



Minister for Housing and Public Works
Minister for Digital Technology
Minister for Sport

Ref: HPW 00535-2018

19 MAR 2018

Mr Neil Laurie
The Clerk of the Parliament
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Dear Mr Laurie

I refer to e-petition number 2842-17 titled 'Enforce the covenant repeal legislation preventing restrictions on sustainable energy features' that was tabled in the Legislative Assembly on 15 February 2018.

In 2010, the Bligh Government introduced amendments to the *Building Act 1975* (the Act) to provide support for sustainable housing in Queensland. The amendments are contained in chapter 8A of the Act. The provisions of chapter 8A that are relevant to the e-petition, provide in broad terms that a 'relevant instrument', including a building covenant, cannot prohibit or restrict the installation of collectors for a solar hot water system or a photovoltaic (solar) energy system on the exterior of a building merely to preserve the external appearance of the building.

The principal petitioner in this instance is Ms Pauline Tyler. The Department of Housing and Public Works (DHPW) has been in contact with Ms Tyler for some months on this matter and is aware of the background of this e-petition. I am aware that there are currently proceedings in the Supreme Court of Queensland between Ms Tyler and two companies trading as Oxmar Properties that relate to the subject matter of the e-petition. I have instructed DHPW to monitor the outcome of the court proceedings and to review the legislation to ensure it meets the policy objectives of the Government.

I trust that this information is of assistance and I thank the petitioners for their interest in this important matter.

Yours sincerely

Mick de Brenni MP
Minister for Housing and Public Works
Minister for Digital Technology
Minister for Sport