

Queensland Building Services Authority and Other Legislation Amendment Bill 2007

Explanatory Notes for Amendments to be moved during consideration in detail by the Honourable Robert Swarten MP, Minister for Public Works, Housing and Information and Communication Technology

Title of the Bill

*Queensland Building Services Authority and Other Legislation Amendment
Bill 2007 (the Bill).*

Objectives of the Amendments

Queensland Building Services Authority Act 1991

The proposed amendments to the *Queensland Building Services Authority Act 1991* which are incorporated in the Bill are to enable the Queensland Building Service Authority to provide services to the Board of Professional Engineers of Queensland and the Board of Architects of Queensland in disciplinary proceedings being conducted by the Commercial and Consumer Tribunal, on a cost recovery basis.

Housing Act 2003

The proposed amendments to the *Housing Act 2003* which are incorporated in the Bill are to enable the amendment or repeal of a notification setting apart land that continues in force under section 128 of the *Housing Act 2003* and to enable a power in the chief executive to apply under the *Land Act 1994* for land to which a notification applies to be granted in fee simple or leased for a term of years or in perpetuity.

In addition, the proposed amendments to the *Housing Act 2003* are to provide a power in the chief executive to dispose of portfolio property that is surplus to the requirements of the Department of Housing.

Achievement of the Objectives

Queensland Building Services Authority Act 1991

The objectives of the amendments to the *Queensland Building Services Authority Act 1991* are to be achieved by inserting provisions in the *Queensland Building Services Authority Act 1991* authorising the Queensland Building Services Authority to provide services, including by a lawyer performing work for the Authority under a work performance arrangement made under the *Queensland Building Services Authority Act 1991*, in representing the Board of Professional Engineers of Queensland or the Board of Architects of Queensland in disciplinary proceedings before the Commercial and Consumer Tribunal. The boards will be able to enter arrangements with the Queensland Building Services Authority for the provision of these services and the fees to be paid. The boards will be free to engage other legal service providers for services in relation to disciplinary proceedings.

Housing Act 2003

The objectives of the amendments to the *Housing Act 2003* are to be achieved by inserting provisions that provide:

- a power in the Governor in Council to amend or repeal a notification setting apart land that continues in force under section 128 of the *Housing Act 2003*;
- a power in the chief executive to make application under the *Land Act 1994* for land to which a notification setting apart land applies, to be granted in fee simple or leased for a term of years or in perpetuity;
- a power in the chief executive to dispose, on such terms and conditions the chief executive thinks fit, of any portfolio property, which is surplus to the Department of Housing's requirements.

Alternative Ways of Achieving Policy Objectives

There are no other practicable ways of achieving the policy objectives.

Consistency with Fundamental Legislative Principles

The proposed amendments are consistent with fundamental legislative principles.

Consultation

Consultation for amendments relating to the *Queensland Building Services Authority Act 1991* has occurred with the Department of the Premier and Cabinet, the Department of Public Works, the Board of Professional Engineers of Queensland, the Board of Architects of Queensland and the Queensland Building Services Authority. All government agencies and statutory bodies consulted have expressed support for the proposed amendment.

Consultation for amendments relating to the *Housing Act 2003* has occurred with the Department of the Premier and Cabinet and the Department of Natural Resources and Water and they have expressed support for the proposed amendments to the *Housing Act 2003*.

Notes on Provisions

Amendment of *Queensland Building Services Authority Act 1991*

Clause 1 inserts new clause 79A in the Bill which inserts a new section 115 in the Act.

Proposed new subsection 115(1) provides that the Queensland Building Services Authority may provide services to the Board of Architects of Queensland or the Board of Professional Engineers of Queensland in relation to a disciplinary proceeding being, or that may be, conducted by the Commercial and Consumer Tribunal.

Proposed new subsection 115(2) provides that the Queensland Building Services Authority may enter into arrangements with the Board of Architects of Queensland or the Board of Professional Engineers of Queensland regarding fees to be paid to the Queensland Building Services Authority for services provided under subsection 115(1).

Proposed new subsection 115(3) defines terms for the purposes of section 115.

Amendment of *Housing Act 2003*

Clause 2 inserts new part 3A in the Bill which inserts a new subsection 12(3) and new subsections 128(5), (6), (7) and (8) in the *Housing Act 2003*.

Proposed new subsection 12(3) provides that the chief executive may, on the terms and conditions and subject to the restrictions, exceptions and reservations the chief executive thinks fit, dispose of portfolio property that is surplus to the requirements of the Department of Housing.

Proposed new subsections 128(5), (6), (7) and (8) relate to notifications setting apart land that continue in force under section 128.

Proposed new subsection 128(5) provides that the Governor in Council may, by gazette notice, repeal the notification to wholly revoke the setting apart of the land or amend the notification, including to partly revoke the setting apart of the land for use for the purposes of the *Housing Act 2003*.

Proposed new subsection 128(6) provides that the chief executive may, as agent of the State, apply under the *Land Act 1994* for land to which the notification applies to be granted in fee simple or leased for a term of years or in perpetuity.

Proposed new subsection 128(7) provides that for dealing with an application mentioned in section 128(6) under the *Land Act 1994*, section 16 of the *Land Act 1994* does not apply and a deed of grant or lease may be granted without competition.

Proposed new subsection 128(8) provides that the registration of a deed of grant under the *Land Title Act 1994*, or registration of a lease under the *Land Act 1994*, for land to which the notification applies revokes the notification to the extent it sets apart that land for use for the purposes of the *Housing Act 2003*.