

Queensland Building and Construction Commission (Minimum Financial Requirements) 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, Michael de Brenni, Minister for Housing and Public Works, Minister for Digital Technology and Minister for Sport provide this human rights certificate with respect to the Queensland Building and Construction Commission (Minimum Financial Requirements) Amendment Regulation 2020 (Amendment Regulation) made under the *Queensland Building and Construction Commission Act 1991*.

In my opinion, the Amendment Regulation, 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

The Queensland Building and Construction Commission (QBCC) is a statutory body established under the *Queensland Building and Construction Commission Act 1991*.

The QBCC regulates the building and construction industry in Queensland and administers a licensing framework to ensure those managing or undertaking building work are appropriately qualified and fit to practice.

The Queensland Building and Construction Commission (Minimum Financial Requirements) Regulation 2018 (MFR Regulation) outlines the minimum financial requirements for licensing.

Holders of a QBCC grade of licence must, at all times, comply with the financial requirements under the MFR Regulation. Failure to comply with these requirements can result in licence suspension or cancellation. Applicants for a new contractor licence must also demonstrate they meet the financial requirements before a licence can be granted.

The MFR Regulation requires licensees to comply with ‘prescribed accounting standards’ when providing financial information. These are defined as including Australian Accounting Standards and other relevant documents published by the Australian Accounting Standards Board (AASB). These standards and documents are regularly amended by the AASB.

The purpose of the Amendment Regulation is to amend the MFR Regulation to clarify that where a prescribed accounting standard is amended or a new prescribed accounting standard is introduced, a QBCC licensee can comply with a previous standard for a reasonable transitional period of up to 12 months.

It is anticipated that this will provide sufficient time for the building industry and accountants to assess compliance with new requirements.

Human Rights Issues

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

The Amendment Regulation does not affect or engage a human right.

Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)

As the Amendment Regulation does not raise any human rights issues, it does not limit any human rights and therefore it is not necessary to consider section 13 of the *Human Rights Act 2019*.

Conclusion

I consider that the Amendment Regulation is compatible with the *Human Rights Act 2019* because it does not raise a human rights issue.

MICHAEL DE BRENNI MP
Minister for Housing and Public Works
Minister for Digital Technology
Minister for Sport