

Our ref: BNE5411145

10 June 2025

Construction Productivity Inquiry  
Queensland Productivity Commission

**By email:** [enquiry@qpc.qld.gov.au](mailto:enquiry@qpc.qld.gov.au)

To the Construction Productivity Inquiry

**Representations supporting the Modern Homes standards**

The Queensland Human Rights Commission recently wrote to the Building Policy Team at the Department of Housing, Local Government, Planning and Public Works to express support for the Modern Homes standards that were introduced in the 2022 version of the National Construction Code.

We understand that these representations may also be useful in the context of your inquiry.

Please find the Commission's representations attached.

If you have any questions regarding this correspondence, please do not hesitate to contact me on the details below.

Yours sincerely

**Scott McDougall**  
**Commissioner**

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Building Policy Team  
Department of Housing, Local Government, Planning and Public Works

**By email:** [buildingpolicy@epw.qld.gov.au](mailto:buildingpolicy@epw.qld.gov.au)

Dear Building Policy Team

### **Have your say on the Modern Homes standards**

Thank you for the opportunity to provide feedback on the implementation of the Modern Homes standards that were introduced in the 2022 version of the National Construction Code.

The Queensland Human Rights Commission (the Commission) has functions under the *Anti-Discrimination Act 1991* (the AD Act) and the *Human Rights Act 2019* (the HR Act) to promote understanding, acceptance, and discussion of human rights in Queensland, and to provide information and education about human rights. A key function of the Commission is to provide a free and impartial conciliation service for anti-discrimination and human rights complaints in Queensland.

In 2020, The Commission provided a submission to the *Australian Building Codes Board* with strong support for improving accessibility standards for housing across Australia. I am heartened that improvements are now being implemented in Queensland. The current settings should not be weakened through exceptions to implementation. By maintaining the standards, the stock of accessible housing will increase over time, giving buyers greater choice of dwellings to meet their needs in future,<sup>1</sup> and this benefit may also flow to renters.<sup>2</sup>

I would like to reiterate my strong support for accessible homes, achieved through livable, universal housing design. The Modern Homes standards are an investment in Queensland's future and support more people – older people, people with a disability, carers, families, and people with mobility issues – to have access to the homes they require. With Australia's aging population, the number of people requiring accessible housing is likely to increase. It was estimated that in 2022, more than one in every five Queenslanders had a disability,<sup>3</sup> with the chances of mobility related disabilities increasing with age.

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<sup>1</sup> The Centre for International Economics, 'Proposal to include minimum accessibility standards for housing in the National Construction Code' (Consultation Regulation Impact Statement, July 2020), 90.

<sup>2</sup> Ibid 93.

<sup>3</sup> Queensland Government statistics, [Disability statistics | People with disability | Queensland Government](#) (accessed 19 May 2025).

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In addition, efforts to mitigate the negative impacts of climate change are consistent with human rights, adding weight to the argument for residential energy efficacy measures in the Modern Homes standards.

We are aware that there may be myths circulating in the housing industry which overestimate the degree of change and cost required to align to the Modern Homes standards. In order to build support for the Modern Homes standards in your ongoing consultation with industry, I provide below information about:

- Human rights obligations in relation to housing
- Queensland-specific information on discrimination complaints about inaccessible housing
- Climate change mitigation being consistent with promoting human rights.

### **Human rights obligations in relation to housing**

Housing is not equally available to everyone. People with disabilities and older people can find that they have a limited choice about where and how they live. This doesn't just impact individuals, it impacts, families, carers and communities. Australia's international human rights obligations require state parties to give consideration to the living standards of everyone, and in particular, people who may be disadvantaged in their access to housing.

The *International Covenant on Economic, Social and Cultural Rights*, to which Australia is a signatory, contains the right to an adequate standard of living,<sup>4</sup> and this right is for every person to enjoy without discrimination.<sup>5</sup> In 1991, the UN Committee on Economic, Social and Cultural Rights set out seven key elements of the right to adequate housing. 'Accessibility' was one such element, requiring that members of disadvantaged groups should be accorded full and sustainable access to adequate housing resources, and housing law and policy should take fully into account the special housing needs of disadvantaged groups.<sup>6</sup>

Further, the *UN Convention on the Rights of Persons with Disabilities* specifically requires Australia to take appropriate measures to enable persons with disabilities to live independently and participate fully in all aspects of life. This means eliminating barriers to accessibility to achieve access 'on an equal basis with others'.<sup>7</sup>

In Queensland, public housing providers have obligations under the HR Act. The right to equality before the law includes protection from unequal treatment and discrimination.<sup>8</sup> In addition to this right, the right to privacy under the HR Act protects a person from arbitrary

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<sup>4</sup> *International Covenant on Economic, Social and Cultural Rights*, A/RES/2200(XXI) (16 December 1966) Article 11.

<sup>5</sup> *Ibid*, Article 2.

<sup>6</sup> Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant)*, UN Doc E/1992/23 (13 December 1991) [8].

<sup>7</sup> Committee on the Rights of Persons with Disabilities, *General Comment No 2 (2014): Article 9: Accessibility*, UN Doc CRPD/C/GC/2, [13].

<sup>8</sup> *Human Rights Act 2019* s 15.

interference with their home.<sup>9</sup> The first review of the HR Act was completed in 2024 and recommended that the Act be amended to explicitly include the right to adequate housing.<sup>10</sup>

### **Discrimination complaints about inaccessible housing**

The Commission has consistently received discrimination complaints about housing accessibility and modifications required either on the basis of older age or impairment. In the year 2023-2024, the Commission received three complaints, and for the year 2024-2025 we have received nine complaints to date. Some of the key trends that emerge include that:

- People with disability trying to rent through the private rental market are facing stigma and discrimination, which is a significant barrier to securing appropriate, stable housing.
- Older people or people with disabilities living in strata title schemes (as renters or owners) are having difficulty negotiating the process of making modifications to their property or the common property through complex body corporate processes.
- Both private and public housing tenants face difficulty making modifications to properties they are currently residing in.

It is important to note that the AD Act only captures a fraction of the issues arising from housing inaccessibility. A person with a protected attribute under the AD Act (most relevantly age or impairment) may only make a complaint to the Commission about discrimination if that complaint falls within an 'area of activity' under the AD Act. The areas of 'accommodation' and 'goods and services' are the most relevant areas, but do not cover all situations. For example, the protection of the AD Act does not extend to purchasers of new properties that are not accessible.

### **Climate change mitigation, promoting human rights**

Climate change threatens the full and effective enjoyment of a range of human rights.<sup>11</sup> Several of these rights are protected by the HR Act including the rights to life, privacy, family, home, property, the rights of the child and the cultural rights of Aboriginal peoples and Torres Strait Islander peoples.<sup>12</sup> These impacts are felt at times of severe weather events, such as cyclones and flooding and will continue to impact future generations of Queenslanders.

These rights must be properly considered by the Queensland government when enacting laws, making decisions and may extend to imposing an obligation on government to take positive action to mitigate and adapt to climate change in cases where rights are threatened.

Implementation of the Modern Homes standards will improve the energy efficiency of new housing stock which contributes to reducing emissions. This is a positive step, consistent with the protection and promotion of human rights.

<sup>9</sup> *Human Rights Act 2019* s 25.

<sup>10</sup> Susan Harris-Rimmer, *Placing People at the Heart of Policy: First independent review of the Human Rights Act 2019 (Qld)* (Report, Independent Review of the Human Rights Act, Griffith University September 2024) 73-75.

<sup>11</sup> United Nations General Assembly, *Resolution adopted by the Human Rights Council on 12 July 2019, Human rights and climate change*, UN doc A/HRC/RES/41/21

<sup>12</sup> *Human Rights Act 2019* s 16, s 25, s26, s24, s27, s 28.

I would again like to reiterate my support for the full implementation of the Modern Homes standards and would be happy to engage further to strengthen these important measures. Livable, universal housing design means that homes are more accessible for everyone, and energy efficiency requirements go towards protecting the rights of Queenslanders now and into the future.

If you have any questions regarding this correspondence, please do not hesitate to contact me on the details below.

Yours sincerely



**Scott McDougall**  
**Commissioner**

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