

Building and Construction Industry (Portable Long Service Leave) (Levy Changes) Amendment Regulation 2020

Human Rights Certificate

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

In accordance with section 41 of the *Human Rights Act 2019*, I, the Honourable Grace Grace MP, Minister for Education and Minister for Industrial Relations provide this human rights certificate with respect to the Building and Construction Industry (Portable Long Service Leave) (Levy Changes) Amendment Regulation 2020 made under the *Building and Construction Industry (Portable Long Service Leave) Act 1991*.

In my opinion, the Building and Construction Industry (Portable Long Service Leave) (Levy Changes) Amendment Regulation 2020, as tabled in the Legislative Assembly, 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 Subordinate Legislation

A portable long service leave scheme for Queensland's building and construction industry was established under the *Building and Construction Industry (Portable Long Service Leave) Act 1991* (the Act) and commenced in 1992. The scheme is funded by a long service leave levy payable to the Building and Construction Industry (Portable Long Service Leave) Authority which operates as QLeave. The levy is payable on the total project costs (including all direct and indirect costs) of all building and construction work of \$150,000 or greater (exclusive of GST).

The long service leave levy is imposed under section 66 of the Act along with two other levies collected by QLeave: the building and construction training levy payable to Construction Skills Queensland as the corporate trustee for the Building and Construction Industry Training Fund (Qld), and the workplace health and safety levy.

The Building and Construction Industry (Portable Long Service Leave) (Levy Changes) Amendment Regulation 2020 seeks to remove the tiered levy structure which currently provides discounted levy rates to very large projects and replace it with a single levy rate for leviable matters; and to increase the portable long service leave levy from 0.25 per cent to 0.35 per cent. These changes will improve the medium to long-term financial position and viability of Queensland's building and construction industry portable long service leave scheme.

Human Rights Issues

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

The Building and Construction Industry (Portable Long Service Leave) (Levy Changes) Amendment Regulation 2020 does not engage human rights.

Conclusion

I consider that the Building and Construction Industry (Portable Long Service Leave) (Levy Changes) Amendment Regulation 2020 is compatible with the *Human Rights Act 2019* because it does not raise a human rights issue.

GRACE GRACE MP
Minister for Education and
Minister for Industrial Relations

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