with the power to ban or prohibit a NCBP.

Questions

1. Do you support the proposals? Have we missed anything?

2. Are there any concerns with increasing the powers of the building regulator as proposed? If not, are there particular powers you think should be introduced or strengthened?

3. Who should pay to cover the costs of testing any suspected non-conforming building products?

4. Do you think the Minister should be able to ban a NCBP? Or do you think this power should rest with Queensland’s building regulator?

Details on the proposals and the questions are in the supporting fact sheet available on [www.getinvolved.qld.gov.au](http://www.getinvolved.qld.gov.au)
Supporting inclusive communities

The rollout of the National Disability Insurance Scheme (NDIS) has heightened interest in issues facing people with disability, their families and carers. There is potential under the Queensland Building Plan to consider other supportive changes that could be made to Queensland buildings to make our community more inclusive for people with disability.

As the NDIS is introduced across Queensland between 1 July 2016 and 30 June 2019, it will provide individualised support for people with disability, their families and carers. It creates a catalyst for government, in partnership with industry and community sector organisations, to implement additional strategies that could improve the accessibility of new and existing public buildings.

On 13 February 2011, the Council of Australian Governments endorsed the National Disability Strategy 2010–2020 to provide a national vision for an inclusive society and outline a 10-year framework to drive improvement across mainstream and specialist systems. The six outcome areas are: inclusive and accessible communities; rights protection, justice and legislation; economic security; personal and community support; learning and skills; and health and wellbeing.

The proposals listed below would complement the changes that were made in 2011 through the Premises Standard under the National Construction Code. Adoption of the Premises Standard resulted in significant improvements to the accessibility of public buildings for people with disability.

Proposals

There are a number of strategies that could help to improve amenity in public buildings for people with disability, for example:

› Larger ‘family’ rooms — there are many circumstances where people with disability require appropriate facilities to change which are often not available. This experience can be stressful and embarrassing for people with disability and separate, larger facilities would greatly assist.

› Accessible public toilets — only a small number of public facilities in Australia are fully inclusive. For example, access to a hoist or swing rails enable people with disability and their carers to avoid toileting procedures that may impact on safety and hygiene.
Questions

1. Do you think these proposals will lead to improved community participation by people with disability?

2. Can you suggest other changes to public buildings and the built environment that would assist people with disability?

3. Should the Government consider making it mandatory to comply with the proposed strategies?

4. If compliance is mandatory, what buildings should this apply to, and where (e.g. new buildings and which locations)?

- Quiet areas for people experiencing sensory overload — many people with disability may find exposure to ordinary social activities stressful and frustrating. Having ‘quiet rooms’ available where they could get relief from this stress would be useful. Such a facility would also assist people dealing with conditions such as anxiety and autism.

- Continence bins — one in four Australians have continence issues (this equates to 5 million people). Despite health regulations that dictate appropriate disposal, public toilets do not provide bins capable of allowing appropriate disposal of continence items.

Some of these proposals are difficult to incorporate into existing buildings and many involve costly renovations to introduce. For this reason it is often easier and more cost-effective to add these features into new buildings or during a building upgrade.

Through community action, a number of these examples have already been implemented in larger public facilities such as hospitals and shopping centres. However, there remain many other changes that could be made to other public buildings and the built environment, our infrastructure and services.

These changes have the potential to vastly improve the amenity for people with disability. They can also provide financial benefits in the broader community through increased participation and patronage, for example, in tourism, entertainment and retail industries. Ensuring people with disability have the appropriate supports ultimately benefits everyone in the community.
Queensland has an ageing population. Liveable housing design is about making our homes easier and safer to use for all occupants and their visitors, including older people, people with mobility impairments, people with temporary injuries, and families with young children.

In 2016 the Queensland Government established the Livable Housing Design Working Group to identify opportunities to improve the uptake of liveable housing design features in homes. The group includes representatives from the building industry, community sector and government agencies. It has identified potential strategies that could be used to increase the uptake of liveable housing design in Queensland’s dwellings.

The importance of liveable housing design has been recognised nationally through the Council of Australian Government’s ‘National Disability Strategy’ and the Productivity Commission’s report ‘Caring for Older Australians’. The Australian Building Codes Board has also been asked to consider requiring minimum access features for new housing under the National Construction Code (NCC).

The Department of Housing and Public Works also recognises the importance of leading the way with procurement, particularly where liveable housing design features are incorporated into social housing.

Proposals

Some of the strategies identify voluntary initiatives that could be implemented by government in partnership with industry and community sector organisations, for example:

- provide a financial incentive to new homebuyers to include a minimum of ‘Silver Level’ design features in their new dwellings (using Livable Housing Australia’s Design Guidelines).
- build a partnership to raise awareness of liveable housing design and build industry capability to deliver houses to a minimum ‘Silver Level’ of liveable housing design.
- develop case studies and display homes in partnership with industry to promote liveable housing design to builders and consumers.
- work with the real estate industry to develop a recognisable icon for real estate marketing of houses that already include liveable housing design features so they are readily identifiable to consumers.
- update Economic Development Queensland’s Guideline to include increased requirements for liveable housing design in new dwellings in its Priority Development Areas.
We are seeking feedback on the options identified by the Liveable Housing Design Working Group. Details on the suggested options and the questions for feedback are in the supporting fact sheets available on www.getinvolved.qld.gov.au

Other strategies involve regulatory options:

- Mandate a minimum standard (‘Silver Level’) of liveable housing design to be included in all new residential dwellings by 2020 by developing a new mandatory part of the Queensland Development Code (QDC). Some exemptions could be considered, e.g. steep properties and very small lots.
- Require all Livable Housing Australia compliant properties to be registered on a publicly available database so consumers seeking liveable housing can easily locate suitable properties.
Under the Queensland Building and Construction Commission Act 1991 (QBCC Act) and the Plumbing and Drainage Act 2002 (PDA), the Queensland Building and Construction Commission (QBCC) may issue occupational and contractor licences.

There are currently four grades of licences and in excess of 88 licence classes, resulting in more than 200 types of licences that can be issued by the QBCC.

A contractor licence permits the licence holder to contract, or advertise to carry out, and to perform building work under the QBCC Act. However, if the scope of work for the licence includes work that requires an occupational licence to perform the work, the contractor is not authorised to perform the work without the relevant occupational licence. An occupational licence permits the holder to physically perform and supervise the work for which they are licensed, without being able to contract, or advertise to carry out building work. Currently, occupational licence classes only exist for plumbing and drainage work, fire protection work, gasfitting and termite management (chemical) work.

On 30 November 2012, the Transport, Housing and Local Government Committee’s Report No. 14 – Inquiry into the Operation and Performance of the Queensland Building Services (QBSA) 2012 – was tabled in Queensland Parliament. The Committee recommended an independent review of all existing licences to test for fitness for purpose, eligibility requirements, costs and benefits.

Since this time other issues have arisen in relation to the QBCC licensing. These include whether to regulate medical gas, or whether to create a mechanical services licence class. Also the Service Trades Council was established in mid-2016 and it needs to be determined whether its functions should be increased.

Targeted consultation with the major stakeholder groups took place in late 2015 and throughout 2016. The industry supports the review and is keen to see it progress. Participants involved in consultation on Security of Payments raised the matter of continuing professional development. They were interested in assisting to design a program that expands the knowledge and skills of industry tradespeople. Feedback is invited from industry on suitable content for the introduction of continuing professional development during this consultation phase. In late February 2017, follow up technical ‘deep dive’ sessions will be held to explore content for the continuing professional development program with industry representatives.

Industry stakeholders have also questioned whether, in addition to the specific proposals mentioned in this discussion paper, a full review of the licensing system is required.
Proposals

Following industry consultation, the department is investigating improvements to simplify QBCC licences, modernise the present licensing framework, increase mobility of services across jurisdiction and cut costs for licensees and consumers.

A number of areas of the licensing framework could be reviewed such as:

› the functions of the Service Trades Council and if these should be expanded to include allied trades, such as fire protection and mechanical services
› increasing the monetary threshold for when a licence is required
› increasing the monetary threshold for the Queensland Home Warranty Scheme
› whether Type A gas work licensing functions should be transferred to the QBCC
› whether a mechanical services licence should be introduced
› the regulation of the supply of medical gas
› licensing of energy assessors
› licensing of plumbing and drainage apprentices
› whether the provisional plumbing licence should be removed
› consolidating the functions and powers of the QBCC
› streamlining existing licensing and technical requirements to reflect modern industry practice
› mobility of trade services through Automatic Mutual Recognition
› designs for the introduction of a continuing professional development scheme.

We are seeking feedback on the proposals. Details on the suggested options and the questions for feedback are in the supporting fact sheets available on www.getinvolved.qld.gov.au
Australia supports a growing international effort to act on climate change and hold average temperature increase to well below two degrees Celsius. This was recently reaffirmed with Australia’s commitment to the Paris Agreement. To help meet this target, our nation will need to be carbon neutral—or achieve zero net carbon emissions—by 2050.

The Queensland Government is working towards this goal, and acknowledges it will require a step change in thinking and action across all sectors of the economy. Reviewing how we build and manage our built environment presents a significant opportunity to reduce our state’s carbon footprint and promote energy efficiency. The built environment uses a great amount of resources, including energy and water. Nationally, the building sector reportedly accounts for 23 per cent of emissions due to energy use.

Many of Queensland’s existing commercial and residential buildings are ageing and inefficient by today’s standards. It can also be expensive to retrofit existing buildings to improve their sustainability performance.

However, in addition to protecting the environment and addressing the causes and impacts of climate change, improving the sustainability performance of buildings can support owners and occupants in the long term by:

- minimising energy and water bills over the life of a building
- promoting more comfortable living and working environments
- ensuring home and building owners ‘get what they pay for’ through improved compliance standards.

At a community level, sustainable building initiatives can:

- improve energy efficiency and reduce carbon emissions from the built environment and support climate change resilience
- provide economic benefits for the community by minimising costs associated with infrastructure provision for peak demand.

The way in which we design, construct and operate commercial, residential and government-owned buildings also provides an opportunity to reduce carbon emissions, and improve environmental sustainability and resilience to a changing climate.

We are committed to investigating options to improve the sustainability performance of Queensland’s buildings: from residential houses and units through to commercial and government buildings.

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1 www.environment.gov.au/climate-change/international/paris-agreement
Through new schemes and regulations, efficiencies can be gained at the design, construction and operational stages of homes and buildings, providing ongoing savings over the building’s lifecycle. Improving sustainability performance can be achieved through energy and water-efficient building design and including more efficient fixtures and appliances.

We recognise that introducing sustainable building measures can be hampered by a market ‘split incentive’. This typically is a result of building providers seeking to minimise costs of supplying the building to the market and therefore are less inclined to add sustainability features. However, improved energy and water efficiencies over the life of the building can provide the building occupants with ongoing financial savings. These payback benefits are only realised by owners or occupants, and not the building provider.

Government buildings
The Queensland Government is well-placed to demonstrate its leadership in the area of sustainable buildings through improving the performance of its building and dwellings. We own and manage a large portfolio of public buildings including schools, hospitals, police stations and housing. We remain committed to working towards achieving Green Star ratings for government buildings.

In addition to reducing emissions, the Government is keen to explore other cost-effective ways to improve the sustainability performance of its buildings. For example, retrofitting existing buildings or designing new buildings with energy and water-efficient technologies can deliver significant economic, social and environmental benefits.

Although adopting higher standards for buildings can sometimes increase initial or up-front costs, some of this cost can be offset over time by reduced electricity, water and waste charges.

The Queensland Government’s procurement division also has an integral role to play in helping deliver sustainable buildings across the state. As a significant procurer within the building sector, the Government’s policies and practices can have a flow-on effect to influence and stimulate activities in the private sector.

We are seeking feedback on the options to improve the sustainability performance of Queensland homes and buildings. Details on the suggested strategies and the questions for feedback are in the supporting fact sheets available on www.getinvolved.qld.gov.au
Proposals

Both voluntary and mandatory initiatives could be considered to further improve the sustainability performance of Queensland’s homes and buildings. Potential initiatives can be grouped under four broad categories:

- **New houses and units** – strategies include adopting the national 6-star standard (out of 10) for new units and expanding Queensland’s optional credits scheme. For example, by allowing apartment buildings to claim credits for installing photovoltaic (solar) energy systems.

- **Existing houses and units** – strategies include producing user-friendly information to support industry practitioners’ and householders’ awareness about energy and water-efficient building design, fixtures and appliances.

- **Commercial buildings** – strategies include adopting a maintenance standard for commercial buildings and encouraging living roofs and walls by adopting a voluntary building standard.

- **Compliance programs** – strategies include improving the documentation requirements for energy efficiency features with house plans and oversight of house energy assessors.

**Government buildings**

In addition to these initiatives for private sector buildings, the Government is proposing to increase the sustainability performance of its building stock. There are a number of different ways to improve performance, and these will depend on factors such as cost, type of building, location and complexity.

Improvements can range from basic measures such as lighting upgrades and water-efficient fixtures, through to the installation of solar panels and even major retrofits of building services such as air-conditioning systems. It could also include setting standards for particular building types above those required by equivalent buildings in the private sector.