

Plumbing and Drainage and Other Legislation Amendment Bill 2015

Explanatory Notes

Short title

The short title of the Bill is the Plumbing and Drainage and Other Legislation Amendment Bill 2015.

Policy objectives and the reasons for them

Summary

The policy objectives of the Bill are to:

- establish a dedicated plumbing industry regulatory body, to be called the Service Trades Council, within the Queensland Building and Construction Commission (QBCC);
- implement uniform national law provisions on tenancy databases;
- allow approved housing providers to give tenancy guarantees to private lessors; and
- introduce a provision which deems that any development work for properties approved or used as public housing has been or will be lawfully carried out in accordance with the relevant legislation applying at the time.

Amendment of Housing Act 2003

The Bill amends the *Housing Act 2003* to provide that all development and building work for properties approved or used as public housing has been done lawfully in accordance with relevant laws at the time. The provision applies to all past, existing and future public housing.

Amendment of Plumbing and Drainage Act 2002 and the Queensland Building and Construction Commission Act 1991

The Bill will give effect to the Queensland Government's election commitment to 're-establish a dedicated plumbing industry regulatory body, within the broader State wide construction industry regulatory organisation, to replace the Plumbing Industry Council, which was disbanded in 2014'.

Before its abolition on 10 November 2014, the Plumbing Industry Council (PIC) was responsible for issuing occupational licences allowing individuals to carry out plumbing and drainage work. It was also responsible for taking disciplinary action against licensees. The PIC was disbanded and its functions were transferred to the State wide construction industry regulatory organisation, the QBCC, following the Transport, Housing and Local Government Committee's *Report Number 14 – Inquiry into Operation and Performance of the Queensland Building Services Authority*.

The new regulatory body is to be known as the Service Trades Council (the council). The Bill will establish the body as a new entity that will form part of the QBCC. Its membership will include a range of expert industry and government representatives.

Amendment of Residential Tenancies and Rooming Accommodation Act 2008

Tenancy guarantees

The Bill amends the *Residential Tenancies and Rooming Accommodation Act 2008* to allow approved housing providers to give tenancy guarantees to private lessors.

Tenancy databases

The Bill also amends the *Residential Tenancies and Rooming Accommodation Act 2008* to introduce the national uniform law on residential tenancy databases adopted by the Ministerial Council on Consumer Affairs (MCCA) in December 2010, with some additions and minor variations to ensure the provisions operate effectively in Queensland.

The model provisions are similar to the existing provisions in chapter 9 of the *Residential Tenancies and Rooming Accommodation Act 2008* in that they recognise the rights of lessors and their agents to list former tenants on a residential tenancy database, while introducing limitations and obligations on lessors and their agents to ensure tenancy databases are used fairly for the benefit of those investing in the residential property rental sector.

Residential Tenancy Databases (RTDs) are privately owned databases that contain information about an individual's tenancy history. Most real estate agents subscribe to one or more RTDs and use them to screen prospective tenants for the purpose of renting private residential properties.

Queensland was the first jurisdiction in Australia to develop legislation to regulate listings on tenancy databases by amending the *Residential Tenancies Act 1994* (repealed) in 2003. Subsequently, a national working party was established by the Standing Committee of Attorneys-General (SCAG) and the MCCA to develop national uniform legislation and maintain consistency between states and territories. In July 2008, the SCAG removed the development of the model provisions from its agenda, leaving the task to be managed solely by the MCCA. At this time, Queensland, the Australian Capital Territory and New South Wales had enacted laws specifically dealing with the use of RTDs. South Australia and the Northern Territory included provisions relating to RTD listing practices in their Fair Trading legislation. However, Victoria, Western Australia and Tasmania did not specifically regulate the use of RTDs.

The model provisions were drafted in accordance with the recommendations in the final report of the joint SCAG/MCCA working party, released on 30 March 2006 titled *Report on Residential Tenancy Databases* and the associated *Regulatory Impact Statement*. The national consultation process for the draft model provisions occurred between November 2009 and January 2010. Queensland consulted on the draft *Residential Tenancies and Rooming Accommodation Amendment Bill 2009*, which showed how the model provisions would be implemented in Queensland.

The MCCA formally adopted a revised set of model provisions in December 2010. By this time, the New South Wales Parliament had already passed an earlier version of the model provisions in June 2010, as part of their new *Residential Tenancies Act 2010*. The tenancy database provisions included some drafting and substantive variations from the model provisions to address local circumstances. Similarly, in September 2010, the Victorian Parliament passed the *Residential Tenancies Amendment Act 2010*. The legislation inserted the tenancy database provisions approved by the MCCA with some jurisdictional variations.

Implementation of the uniform law by states and territories will ensure national consistency in relation to minimum standards. As noted in relation to New South Wales and Victoria, a jurisdiction may add to the rights, obligations or limitations by including or adopting a higher standard for them. This consistency in minimum standards across jurisdictions provides certainty and clarity for tenants, who may move within Australia as it potentially standardises the regulatory regime for tenancy database operators that operate in more than one jurisdiction.

This Bill implements the national uniform legislation for residential tenancy databases in Queensland with some local variations. The new provisions are similar to the existing provisions on tenancy databases in the *Residential Tenancies and Rooming Accommodation Act 2008*. However, there are some new obligations for lessors, lessors' agents and database operators. The impact of these provisions is to strengthen and offer additional safeguards and protections for tenants.

Achievement of policy objectives

Amendment of Housing Act 2003

The amendments to the *Housing Act 2003* will provide a deeming provision to clarify that any development work (which includes building work) for properties approved or used as public housing has been or will be lawfully carried out in accordance with the relevant legislation applying at the time.

Under the *Sustainable Planning Act 2009*, the construction of public housing and associated developments are exempt from development approvals, and building work is self-assessable by the department against applicable codes. The proposed deeming provision will provide security and certainty for future owners and financiers by removing any uncertainty arising from normal approvals not being in place.

Amendment of Plumbing and Drainage Act 2002 and the Queensland Building and Construction Commission Act 1991

The Bill includes amendments of the *Plumbing and Drainage Act 2002* (Plumbing and Drainage Act) that will establish the council, provide for its functions and powers and set out how the council is to operate. The key functions of the council are:

- conferring on national policy development and implementation for the plumbing and drainage trade;
- reporting to the Minister on -
 - any issue relating to the plumbing and drainage trade referred to it by the Minister; or
 - any issue relating to the plumbing and drainage trade the council considers the Minister should know about;
- making recommendations to the QBCC commissioner about the performance of any of the commissioner's functions under the Plumbing and Drainage Act;
- establishing a panel of the council to assist the QBCC commissioner to effectively and efficiently perform the commissioner's functions relating to licensing for the plumbing and drainage trade; and
- undertaking internal reviews of decisions made by the QBCC commissioner in relation to disciplinary matters involving plumbers and drainers.

The council will consist of members appointed by the Governor in Council. The Bill provides that the membership must include:

- the assistant commissioner as a representative of the QBCC;
- representatives of a range of relevant departments and industry entities; and
- a member who will represent consumers.

The Bill also includes a range of consequential amendments of the *Queensland Building and Construction Commission Act 1991* (QBCC Act). Some of the amendments will alter the constitution of the QBCC so it includes the council. Other amendments will allow the council to conduct internal reviews of decisions made by the QBCC commissioner in relation to disciplinary matters involving plumbers and drainers.

Amendment of Residential Tenancies and Rooming Accommodation Act 2008

Tenancy guarantees

Tenancy guarantees are part of the Department of Housing and Public Work's Rent Connect suite of products that assists people to access or sustain private rental. A tenancy guarantee is an undertaking to pay up to a stated amount to a lessor if the lessor experiences loss or expense through a breach by a tenant where a tenant's rental bond is insufficient to cover the amount owing. This amendment allows approved housing providers to give tenancy guarantees to private lessors.

Tenancy databases

The objectives are achieved by amending and adding to the existing tenancy database provisions in the *Residential Tenancies and Rooming Accommodation Act 2008* with the model provisions in the Bill. In accordance with the national uniform law, the new provisions specify restrictions on listing for lessors, their agents and database operators, which include an obligation to consult with former tenants before making a listing.

In addition, in accordance with the national uniform law, the new provisions also require:

- lessors and their agents who use residential tenancy databases to advise prospective tenants of the databases they use, the reason for which they use them, and how the database operators can be contacted;
- lessors and their agents to advise prospective tenants that they are listed on a tenancy database and in particular, advise them of the person that listed them and how they can challenge the listing;
- lessors, their agents and database operators to take steps to update the information on the database when necessary to ensure the listings are accurate;
- lessors, their agents and database operators to provide persons listed by them with a copy of the person's personal information on the database on request;
- information is to be listed for a restricted period of time on a tenancy database.

Alternative ways of achieving policy objectives

Amendment of Housing Act 2003

There are no other viable alternatives to amending the Act that will achieve the policy objective.

Amendment of Plumbing and Drainage Act 2002 and the Queensland Building and Construction Commission Act 1991

There are no other viable alternatives to amending the Act that will achieve the policy objective.

Amendment of Residential Tenancies and Rooming Accommodation Act 2008

Tenancy guarantees

There are no other viable alternatives to amending the Act that will achieve the policy objective.

Tenancy databases

In the *Report on Residential Tenancy Databases* and the *Regulatory Impact Statement* the national working party on residential tenancy databases concluded that the issues raised by the use of RTDs were best addressed by regulatory action, given the significant consequences of a negative listing for prospective tenants and the lack of an industry body that covered database operators that could facilitate an effective form of self-regulation or quasi-regulation, including the provision of an efficient self-regulatory dispute resolution process.

In particular, the working party recommended that the states and territories develop agreed uniform model legislation on the use by lessors, their agents and listing parties of RTDs. The creation of a Commonwealth legislative scheme for RTDs and their use by real estate agents was not considered appropriate given the existing state and territory responsibilities for real estate agents and tenancy issues.

Estimated cost for government implementation

Amendment of Housing Act 2003

Any costs that may be incurred by the Department of Housing and Public Works in implementing the amendments to the *Housing Act 2003* will be met through the existing departmental budget and resources.

Amendment of Plumbing and Drainage Act 2002 and the Queensland Building and Construction Commission Act 1991

The cost of the remuneration and allowances of members of the council and the panels will be met from the QBCC's budget.

Any costs that may be incurred by the QBCC in implementing these legislative amendments will be met through the existing resources of the QBCC.

Amendment of Residential Tenancies and Rooming Accommodation Act 2008

Tenancy guarantees

Any costs that may be incurred by the Department of Housing and Public Works in implementing the amendments to the *Residential Tenancies and Rooming Accommodation Act 2008* will be met through the existing departmental budget and resources.

Tenancy databases

Any financial implications arising out of amendments to the *Residential Tenancies and Rooming Accommodation Act 2008* will be met by the Residential Tenancies Authority. A public information campaign will be conducted on the amendments to the Act. The cost of the campaign will be met from the normal operating budget of the Residential Tenancies Authority, which administers the legislation.

Consistency with fundamental legislative principles

Housing Act 2003

The provisions of the Bill are consistent with the standards required to be met under the *Legislative Standards Act 1992* (LS Act).

Amendment of Plumbing and Drainage Act 2002 and Queensland Building and Construction Commission Act 1991

The amendments of the Plumbing and Drainage Act and the QBCC Act are generally consistent with the standards required to be met under the LS Act. However, some potential breaches of fundamental legislative principles have been identified.

Section 4(2)(a) of the LS Act requires legislation to have sufficient regard to the rights and liberties of individuals. Clause 7 of the Bill inserts a new section into the Plumbing and Drainage Act that allows the chief executive to obtain criminal history reports of individuals. The new section might be considered to be inconsistent with section 4(2)(a) of the LS Act. However, it is considered that the new section is justified on the basis that criminal history checks are necessary for the process of deciding whether a person is suitable to be a member of the council. Also, it is considered that the following aspects of the section will limit any potential breach of fundamental principles:

- the section is limited to the purpose of deciding whether a person is suitable to be a member of the council; and
- the section does not displace the ‘rehabilitation period’ provisions of the *Criminal Law (Rehabilitation of Offenders) Act 1986* (the Rehabilitation Act); and
- the section uses a definition of ‘criminal history’ that is consistent with the meaning of criminal history under the Rehabilitation Act; and
- the section contains safeguards, including an offence for disclosure of criminal history information and an obligation for the chief executive to retrieve and destroy any information obtained under the section, as soon as practicable after it is no longer needed for the purposes for which it was requested.

Clause 7 of the Bill also inserts the following offences into the Plumbing and Drainage Act, which might be also be considered to be inconsistent with section 4(2)(a) of the LS Act:

- new section 20, which makes it an offence for a person not to disclose any changes in the person’s criminal history. The maximum penalty for the offence is 100 penalty units;
- new section 21, which makes it an offence to disclose criminal history information other than under that section. The maximum penalty for the offence is 100 penalty units.

It is considered that section 20 is justified on the basis that it will deter a member, deputy member or temporary member of the council from failing to disclose a change in their criminal history that could affect their suitability to continue as a member, deputy member or temporary member of the council.

It is considered that new section 21 is justified on the basis that it will deter individuals from inappropriately disclosing highly sensitive personal information.

Amendment of Residential Tenancies and Rooming Accommodation Act 2008

Tenancy guarantees

The provisions of the Bill are consistent with the standards required to be met under the LS Act.

Tenancy databases

The proposed amendments are generally consistent with fundamental legislative principles.

Consultation

Amendment of Housing Act 2003

Consultation on the content of the Bill was undertaken with the Department of the Premier and Cabinet, Queensland Treasury and Department of Justice and Attorney-General.

Amendment of Plumbing and Drainage Act 2002 and the Queensland Building and Construction Commission Act 1991

The election commitment has been publically available since July 2014. The department met with industry stakeholders on 19 March 2015 to develop a model for the proposed regulatory body. An exposure draft of the Bill was released to key industry stakeholders on 17 July 2015 for a five week consultation period, closing on 21 August 2015. The department received nine submissions, five of which were from industry and four of which were from government bodies.

Consultation on the content of the Bill was undertaken with the Department of the Premier and Cabinet, Queensland Treasury, Department of Justice and Attorney-General and the Office of the Queensland Parliamentary Counsel.

Given that the election commitment has been publically available since July 2014, it was decided that no further community consultation was required. It is anticipated that there will be community support for the establishment of the council as it will assist in the protection of public health and safety and the environment.

Amendment of Residential Tenancies and Rooming Accommodation Act 2008

Tenancy guarantees

Consultation on the content of the Bill was undertaken with the Department of the Premier and Cabinet and Queensland Treasury.

Tenancy databases

Targeted consultation on an exposure draft of the Bill's tenancy database provisions was undertaken in September 2015. Representatives from the Real Estate Institute of Queensland (REIQ), Property Owners' Association of Queensland (POAQ), Tenants' Queensland, QShelter, and Caravanning Queensland were given the opportunity to comment over a three week period.

The consultation focused on whether the draft Bill accurately reflected the required changes to meet the national minimum standards. The intention was not to debate the established policy positions.

Feedback was received from: the REIQ, POAQ, and QShelter. Feedback from the sector has been considered and incorporated into the draft Bill in consultation with the Office of the Queensland Parliamentary Counsel, where appropriate. However many comments were on policy matters which were outside the scope of consultation.

Consistency with legislation of other jurisdictions

Amendment of Housing Act 2003

The Bill is specific to the State of Queensland and does not introduce uniform or complementary legislation.

Amendment of Plumbing and Drainage Act 2002 and the Queensland Building and Construction Commission Act 1991

The Bill is specific to the State of Queensland and does not introduce uniform or complementary legislation.

Amendment of Residential Tenancies and Rooming Accommodation Act 2008

Tenancy guarantees

The Bill is specific to the State of Queensland and does not introduce uniform or complementary legislation.

Tenancy databases

The Bill will give effect, in Queensland, to the national uniform law on residential tenancy databases adopted by the MCCA in December 2010. To the extent that the law is uniformly adopted by jurisdictions, the tenancy database provisions in the *Residential Tenancies and Rooming Accommodation Act 2008* will be the same as other Australian jurisdictions.

Notes on provisions

Part 1 Preliminary

Clause 1 provides that the short title of the Act is the *Plumbing and Drainage and Other Legislation Amendment Act 2015*.

Clause 2 provides that Part 5, other than sections 24 and 25, commences on a day to be fixed by proclamation. The remainder of the Bill will commence on royal assent under section 15A of the *Acts Interpretation Act 1954*.

Part 2 Amendment of *Housing Act 2003*

Clause 3 provides that this part amends the *Housing Act 2003*.

Clause 4 inserts a new part 8, division 2B (Development of public housing premises) which includes new sections 94F to 94H.

New section 94F provides definitions for various terms used in division 2B including 'applicable laws', 'development' 'public housing premises' and 'relevant public housing'.

New section 94G provides that the section applies to development of public housing premises carried out by the State or a statutory body representing the State before or after the commencement. The development is taken to have been carried out in accordance with all applicable laws.

New section 94H(1) provides that for the *Sustainable Planning Act 2009* the transfer of public housing premises as defined in this new part 8, division 2B does not result in a material change of use of the premises if the transferor is an entity that uses the premises to provide relevant public housing or a housing service.

New section 94H(2) provides that without limiting subsection (1), the transfer mentioned in subsection (1) may include a transfer from the provider of relevant public housing to an individual or to an entity that provides a housing service that is not the provision of relevant public housing or a transfer from an entity that provides a housing service that is not the provision of relevant public housing to an individual.

New section 94H(3) provides that without limiting subsection (1), an entity is taken to use premises to provide relevant public housing or a housing service if the premises are held by the entity for the purpose of providing relevant public housing or a housing service.

New section 94H(4) provides that subsection (3) applies even if the premises immediately before the transfer are not occupied by an individual as a residence or have never been occupied by an individual as a residence.

New section 94H(5) provides that section 94H(1) does not affect the transferee's obligation to comply with all applicable laws for any development of the premises started on or after the transfer of the premises.

Part 3 *Amendment of Plumbing and Drainage Act 2002*

Clause 5 provides that Part 3 amends the *Plumbing and Drainage Act 2002*. The clause includes a note to inform the reader of the existence of minor amendments in schedule 1 to the Bill.

Clause 6 includes a consequential amendment. The amendment renumbers part 2, divisions 2 and 3 as part 2, divisions 6 and 7.

Clause 7 replaces part 2, division 1 of the Plumbing and Drainage Act with a new version of part 2, division 1.

New division 1 of part 2 introduces provisions that deal with the establishment, functions and powers of the Service Trades Council.

New section 5 establishes the Service Trades Council.

The note after section 5 informs the reader that under section 6(c) of the QBCC Act, the council constitutes part of the QBCC. As a part of the QBCC, the council will be subject to the guidance and leadership provided by the Queensland Building and Construction Board (QBC board), which is the QBCC's governing body. In addition to providing guidance and leadership, the QBC board decides the strategies and the operational, administrative and financial policies to be followed by the QBCC. It also ensures the QBCC performs its functions and exercises its powers in a proper, effective and efficient way.

New section 6 sets out the functions the council is required to perform. Although the functions of the council are similar to those of the former PIC, they differ in some respects.

New section 6(a) provides that the council is required to confer on national policy development and implementation for the plumbing and drainage trade. The PIC also had this function.

Under new section 32C, the council will be able to receive reports about licensing and disciplinary functions performed by the QBCC commissioner and also penalty infringement notices served on licensees by the QBCC. The information in the reports will keep the council informed of issues relating to the trade and will therefore assist the council to confer on national policy development.

As a key industry stakeholder, the council will confer regularly with the department, which is responsible for developing strategic policy for the State, and contributing to the development of national policy.

New section 6(b) allows the council to report to the Minister on any issue relating to the trade that the Minister refers to it or the council considers the Minister should know about. The PIC also had this function. The reports mentioned above will assist the council to deal with any issues the Minister refers to it and help to ensure it can report to the Minister on important issues relating to the trade.

New section 6(c) allows the council to make recommendations to the QBCC commissioner about the performance of the commissioner's functions under the Plumbing and Drainage Act. If, for example, a licensee has received a number of penalty infringement notices for offences committed under the Plumbing and Drainage Act, the council might decide to recommend that if the licensee commits another offence the QBCC commissioner consider taking disciplinary action in relation to the licensee. Alternatively, the council might decide to recommend that the commissioner conduct an audit program under section 33TB, to find out whether licensees have been complying with the requirement to notify the commissioner when they have completed notifiable work.

New section 6(d) deals with the requirement for the council to establish a panel to assist the QBCC commissioner to effectively and efficiently perform the commissioner's functions under part 3, divisions 1 to 6, which relate to licensing for the plumbing and drainage trade. New section 29 requires the council to establish a panel to assist the QBCC commissioner to carry out the commissioner's licensing functions. It is intended that the panel will assist the commissioner to make decisions relating to complex licence applications, by providing advice and recommendations to the commissioner. For example, it is intended that the panel will provide advice and recommendations to the commissioner about applications made by plumbers who have acquired their qualifications and experience overseas. A committee established by the PIC provided advice and recommendations to the PIC on similar applications.

New section 6(e) allows the council to establish other panels to assist the council to effectively and efficiently perform its functions. For example, the council might decide to establish a panel to conduct research that will assist the council to perform one or more of its functions.

New section 6(f) refers to the council's power, under the QBCC Act, to conduct internal reviews of decisions about disciplinary matters made by the QBCC commissioner.

The PIC made original decisions on licensing and disciplinary matters for the plumbing and drainage trade. The QBCC commissioner now makes those decisions. The commissioner has implemented service delivery practices that have resulted in improved decision making timeframes. In recognition of the faster service provided by the commissioner, the commissioner will continue to make those decisions.

The QBCC has established a contemporary complaint management process for the plumbing and drainage trade. A licensee who is dissatisfied with an original decision made by the QBCC commissioner on a licensing or disciplinary matter currently has two options. They can apply for an internal review of the original decision, which will be undertaken by a senior officer of the QBCC. If dissatisfied with the internal review decision, they can apply for an external review of the internal review decision. Alternatively, they can apply for an external review undertaken by the Queensland Civil and Administrative Tribunal (QCAT) without first applying for an internal review of the original decision.

The QBCC will continue to be responsible for conducting internal reviews of original decisions on licensing matters. However, the council will assume responsibility for undertaking internal reviews of original decisions about disciplinary matters. This will allow a licensee who is not satisfied with an original decision on a disciplinary matter made by the QBCC commissioner to apply for an internal review of the decision to be undertaken by the council, or to apply for an external review of the original decision to be undertaken by QCAT, or both. This will provide industry with a direct voice on particular contentious disciplinary decisions affecting licensees.

New section 6(g) allows the council to perform other functions relating to the trade given to the council under the Plumbing and Drainage Act or another Act.

New section 7 sets out the powers of the council. The council has the power to do all things reasonably necessary to be done for performing its functions, including the powers given to it under the Plumbing and Drainage Act or another Act. Under the QBCC Act, the council has the power to conduct internal reviews of decisions about disciplinary matters made by the QBCC commissioner under the Plumbing and Drainage Act, section 68.

New division 2 introduces provisions about the membership of the council.

New section 8 provides that the council consists of members appointed by the Governor in Council. The membership must include a member who will represent consumers, and the assistant commissioner as a representative of the QBCC. It must also include at least one representative of each of the departments and industry entities mentioned in new section 8(3)(b).

New section 9 allows the Governor in Council to appoint a person to act for a member as a deputy member during the member's absence.

It is intended that when appointing a member, the Governor in Council will also appoint a deputy member who will act for the member during any absence of the member that may occur in the future. Importantly, in appointing a deputy member to act for a member, the Governor in Council must appoint a person who represents the entity or interest that the member represents.

New section 10 deals with the appointment of temporary members of the council. It allows the Minister to appoint a person to act for a member of the council while the member is absent on approved leave if there is no deputy member for the member or the deputy member for the member is unable to act for the member during the leave of absence. A temporary member has the same duties, powers, protection and rights, other than for sections 14 and 15, as the member, during the member's leave of absence.

New section 11 provides that a person is disqualified from becoming, or continuing as, a member, deputy member or temporary member in the circumstances mentioned in section 11(1)(a) to (d). It also provides that a person cannot be appointed if the person does not consent to the chief executive asking the Commissioner of Police for a report and other information about the person's criminal history (if any) under section 19.

New section 11(3) defines the term ‘recorded conviction’ which is used in section 11(1)(a). The definition is based on the definition of the term in the QBCC Act.

New section 12 allows the Governor in Council to decide the remuneration and allowances a member or deputy member is entitled to. The section also allows the Governor in Council to decide other conditions of a member or deputy member for matters not already provided for by the Plumbing and Drainage Act.

New section 13 provides that the term of an appointment of a member or deputy member is no more than 4 years unless the appointee is disqualified earlier on the grounds mentioned in section 11.

New section 14 requires the Governor in Council to appoint a member as the chairperson of the council. The section allows the Governor in Council to appoint a person as a member and the chairperson of the council at the same time. It provides that when a person’s appointment as a member ends the person’s appointment as chairperson also ends.

New section 15 requires the Governor in Council to appoint a member as the deputy chairperson of the council.

The section allows the Governor in Council to appoint a person as a member and the deputy chairperson of the council at the same time. The role of the deputy member is to act as chairperson during a vacancy in the office of chairperson and during periods when the chairperson cannot perform as chairperson. It provides that if a person’s appointment as a member ends during the term of their appointment, the person’s appointment as a deputy chairperson also ends.

New section 16 provides for the resignation from office of a member, deputy member or temporary member. It also provides for the resignation from the roles of chairperson or deputy chairperson. The provision allows a person to resign by giving a signed notice to the Minister. It also allows a person resigning from the office of chairperson or deputy chairperson to continue to be a member.

New section 17 sets out the circumstances in which a member, deputy member or temporary member is taken to have vacated office.

New section 18 allows the Minister to approve a leave of absence of 3 or more meetings for a member. The provision also provides that if the deputy chairperson is absent on approved leave, the Minister may appoint another member to act in the deputy chairperson’s office during the deputy chairperson’s absence.

New section 19 allows the chief executive of the department to ask the Commissioner of Police to provide information concerning the criminal history, if any, of a person being considered for appointment as a member, deputy member or temporary member. However, the chief executive may request the information only if the person has given their consent for the request to be made.

The requirement for consent ensures that the person has the option to refuse to give their consent for the chief executive to request the information. This is appropriate given that the information is highly sensitive personal information. However, under new section 11(2), a person will be disqualified from becoming a member, deputy member or temporary member if the person does not give their consent for the request for information.

It is intended that information about a person's criminal history will inform the decision about whether the person is a suitable person to be appointed to the council.

A definition of 'criminal history' has been inserted in the dictionary for the Plumbing and Drainage Act. The definition excludes spent convictions. A definition of 'spent conviction' has also been inserted in the dictionary.

New section 20 requires a member, deputy member or temporary member to give to the chief executive written notice of any change in their criminal history immediately after the change occurs, unless the person has a reasonable excuse.

The section is intended to capture a change in the person's criminal history resulting from a conviction being recorded against the person for an offence after a criminal history check carried out under section 19 has been undertaken.

Failure to give notice under the section is an offence carrying a maximum penalty of 100 penalty units. The value of a single penalty unit in Queensland is currently \$117.80 (current from 1 July 2015). Therefore, the maximum penalty for a failure to comply with the restrictions is currently \$11,780.

New section 21 imposes restrictions on the disclosure of information about a person's criminal history. Those restrictions are appropriate given that the information is highly sensitive personal information and the fact that inappropriate disclosure of the information could be detrimental to the person.

Failure to comply with the restrictions is an offence carrying a maximum penalty of 100 penalty units. The value of a single penalty unit in Queensland is currently \$117.80 (current from 1 July 2015). Therefore, the maximum penalty for a failure to comply with the restrictions is currently \$11,780.

New division 3 deals with the business of the council.

New section 22 provides that, in the division, a reference to a member includes a reference to a deputy member or a temporary member who is acting for a member while the member is absent.

New section 23 allows the council to conduct its business as it considers appropriate, subject to the restrictions imposed in division 3.

New section 24 allows the chairperson to set the times and places for meetings of the council in most cases. However, the section requires the chairperson to call a meeting in the circumstances set out in the section, including following receipt of notice about an internal review application to be decided by the council as internal reviewer. The

purpose of section 24(2)(b) is to ensure the council deals with an internal review applications in a timely manner. Typically, such an application would be made by a licensee if the QBCC commissioner has decided to take disciplinary action against the licensee under section 68 of the Plumbing and Drainage Act and the licensee is dissatisfied with the decision. Under the QBCC Act, section 86C the council has the power to make an internal review decision about the QBCC commissioner's decision.

Although the section requires the chairperson to decide the time and places for meetings of the council, it is the assistant commissioner who gives notice of a meeting to each member of the council. This is because the assistant commissioner has responsibility for helping the council to perform its functions, including by providing the council with administrative support.

New section 25 provides that a quorum for a meeting of the council 4 members.

New section 26 requires the chairperson to preside at meetings where the chairperson is present and sets out alternative arrangements that apply for a meeting if the chairperson is not present at the meeting.

New section 27 provides for how meetings of the council must be conducted. It determines how decisions of the council may be made. It allows a meeting to be held using technology such as teleconferencing, as well as in person.

New section 28 requires the council to keep minutes of each meeting and a record of its resolutions. The assistant commissioner is responsible for helping the council perform its functions. It is intended that the assistant commissioner will keep minutes of the council's meetings and records of the council's resolutions.

New section 29 requires the council to establish a panel and provides for the functions of the panel. Those functions include assisting the QBCC commissioner to perform the commissioner's functions under part 3, divisions 1 to 6, which deal with the licensing of individuals.

It is intended that a key function of the panel will be to assist the commissioner to make decisions relating to complex licence applications, for example, applications made by plumbers who have acquired their qualifications and experience overseas. The panel will do so by providing advice and making recommendations to the commissioner. A committee established by the PIC provided advice and recommendations to the PIC on similar applications.

It is important to note that the role of the panel established under new section 29(1) is purely an advisory role. The panel will provide advice and recommendations in relation to particular licensing matters, but the commissioner is not bound to act on the advice or the recommendations. If the panel gives the commissioner advice about a matter, the commissioner must make an independent decision on the matter after taking into account all relevant information, including the advice of the panel.

The new section will also allow the council to establish other panels to assist the council to perform its functions effectively and efficiently. The section will, for example, allow the council to establish panels to conduct research that will assist the

council to perform one or more of its functions, such as research on national policy development and on issues relating to the trade that the Minister refers to it.

New section 30 deals with panel members and other matters about panels. It allows the council to appoint a person to a panel and to decide the terms of reference of a panel. It also allows the council to decide other matters about the panel that are not provided for under the Plumbing and Drainage Act. In addition, the section allows the Governor in Council to decide the fees and allowances of panel members.

New section 31 is intended to ensure a member of the council (or a deputy member or temporary member who is acting for a member), or a panel member, who has a conflict of interest in relation to a decision can be excluded from the process for making the decision. It does so by requiring such a person to disclose the conflict of interest at a council meeting or panel meeting, and prohibiting the person from taking part in a decision about the issue giving rise to the conflict of interest, unless the council or panel otherwise directs.

New division 4 deals with the role of the QBCC commissioner in relation to plumbing and drainage. It introduces new section 32.

New section 32 sets out the functions for plumbing and drainage that the QBCC commissioner is required to perform, all of which are generally operational in nature. The commissioner's role in relation to plumbing and drainage was established in legislation in November 2014 and it remains unchanged under the amendments. The commissioner's functions continue to include administering the licensing scheme for plumbing and drainage, and approving audit programs and auditing licensees to monitor and enforce compliance with part 4.

The new functions of the QBCC commissioner also include performing any other functions relating to plumbing and drainage given to the commissioner under the Plumbing and Drainage Act, for example approving forms for use under the Plumbing and Drainage Act.

Under new section 6(c), the council may make recommendations to the commissioner about the performance of the commissioner's functions under the Plumbing and Drainage Act.

New division 5 deals with the role of the assistant commissioner in relation to plumbing and drainage. It introduces new sections 32A to 32D.

New section 32A requires the QBCC commissioner to appoint a person as assistant commissioner. The new section provides that the assistant commissioner must be employed under the QBCC Act, section 29F.

New section 32B establishes the role, functions and powers of the assistant commissioner, which are similar to those of the former registrar of the PIC. It is intended that the assistant commissioner will provide the council with any administrative support it needs. This support includes arranging meetings of the council and taking minutes at those meetings.

New section 32C allows the chairperson or 4 members of the council to ask the assistant commissioner to give the council a report about the functions performed by the QBCC commissioner under the Plumbing and Drainage Act, including the licensing and disciplinary functions performed by the QBCC commissioner.

A report may include details of licensing and disciplinary functions performed by the commissioner and any offences under the Plumbing and Drainage Act for which the QBCC commissioner or an investigator has served a penalty infringement notice (otherwise known as a PIN).

The section will allow a request for a report to be made from time to time or a standing request to be made for a report to be provided for each meeting of the council. A report that is requested must be given to the chairperson within a reasonable period.

The reports will keep the council informed of issues relating to the regulation of the plumbing and drainage trade. The council may use information contained in a report as a basis for making a recommendation to the QBCC commissioner about the performance of one or more of the commissioner's functions for the trade, under new section 6(c). If, as a result of reading a report, the council becomes aware of issues relating to the trade that the council considers the Minister should know about, the council may report to the Minister on the issues, under new section 6(b)(ii).

New section 32D deals with the representation of the council at proceedings at QCAT.

After the QBCC commissioner has issued a show cause notice to a licensee about a disciplinary matter and has considered the accepted representations about the show cause notice, the commissioner may decide to take disciplinary action against the licensee. Under the QBCC Act, the licensee may make an application to the council for an internal review of the commissioner's decision. If the licensee is dissatisfied with the decision made by the council on internal review, the licensee may make an application to QCAT for an external review of the council's decision. New section 32D allows the assistant commissioner to act on behalf of the council in a proceeding before QCAT for the external review. The purpose of this provision is to ensure it is not necessary for each member of the council who made the internal review decision to attend the QCAT proceeding for the external review.

Clause 8 inserts into the Plumbing and Drainage Act new section 33Y. New section 33Y provides that a document made by the council is sufficiently made if it is signed by the assistant commissioner. The provision will allow the assistant commissioner to sign documents on behalf of the council.

Clause 9 expands the scope of section 128RA which deals with false or misleading statements. The clause ensures it will be an offence for a person to state anything to the council that the person knows is false or misleading.

Clause 10 expands the scope of section 128S which deals with false or misleading documents. The clause ensures it will be an offence for a person to give the council a document containing information that the person knows is false or misleading.

Clause 11 inserts into the Plumbing and Drainage Act new section 144A. New section 144A allows the council to delegate some of its functions under the Plumbing and Drainage Act or another Act, to a relevant officer of the QBCC or a panel member. The new section expressly prohibits delegation of the council's power to conduct an internal review of a decision made by the QBCC commissioner on a disciplinary matter. The reason for the prohibition is that it is considered that the council's role as an internal reviewer is too important to the industry for it to be delegated to a relevant officer of the QBCC or a panel member. The new section also prohibits delegation of the power to delegate, ensuring that a person to whom a function is delegated under the section is not allowed to delegate the function to another person.

The new section also allows the assistant commissioner to delegate most of his or her functions under the Plumbing and Drainage Act to a relevant officer of the QBCC. The new section prohibits the delegation of the power to delegate, ensuring that a person to whom a function is delegated under the section may not delegate the function to another person.

Clause 12 amends the dictionary for the Plumbing and Drainage Act. It inserts in the dictionary a range of definitions required for the amendments of that Act included in the Bill. It also includes a number of consequential amendments required as a result of particular amendments included in the Bill. The clause also omits the definition of 'appropriately qualified employee' from the dictionary. As a result, the definition of the term 'appropriately qualified' in the *Acts Interpretation Act 1954* applies.

Part 4 *Amendment of Queensland Building and Construction Commission Act 1991*

Clause 13 provides that new part 4 amends the QBCC Act. The clause includes a note to inform the reader of the existence of minor amendments in schedule 1 to the Bill.

Clause 14 expands the constitution of the QBCC to include the council. As a result of the clause, the QBCC will consist of the QBC board, the QBCC commissioner and the organisational unit under the control of the commissioner, and also the council. As the QBCC's governing body, the QBC board decides the strategies and the operational, administrative and financial policies to be followed by the QBCC. It also ensures the QBCC performs its functions and exercises its powers in a proper, effective and efficient way. As a part of the QBCC, the council will be subject to the governance of the board.

Clause 15 expands the range of functions of the QBC board, the QBCC's governing body board to include new functions of the board that relate to the council. The clause restricts the scope of the expansion of the board's role so it does not include providing guidance and leadership to the council in relation to the council's function of conferring on national policy development and implementation for the trade under the Plumbing and Drainage Act. This reflects the specific role of the council in relation to these issues.

Clause 16 inserts in section 85A the definition *internal reviewer*. This definition is required as a result of the council acquiring power to conduct internal reviews in relation to disciplinary matters. The definition reflects the fact that the internal reviewer for an internal review application may be either the council or the QBCC, depending on the nature of the application.

Clause 17 includes a consequential amendment that replaces a reference to the QBCC in section 86A(1) with a reference to the internal reviewer.

Clause 18 includes a consequential amendment that replaces a reference to the QBCC in section 86B(a)(ii) with a reference to the internal reviewer.

Clause 19(1) includes a consequential amendment that replaces references to the QBCC in section 86C(1) and (3) with references to the internal reviewer.

Clause 19(2) includes a consequential amendment that confines section 86C(4) so it only applies to an application for which the QBCC is the internal reviewer.

Clause 20 includes a consequential amendment that replaces a reference to the QBCC in section 86D(1) with a reference to the internal reviewer.

Clause 21 amends section 114 of the QBCC Act, which provides the State and particular individuals with protection from civil liability. It ensures that if the QBCC commissioner, a relevant officer of the QBCC, or a member, deputy member or temporary member of the council, makes an honest mistake in the performance of functions under the Plumbing and Drainage Act, any civil liability for the mistake will not attach to the person themselves or the State. Any civil liability for the mistake will instead attach to the QBCC.

Clause 22 inserts into schedule 1 a new part 12. The new part introduces new section 69, which is a transitional provision.

New section 69 deals with transitional issues related to the transfer of power to conduct internal reviews of decisions on disciplinary matters made by the QBCC commissioner, from the QBCC to the council. The new section allows the QBCC generally to deal with any application for an internal review of a decision on a disciplinary matter if the application was made before the commencement of the amendments. The section also allows a person affected by an internal review decision made by the QBCC under section 69(2) to apply to QCAT for an external review of the QBCC's decision.

Clause 23 amends the dictionary for the QBCC Act, by inserting into the dictionary two new definitions that are required for particular amendments of the QBCC Act included in the Bill.

Part 5 Amendment of *Residential Tenancies and Rooming Accommodation Act 2008*

Clause 24 provides that this part amends the *Residential Tenancies and Rooming Accommodation Act 2008*.

Clause 25 amends section 180 (Tenancy guarantees) to omit the words “by the department” in section 180(1) and insert new subsection (3) to provide that the department or a community housing guarantor may give a tenancy guarantee for a residential tenancy agreement between a lessor and a tenant.

Clause 25 also inserts a new subsection (4) to define “community housing guarantor” to mean a community housing provider approved by the chief executive of the department to give tenancy guarantees. “Department” is defined to mean the department in which the *Housing Act 2003* is administered

Clause 26 amends section 457 which defines the terms used in the chapter including “tenancy database”, and “database operator”, “inaccurate”, “list”, “out of date”, and “personal information”.

The term “tenancy database” is defined to mean a database containing information that is personal information relating to, or arising from, the occupation of residential premises under a residential tenancy agreement or is used for a purpose relating to past, current or future occupation of residential premises under a tenancy agreement. The term “database operator” means an entity that operates a tenancy database.

The term “inaccurate” is defined to clarify that information is inaccurate when it indicates that a person who owed money has paid the amount more than three months after the amount became due. In contrast, the term “out of date” applies to information that is no longer accurate because either the amount owing was paid within three months after the amount became due or because the proceeding for a termination order was reopened or appealed under the QCAT Act and the termination order was set aside.

“List” is defined to mean the entry of personal information into a database, giving information to a database operator or someone else to enter personal information into a tenancy database, and for personal information already stored in a tenancy database it includes amending that information to include additional personal information whether by entering it in a database or giving it to a database operator or someone else for entry. The term “*personal information*” means information (including an individual’s name) or an opinion, whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion. The definition of “personal information” is similar to the definition found in section 6 of the *Commonwealth Privacy Act 1988* with some modifications to reflect the context.

Clause 27 inserts new ss 457A and 457B. The new section 457A defines references to “lessors” and “tenants” in chapter 9. The section provides that without limiting sections 8, 13 and 20, in this chapter, a reference to a lessor, lessor’s agent or tenant

includes the lessor, lessor's agent or tenant under a residential tenancy agreement that has ended.

The new section 457B identifies the extra-territorial application of the chapter. It provides that an act or omission done by a person outside the State and in relation to personal information that would constitute an offence under the chapter, constitutes an offence as if it were done or made by the person in Queensland under certain conditions. These conditions are where the personal information is about a person who resides in Queensland, or where the rental property was located in Queensland. In addition, the section provides that the person who does the act or makes the omission is guilty of an offence of the same kind and is liable to the same punishment as if the act or omission had happened in the State. Section 457B(3) clarifies that the section does not limit the Criminal Code, sections 12 to 14.

Clause 28 inserts new ss 458A and 458B. Section 458A applies where a lessor or their agent usually uses a database for deciding whether to accept an applicant. Under the section, the lessor or their agent must advise the applicant, when the application is made, of any tenancy databases they usually use, the reason they use them, and how persons may contact the database operators. Section 458A(3) clarifies that the section applies even if the lessor or their agent does not intend to use the database to check the history of the particular applicant. However, the section does not apply if the lessor or their agent has given the applicant the notice not more than 7 days before the application was made and the information in that previous notice is still current. Section 458A(5) clarifies that the notice may be combined with another document the lessor or agent gives to the tenant such as a written tenancy application document.

Section 458B applies where a lessor or their agent uses a tenancy database for checking the tenancy history of the applicant and finds that the person is listed on the database. Under section 458B(2) the lessor or their agent must within 7 days after using the database, give written notice to the applicant advising that personal information about them is in the database, stating the name of the database, details about who is recorded as having listed the information, and how and in what circumstances the applicant can have the personal information removed or amended under the Act, and how they can obtain a copy of the personal information. The note under 458B(2) clarifies that section 459C provides for when the lessor, lessor's agent or database operator must give the applicant a copy of the personal information. 458B(3) clarifies that the requirement to give details of the listing entity applies only if the details of the listing entity are contained in the tenancy database. For this section, a listing entity means the lessor or agent who listed the personal information on the tenancy database.

Clause 29 amends section 459 (Restriction on listing). The new section 459 sets out a consultation requirement similar to that set out in the existing section 459 with some additions. The section requires a listing person to, without charge, give the person being listed a copy of the personal information to be listed on a tenancy database or taken other reasonable steps to disclose the information to the person prior to making the listing. In addition, the listing person must give the person to be listed at least 14 days to review the information and make submissions about the information, and must consider the submissions. Section 459(3) clarifies that the listing person does not commit an offence if they are unable to locate the person after making reasonable

enquiries. The requirement to provide the 14 day period and consider submissions does not apply to personal information that has already been published by a court or tribunal. In addition, these obligations do not apply where an existing listing is amended in accordance with section 461, in order to ensure amendments to a listing made under section 461 are made promptly. Section 459(4) also provides that the listing person must not list personal information about a person if they are aware that the personal information is inaccurate, incomplete, ambiguous or out of date.

Clause 30 inserts new ss 459A to 459D. Section 459A provides that, where a lessor or their agent who lists information about a person in a database becomes aware that the information is inaccurate, incomplete, ambiguous or out of date, they must notify the database operator in writing that for information that is inaccurate, incomplete, or ambiguous, how it must be amended; or for information that is out of date that it must be removed. Section 459A(2)(c) provides that in either case the database operator must comply with their obligation to ensure the quality of listings as set out in section 459B. However, the obligation to provide written notice does not apply if the lessor or their agent directly amends or removes the information from the database within seven days of the lessor or agent becoming aware that the personal information is inaccurate, incomplete, ambiguous or out date. In addition, the lessor or their agent must keep a copy of the notice for one year after it was given to the database operator.

Section 459B provides that where a lessor or their agent gives written notice to a database operator of a necessary amendment, the database operator must amend or remove the personal information as directed within 14 days after the notice is given.

Section 459C(1) requires a lessor or their agent who lists personal information on a tenancy database to give the listed person a copy of the information within 14 days after it is requested and any fee for giving the information is paid by the listed person. Similarly, under section 459C(2) a database operator must, on request, give a person whose information is listed on the database a copy of the information within 14 days of the request and any fee for giving the information is paid. Section 459C(3) clarifies that any fee charged by a lessor, lessor's agent or database operator must not be excessive and must not apply to lodging a request for the information.

Section 459D imposes a limit on the length of time a listing can be kept on a database. The database operator must not keep personal information about a person on the database for longer than three years. Further, as per the note to the provision, under s459B(3) if a database operator is notified that the information is out of date where it relates to an amount owed, then it must be removed within 14 days of being notified.

Clause 31 amends section 460 (Application to tribunal about breach) to make minor amendments to section 460(1) to adjust wording for consistency with the Bill.

Clause 32 amends section 461 (Application to tribunal about incorrect or unjust listing) to make minor amendments to section 461 to adjust wording for consistency with the Bill.

Clause 33 amends section 462 (Application to tribunal about proposed listing) to make minor amendments to section 462 to adjust wording for consistency with the Bill.

Clause 34 insertion of new Chapter 14, Part 4 outlines the transitional matters that apply for tenancy database changes.

Section 558 defines the terms used in Part 4 including “existing database”, “existing listing”, “former”, and “new”.

The term “existing database” means a tenancy database under the former chapter 9. “Existing listing” means personal information in an existing database immediately before commencement.

The term “former” is used in relation to a provision to mean the provision as in force immediately before its amendment under the *Plumbing and Drainage and Other Legislation Amendment Act 2015*. The term “new” is used in relation to a provision to mean the provision as in force after amendment under the *Plumbing and Drainage and Other Legislation Amendment Act 2015*.

Section 559 defines the meaning of particular terms and provides that if context permits, a term used in this part and defined in new section 457 have the same meaning.

Section 560 clarifies that new section 458B which requires a lessor or their agent to within 7 days after using the database, give a written notice to the applicant of matters related to the listing, does not apply to applications to enter into a tenancy agreement made before commencement.

Section 561(1) states that this section applies if before commencement of the amendment legislation, a person who was proposing to list personal information about a tenant in an existing database, gave the tenant written notice under former section 459 and at commencement they had not listed the personal information in the tenancy database (with or without variation). Section 561(2) provides that new section 459 applies to the proposed listing as if the notice was given to the tenant under the new section 459(2)(a).

Section 562 provides that new sections 459A and 459B, which set out the obligations for lessors, agents and databases operators to ensure the quality of listings, apply to an existing listing as well as to personal information included in a tenancy database after commencement.

Section 563 provides that new section 459C, which set out the obligations on lessors, agents and database operators who list personal information on a tenancy database to give the listed person a copy of the information, applies to an existing listing as well as to personal information included in a tenancy database after commencement.

Section 564 sets out that new section 459D (1) which imposes a limit on the length of time a database operator can keep personal information about a person on the database, applies to an existing listing as well to personal information included in a tenancy database after commencement, unless section 564(2) applies.

Section 564(2) clarifies that if at the commencement, an existing listing had been kept in a tenancy database for two years or more, then section 459D (1) applies as if the reference to three years were a reference to one year after commencement. This has the effect that existing listings of two or more years at the time of commencement will be required to be removed one year after the section commences; whereas for existing listings of less than two years at the time of commencement, the new Section 459D will apply as drafted with listings required to be removed three years after the listings were first made.

This amendment has a prospective operation, while it may be considered to impose obligations retrospectively by applying the new provisions to listings made on tenancy databases before commencement. It is considered that this is justified on the grounds that database operators have been provided with a 12 month period after commencement in which to update listings which are two or more years old, and is not a breach of fundamental legislative principles.

Section 565 applies to existing and proposed listings about a tenant if the tenant claims that, before commencement, there had been a breach of former section 459 Restriction on listing. Section 565(2) provides that new Chapter 9 applies for the purpose of an application to the tribunal about a breach.

To remove any doubt, section 566 sets out that the new chapter 9 applies for the purposes of an application to the tribunal about personal information included in an existing listing or a proposed listing to which section 561 applies.

Section 567 establishes that if a tenant becomes aware of a proposed listing by a lessor or lessor's agent of personal information about them on an existing database before commencement, and at commencement they had not yet made an application under the former section 462, then new chapter 9 section 567(2) applies for the purposes of an application to the tribunal about a proposed listing.

Section 568 establishes that if an application to the tribunal under former sections 460, 461 or 462 was started before commencement and at commencement the application had not been fully dealt with, then under 568(2), the tribunal must continue to hear and decide the matter under the former chapter 9 as if the *Plumbing and Drainage and Other Legislation Amendment Act 2015* had not been enacted.

Clause 35 Amendment of Schedule 2 (Dictionary) amends the definition list to clarify that:

- “database operator” for chapter 9 is defined under section 457 to mean an entity that operates a tenancy database.
- An “existing database” for chapter 14, part 4, is defined under section 558 to mean a tenancy database under former chapter 9.
- An “existing listing” for chapter 14, part 4, is defined under section 558 to mean personal information in an existing database immediately before the commencement.
- “Former” for chapter 14, part 4, is defined under section 558 and means, in relation to the provision, the provision in force immediately before the amendment

of the provision under the *Plumbing and Drainage and Other Legislation Amendment Act 2015*.

- “Inaccurate”, for chapter 9, refers to the definition of “inaccurate” in section 457
- “list”, for chapter 9, refers to the definition of “list” in section 457.
- “new”, for chapter 14 part 4, is defined under section 558 and means, in relation to a provision, the provision as in force after the amendment of the provision under the *Plumbing and Drainage and Other Legislation Amendment Act 2015*.
- “out of date”, for chapter 9, refers to the definition of “out of date” in section 457.

The definition of “lessor” in Schedule 2 is replaced by a reference to sections 8 and 20 in general, and for chapter 9 “lessor” is defined in section 457.

The definition of “tenant” in Schedule 2 is replaced by a reference to sections 13 and 20, and for chapter 9 “tenant” is defined in section 457.

Part 6 Minor and consequential amendments

Clause 38 Schedule 1 to the Bill includes minor and consequential amendments of the Plumbing and Drainage Act, QBCC Act and the *Sustainable Planning Act 2009*.