

Queensland Building and Construction Commission and Other Legislation Amendment Bill 2025

Statement of Compatibility

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, Samuel O'Connor, Minister for Housing and Public Works and Minister for Youth make this statement of compatibility with respect to the Queensland Building and Construction Commission and Other Legislation Amendment Bill 2025 (the Bill).

In my opinion, 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 Bill

The Bill implements Tranche 3 of the Building Reg Reno reforms. The Building Reg Reno reforms aim to improve productivity within the building and construction sector and make it easier to build in Queensland by cutting red tape, reducing unnecessary costs and ensuring industry runs smoother.

The Bill will:

- modernise legislation to support the QBCC's transition to a more responsive, efficient and user-friendly regulator
- remove legislative impediments to enable the QBCC's greater use of electronic interactions to deliver services and regulate the building industry
- streamline workplace safety notifications.

These amendments will reduce regulatory burden for industry and support the QBCC's transition to deliver more services digitally, improving efficiency and customer experience.

Human Rights Issues

Human rights relevant to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)

In my opinion, the human rights under the HR Act that are relevant to the Bill are:

- Privacy and reputation (section 25).

For the reasons outlined below, I am of the view that the Bill is compatible with this human right.

If human rights may be subject to limitation if the Bill is enacted – consideration of whether the limitations are reasonable and demonstrably justifiable (section 13 *Human Rights Act 2019*)

Privacy and reputation

Section 25 of the HR Act provides that a person has the right not to have the person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with and not to have the person's reputation unlawfully attacked. Relevantly, the right protects privacy in the sense of personal information, data collection and correspondence (as well as also extending to an individual's private life more generally). The notion of arbitrary interference extends to those interferences which may be lawful, but are unreasonable, unnecessary and disproportionate.

Clauses of the Bill that support ongoing information sharing between regulators

(a) the nature of the right

The rights to privacy and reputation are based on Article 17 of the International Covenant on Civil and Political Rights.

The Bill engages with, but does not limit, rights to privacy and reputation to the extent that amendments to the *Queensland Building and Construction Commission Act 1991* (QBCC Act) in the Bill support the ongoing information sharing arrangements between the QBCC and relevant regulators responsible for notifiable incidents on building worksites (i.e. the regulator under the *Work Health and Safety Act 2011* or *Electrical Safety Act 2002*). Notifiable incidents include a death of a person, a serious injury or illness of a person or a dangerous incident (such as a collapse or partial collapse of a structure).

One of the objects of the QBCC Act is to regulate the building industry to ensure the maintenance of proper standards in the industry. Other existing provisions in the QBCC Act allow the QBCC to investigate and take disciplinary action if building or other work on a building site under the licensee's control, or carried out under the licence, may have caused the death of, or grievous bodily harm to, a person or involved a serious risk to the health or safety of a person.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the amendment is to streamline administrative processes while still ensuring the QBCC can effectively perform its role as a regulator and identify and address offending behaviour.

The Bill clarifies the requirement for QBCC licensees to notify relevant safety matters to the QBCC or the regulator under the *Work Health and Safety Act 2011* (WHS Act) or *Electrical Safety Act 2002* (ES Act). It is important for the QBCC to be aware of serious safety incidents that occur on building worksites, to work effectively with relevant regulators as required, and take appropriate action in relation to QBCC licensees.

The Bill engages with this human right to the extent that it supports existing information sharing arrangements outlined in sections 28A and 28B of the QBCC Act to ensure the QBCC

receives relevant information about notifiable incidents and other safety matters involving building worksites. This purpose is considered consistent with a free and democratic society based on human dignity, equality and freedom.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The provisions in the Bill relating to requirements for QBCC licensees to notify about safety matters does not limit human rights. The provisions in the Bill rely on existing legislative provisions to ensure the QBCC is aware of these notifiable incidents involving building worksites through information sharing arrangements with relevant regulators. To this extent, the Bill supports existing information sharing arrangements to achieve the purpose of ensuring the QBCC is aware of relevant notifiable incidents and possible offending behaviour as well as effectively administer the QBCC Act.

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There are no other less restrictive and reasonably available ways to achieve the purpose of the Bill. It is also intended that an existing penalty provision be increased and applied where a licensee does not notify as per their obligations under the amended section. This aligns to the penalty framework in the QBCC Act, for example section 74AM (Duty to notify notifiable incident), as well as penalties under the WHS Act and ES Act for not notifying the regulator under those Acts of a relevant serious safety incident.

Existing QBCC Act provisions ensure the QBCC only receives relevant information under information-sharing arrangements that helps the performance of its functions and protects confidentiality. For example, section 28A and section 28B were introduced to facilitate a multi-agency approach to improve work health and safety on building and construction sides. The confidentiality requirements outlined in section 110 also ensures that personal information and commercial in confidence information are managed appropriately, with penalty provisions applying.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

It is important that legislation maintains an appropriate balance with respect to requirements in order to achieve policy intent. As the Bill streamlines workplace safety notifications to remove the requirement to report to two regulators separately, the Bill implicitly supports existing information sharing provisions to ensure the QBCC receives information about notifiable incidents on building worksites. Enhanced collaboration between agencies will also support the QBCC's ability to administer the QBCC Act, and information sharing to ensure the maintenance of proper standards in the building industry is not considered to constitute an arbitrary interference with privacy. Existing provisions also ensure appropriate confidentiality of this information.

- (f) any other relevant factors

Nil.

Clauses of the Bill that support digital licensing, communication and services

(a) the nature of the right

The Bill engages with privacy rights to the extent that amendments in the Bill modernise legislation to remove impediments and support digital licensing and greater use of electronic communication methods between the QBCC and customers, for example using email to provide documents.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the amendments is to support greater use of electronic communication between the QBCC and licensees and consumers, such as email and other electronic communication methods. It will also remove legislative impediments to support digital licensing.

To facilitate this, provisions in the Bill allow for documents to be provided by email. There is also a requirement for licensees to advise the QBCC of changes to their email address, address and phone number. Existing provisions require licensees to advise the QBCC of changes to other contact details.

The Bill engages with this human right to the extent that it allows the QBCC to engage and deliver services via email to licensees and consumers and ensure that licensee email addresses and other contact details are up to date. In considering human rights, this will allow personal information and services to be communicated via a person's email address. However, this will support the QBCC to administer legislation, support customers and deliver services effectively and efficiently, particularly in modern society where electronic communication is widespread. This purpose is considered consistent with a free and democratic society based on human dignity, equality and freedom.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The provisions in the Bill relating to digital licensing, communication and services do not limit human rights. However, these provisions engage with this human right to the extent that it supports the QBCC to effectively engage and deliver services electronically to licensees and consumers. Specifically, the Bill includes provisions that support the QBCC to interact with licensees and provide services electronically, such as a digital licence, and ensure email addresses for licensees are up to date.

Importantly, licensees and consumers would still be able to choose their preferred method of communication with the QBCC. For example, communication can occur by other means, e.g. providing documents by post and lodging documents at regional service centres. Licensees could also still have physical licences if preferred.

Existing legislative provisions also ensure confidentiality of information. Section 110 of the QBCC Act provides that information must not be disclosed, accessed or used unless necessary to effectively administer the QBCC Act or in certain circumstances such as a requirement by a court or tribunal to produce a document or answer questions. Penalty provisions apply for misuse of confidential information.

To this extent, the Bill supports effective ways to modernise legislation and achieve the purpose of supporting digital licensing and greater use of electronic communication methods to improve the QBCC's efficiency and customer interactions.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

In relation to electronic service of documents, this would be voluntary and may be used where a person has provided their email address for use under the QBCC Act. There are also other ways to serve documents, including by post, telex, facsimile or similar facility.

In terms of other proposed amendments in the Bill, there are no other less restrictive and reasonably available ways to achieve the purpose of the Bill.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

It is important that legislation maintains currency with societal and consumer expectations, for example supporting and delivering services in an effective and efficient way.

The provisions in the Bill relating to digital licensing, communication and services does not limit but only engages with this human right.

(f) any other relevant factors

Nil.

Conclusion

In my opinion, the Queensland Building and Construction Commission and Other Legislation Amendment Bill 2025 is compatible with human rights under the *Human Rights Act 2019* because it engages but does not limit human rights.

SAM O'CONNOR MP
MINISTER FOR HOUSING AND PUBLIC WORKS AND MINISTER FOR YOUTH

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