



- Speech -

**GLEN ELMES**

*Member for Noosa*

*Shadow Minister for Climate Change & Sustainability*

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### **Building & Other Legislation Amendment Bill 2009**

**Mr ELMES (Noosa--LNP) (4.22 pm):** I rise to speak to the Building and Other Legislation Amendment Bill 2009, which will come into play on 1 January next year. Can I say to the House that I am absolutely delighted to be taking part in a debate that was headed by our shadow minister, who has not been able to wipe the grin off his face today. I doubt whether he will be able to do that for some months to come and he deserves—

Mr Watt: A very smart man.

Mr ELMES: A very smart man and so are the people of the Mary Valley. This bill that we are debating today in the House has many and varied features. Its provisions range from microchipping dogs and cats at eight weeks of age to providing noise barriers to protect property owners from highway noise and a lot more. As the shadow minister has said, the LNP will support this bill, but I will come later to the area of conflict that we have with the government in terms of one particular section.

From my point of view this bill is important as my shadow portfolio covers climate change and sustainability. So much of this bill contains provisions that come within my area of responsibility. One of the issues that is of most interest to me relates to the steps that have been taken by the government to preserve koala habitat. It is worrying that all the science tell us that there will be no koalas left on the Koala Coast by 2010, which is about six weeks away.

As events continue to unfold, I hope that we will not go down the track of looking at koala habitat that is owned by individuals and compulsorily bringing that land back under state control so that those people are not able to do anything with their land.

We have to be able to provide those landholders with incentives to keep the native forest and to keep a viable koala population in the Koala Coast area and elsewhere in South-East Queensland.

Another area of interest to me is the section in the bill that is defined in the explanatory notes as 'ban the banners'. That section contains many very good ideas, including provisions relating to minimum floor areas; the number of garages, bedrooms and bathrooms; the minimum roof pitch; the orientation of the building; allowing completion of a dwelling before landscaping, fencing and driveways are completed; allowing occupation of a dwelling before completion; the installation of solar hot-water systems or photovoltaic cells; roof colour--which is a very important one that I will come to a little bit later--window treatment and specific material for finishes to external walls and roofs.

My family built the home that we live in at the moment 12 or 13 years ago. It is in an estate in Noosaville, which is the centre of the universe. The area in which we built had a lot of very strict covenants on what we could do and how things could be built, including the design of the home--whether it was federation, or Mediterranean, or whatever. In many cases, particularly in new estates, large homes have been built on smaller blocks of land. The lack of eaves down one side of the house

enables a bigger house footprint to be built on the land. Of course, there is also the colour of the roof. I went through the building process and when it was all over I looked at my very dark red roof and thought what a wonderful colour that was. I hasten to say that that was 12 or 13 years ago. One has to learn from the mistakes that have been made.

These changes, which give a lot more independence to people who are building and developing their own homes, are very welcome. As a responsible homeowner--and this was done over a period of time and I did not realise it at the time that I was reducing my carbon footprint--I installed things like whirlybirds in the roof and insulation in the roof. I tinted windows and installed ceiling fans. I also took part in the ClimateSmart program.

I have said many times before that the ClimateSmart program that this government runs is a first-class program. I have some difficulties with the administration of it, but certainly the intent of it and the professionalism of the people who take part in it and do the installation is first class. Things like the installation of gas stoves and the allocation of extra breezeways--that sort of thing--are very important and they are things that I and my family have done over a period.

We have a plan to roll out more of those things. But my family is in a position to be able to afford that rollout. Everyone who sits in this House is in a position to be able to afford those sorts of rollouts to repair or minimise design faults that either they had intentionally built into their home or happened by accident.

I am concerned that tens of thousands of homeowners in Queensland will try to do whatever they can do, because they can see the faults the same as we can, but they are limited by the available funds to be able to go out and achieve those aims.

I am concerned that, through this process, they are going to be disadvantaged. In particular I welcome section 246O of the legislation which invalidates a prohibition on the selection of light roof colours--although I would not like to see us revert to galvanised roofs in our part of the world, because the shine and glare that comes off them is something that neighbours would not appreciate--energy efficient windows; the treatment of a window for energy efficiency; a person from occupying a class 1a building before landscaping, fencing and driveways are completed; the use of a specific material or type of surface finish for the roof or external walls of a class 1a building or an enclosed class 10a building attached to a class 1a building--we go back, then, into the covenants that I was talking about before, and the example given in the explanatory notes is that a building covenant cannot prohibit buildings in a new residential estate from having face brick walls or metal roofs, Colorbond roofs and those sorts of things--or the installation of solar hot-water systems or photovoltaic cells on the roof of a building to the extent that the prohibition applies merely for the purpose of preserving external appearance of the building.

We must do everything we can to encourage people to place solar panels on their roofs and to use solar hot-water systems to cut down on energy usage. This section also includes provisions relating to minimum floor areas, a minimum number of bedrooms and bathrooms, the construction of a class 1a building or any landscaping, driveways or similar work to be completed within a stated period, more than one garage and, as I mentioned earlier, minimum roof pitches and other things. I make it clear that, regardless of one's political persuasion in this House, everyone here, including those of us on our side of the parliament, all support sustainability.

I certainly support sustainability. But we should go down the incentive track where it is humanly possible rather than go down the regulation track. In the last couple of fairly major speeches that I have made in this parliament--one in the debate on the Great Barrier Reef Protection Bill and one in the debate on the Vegetation Management Bill--I have spoken of the need for incentives rather than overbearing regulation.

One can imagine my surprise when, as part of all of the bits and pieces we received with regard to the legislation we are debating today, I received this sustainability declaration. It contains 56 points--56

questions, if you like--that highlight what one needs to put down prior to being able to sell one's home. I note that in his speech the member for Toowoomba North said that they were quick and easy. I may have to come and see the member for Toowoomba North if I ever try to sell my house and get his legal help to work my way through this declaration.

I am very pleased that the member for Morayfield has come back into the House. You will see, if you are able to read the Queen's English, that the word 'Noosa' is on there so I am actually making a contribution to this debate.

**Mr DEPUTY SPEAKER (Mr Hoolihan):** Order! Member for Noosa, that is not directing your comments through the chair.

**Mr ELMES:** I am sorry. I just wanted to correct one of our younger apprentices.

**Mr DEPUTY SPEAKER:** Do so through the chair.

**Mr ELMES:** As I said, imagine my surprise when I came across the mandatory sustainability declaration. It seems to me that someone has left the door to the asylum open, all the inmates have got out and the minister has employed them. What they have been able to come up with is this document here.

From the point of view of making something easy for people to understand and easy to work through, this is a nonsense. As the minister knows, I know his electorate of Stafford very well. Many members of my family have lived in his electorate. Unfortunately, a few of them voted for him. That is my heritage. If I were to say to some of my pretty old aunts and uncles that before they sell their home they need to fill in one of these, we would have a problem. They have to go through 56 questions. A new industry has sprung up and it has been developed by the Labor Party today. Many people will work in it as time goes on.

The member for Moggill, whose attributes I certainly set far greater store in when it comes to matters to do with Treasury and figures and so forth, estimated that there would be a 225 per cent saving on electricity and a 150 per cent saving on water. So we should all leave here today and open up new bank accounts so that that money can keep flooding in.

Whether one likes it or not, this is a legal document--whether it is signed or not. It is a document that people who are going to sell their home will fill in to the best of their ability. I have no doubt they will. There is a whole class of lawyers, and I am being particularly careful--

**Mr DEPUTY SPEAKER:** Member for Noosa, I have been sitting here for approximately four minutes and you have tediously referred to that document three times. Please get on with your argument.

**Mr ELMES:** With respect, Mr Deputy Speaker--

**Mr DEPUTY SPEAKER:** Please get on with your argument. You are aware of standing orders in relation to tedious repetition? Thank you.

**Mr ELMES:** I will endeavour to go slightly quicker. There would appear to me to be a great many lawyers and people who practise in that field who will make an awful lot of money out of this. I feel very sorry for the people who work through this declaration to the best of their ability and because they have made a mistake have the contract on their house voided or have a solicitor ring them and suggest that in order to see the sale go through they should perhaps drop the price of the home.

I suggest to the members opposite that on Friday, when they go back to their electorates, they pick the first 10 people they find and ask them about this, see what they say and then start to apply some pressure to the minister--he does try to do the right thing--to turn this part of this legislation into something based on incentive rather than something based on regulation. The LNP supports this bill but we certainly will not be supporting the mandatory sustainability declaration.

*Debate, on motion of Mr Elmes, adjourned.*

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