

Help to Buy (Commonwealth Powers) Bill 2024

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*, I, Meaghan Scanlon, Minister for Housing, Local Government and Planning and Minister for Public Works make this statement of compatibility with respect to the Help to Buy (Commonwealth Powers) Bill 2024 (the Bill).

In my opinion, the Bill is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

The Bill will refer powers to the Commonwealth under section 51(xxxvii) of the Australian Constitution, to enable the Commonwealth Help to Buy Bill 2023 to be passed. This will allow Help to Buy scheme (the Scheme) to be fully implemented by the Australian Government.

The Scheme is a shared equity program that will assist low to middle income earners to purchase new or existing homes by accessing an equity contribution from the Australian Government of up to 40 per cent of the purchase price of a new home, and up to 30 per cent for an existing home for 40,000 eligible households. A minimum of 2 per cent deposit is required from a prospective and eligible buyer.

The Australian Government has committed to Queensland being the first participating state in the Scheme. This requires the Bill (as the referral legislation) to be passed first, before the Commonwealth Help to Buy Bill 2023 can be passed to provide the constitutional basis to establish the Scheme.

Human Rights Issues

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

I have considered each of the rights protected by Part 2 of the *Human Rights Act 2019*. In my opinion, the Bill promotes the right to own property in s 24(1).

Section 24(1) provides that all persons have the right to own property alone or in association with others. The Bill will enable the Commonwealth to establish the Scheme to assist low to middle income earners to purchase homes. The Bill therefore promotes the right to own property in s 24(1).

In my opinion, the Bill does not limit any of the human rights protected under the *Human Rights Act*.

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

The Bill does not limit any human rights under the *Human Rights Act 2019*.

Conclusion

In my opinion, the Bill is compatible with human rights protected under the *Human Rights Act 2019*.

Meaghan Scanlon MP
Minister for Housing, Local Government and Planning and
Minister for Public Works

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