

Building and Other Legislation Amendment Bill 2022

Statement of Compatibility

FOR

Amendment during consideration in detail moved by the Honourable Mick de Brenni MP, Minister for Energy, Renewables and Hydrogen and Minister for Public Works and Procurement

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019* (HR Act), I, the Honourable Mick de Brenni MP, Minister for Energy, Renewables and Hydrogen and Minister for Public Works and Procurement, make this statement of compatibility with respect to the amendment to be moved during consideration in detail (the amendment) for the Building and Other Legislation Amendment Bill 2022 (the Bill).

In my opinion, the amendment to the Bill is compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the amendment

The amendment to the Bill will preserve the authority for local governments to prosecute offences for failure to comply with the Combustible Cladding Checklist, namely the expired Building Regulation 2006, part 4A.

The Bill amongst other things, amends section 256 of the *Building Act 1975* (Building Act), to provide the Queensland Building and Construction Commission (QBCC) with the power to prosecute offences for failure to comply with the Combustible Cladding Checklist.

This amendment was intended to give the QBCC the same enforcement powers as local governments regarding the checklist offence provisions. However, it has been brought to the attention of the Department of Energy and Public Works by the QBCC that the amended section could be interpreted to restrict this power to use by the QBCC only. This was not the intention. Therefore, the amendment to the Bill clarifies that the power to commence prosecutions expressly include “local governments or a person authorised by a local government” in addition to the express power provided to the QBCC.

Human Rights Issues

Human rights relevant to the amendment to the Bill (Part 2, Division 2 and 3 HR Act)

I have considered each of the rights protected by part 2 of the HR Act. In my opinion, the human rights that are relevant to the *Building Act 1975* amendment do not affect human rights under the HR Act.

Conclusion

In my opinion, the amendment to the Building and Other Legislation Amendment Bill 2022 is compatible with human rights under the HR Act.

THE HONOURABLE MICK DE BRENNI MP
MINISTER FOR ENERGY, RENEWABLES AND HYDROGEN
MINISTER FOR PUBLIC WORKS AND PROCUREMENT

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