

Proclamation - Building Industry Fairness (Security of Payment) Act 2017

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 MP, Minister for Housing and Public Works, Minister for Digital Technology and Minister for Sport provide this human rights certificate with respect to the *Proclamation - Building Industry Fairness (Security of Payment) Act 2017* (the Proclamation) made under the *Building Industry Fairness (Security of Payment) Act 2017* (the BIF Act).

In my opinion, the Proclamation, 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 main purpose of the BIF Act is to help people in the building and construction industry in being paid for the work they do. One mechanism to achieve this is the introduction of project bank accounts (PBA), which are to commence progressively across the industry. The existing PBA trust model under the BIF Act has been refined via the *Building Industry Fairness (Security of Payment) and Other Legislation Amendment Act 2020* (the BIFOLA Act) and a new trust account framework is being introduced.

The objective of the Proclamation is to fix the commencement dates for the later phases of the new trust account framework for eligible contracts as follows:

- Phase 2A (expand to State government and Hospital and Health Services building and construction contracts with a contract price of \$1 million or more) – 1 July 2021;
- Phase 2B (expand to also apply to private sector, local government, statutory authorities' and government-owned corporations' building and construction contracts with a contract price of \$10 million or more) – 1 January 2022;
- Phase 3 (expand to also apply to private sector, local government, statutory authorities' and government-owned corporations' building and construction contracts with a contract price of \$3 million or more) – 1 July 2022; and
- Phase 4 (expand to apply to all eligible building and construction contracts with a contract price of \$1 million or more) – 1 January 2023.

These phases broaden the application of the new framework to apply to more contracts in the building and construction industry. Full implementation of the framework will occur on 1 January 2023.

Commencement of these provisions will implement certain recommendations of the Building Industry Fairness Implementation and Evaluation Panel Report (*Building Fairness – An*

Evaluation of Queensland's Building Industry Fairness Reforms) which recommended that a phased commencement occur to allow industry time to manage the transition.

It will also further progress the Queensland Building Plan 2017, which aims to create a safer, fairer and more sustainable construction industry.

Human Rights Issues

Upon analysis, the Proclamation does not affect or engage a human right. Commencement of the Proclamation is designed to ensure the effective implementation of the later phases of the new trust account framework.

This is an administrative, machinery of government function that does not affect or engage a human right.

Conclusion

I consider that the Proclamation is compatible with the *Human Rights Act 2019* because the mechanical nature of the commencement does not affect or engage any human rights.

MICHAEL DE BRENNI MP
MINISTER FOR HOUSING AND PUBLIC WORKS AND
MINISTER FOR DIGITAL TECHNOLOGY
MINISTER FOR SPORT

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