

First Home Owner Grant and Other Home Owner Grants Regulation 2021

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, Cameron Dick, Treasurer and Minister for Investment, provide this human rights certificate with respect to the *First Home Owner Grant and Other Home Owner Grants Regulation 2021* (2021 Regulation) made under the *First Home Owner Grant and Other Home Owner Grants Act 2000* (FHOG and Other Grants Act).

In my opinion, the 2021 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 FHOG and Other Grants Act establishes a scheme for the payment of the First Home Owner Grant (the FHOG) in Queensland as well as other particular grants to home owners, such as the Queensland Government's Regional Home Building Boost Grant and the Australian Government's HomeBuilder Grant. The *First Home Owner Grant and Other Home Owner Grants Regulation 2010* (2010 Regulation) contains provisions which are necessary to support administration of the FHOG and Other Grants Act.

The 2010 Regulation was to expire on 1 September 2020 in accordance with section 54 of the *Statutory Instruments Act 1992*, which provides for the automatic expiry of subordinate legislation on 1 September first occurring after the 10th anniversary of the day of its making. However, the *Statutory Instruments (Exemptions from Expiry) Amendment Regulation 2020*, which commenced at the end of the day on 31 August 2020, provides that the 2010 Regulation is exempt from expiry until 31 August 2021 on the grounds that it is being replaced.

The 2010 Regulation contains provisions which are necessary to support the proper administration of FHOG and Other Grants Act. Specifically, the 2010 Regulation:

- declares certain interests to be relevant interests, which is relevant to determining eligibility for the FHOG;
- prescribes persons who are not interested persons, which is relevant to determining eligibility for the FHOG;
- prescribes the acceptable payment methods in relation to amounts payable to the Commissioner of State Revenue (Commissioner);
- prescribes the rate of any interest payable on an arrangement for payment by instalments of a liability under the FHOG and Other Grants Act; and
- prescribes the completion requirements for particular eligible transactions, which is relevant to determining eligibility for the FHOG.

The objective of the regulation is to remake the 2010 Regulation as the 2021 Regulation, subject to changes to correct cross-references to legislation and to expand the methods for making payments to the Commissioner, along with minor amendments necessary to facilitate the remake and to accord with current drafting practices.

Human Rights Issues

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

No human rights have been identified as being engaged or limited by the 2021 Regulation. The provisions of the 2021 Regulation are generally consistent with the provisions of the 2010 Regulation, subject to only minor changes which do not raise any human rights issues.

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

No human rights have been identified as being engaged or limited by the 2021 Regulation.

Conclusion

I consider that the 2021 Regulation is compatible with the *Human Rights Act 2019* because it does not raise a human rights issue.

CAMERON DICK
TREASURER
MINISTER FOR INVESTMENT