

Building Industry Fairness (Security of Payment) (Retention Trust Training) Amendment 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* (HR Act), I, the Honourable Mick de Brenni MP, Minister for Energy, Renewables and Hydrogen and Minister for Public Works and Procurement, provide this human rights certificate with respect to the Building Industry Fairness (Security of Payment) (Retention Trust Training) Amendment Regulation 2021 (RTT Regulation) made under the *Building Industry Fairness (Security of Payment) Act 2017* (BIF Act).

In my opinion, the RTT Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The BIF Act requires a person responsible for administering a retention trust account, whether the trustee or another nominated person, to complete the training prescribed by regulation.

Retention trust accounts will hold monies across multiple projects for as long as a contractor holds cash retention amounts. Therefore, it is important contractors fully understand their accounting, record keeping and other compliance obligations. The requirement to undertake the training does not apply until the training is prescribed in a regulation. It is intended for the training to be prescribed prior to 1 January 2022 when the new trust account framework is implemented in the private sector. Having the training in place by this date will ensure that as the number of retention trust accounts substantially increases, responsible persons understand their obligations.

The RTT Regulation prescribes that the training is the training course provided by the Queensland Building and Construction Commission (QBCC). It is intended that the course will take approximately two hours to complete including assessment, be free of charge and be offered progressively through a number of means to provide flexibility for participants. The regulation also specifies the periods within which the training must be completed. These periods are generous and account for new and existing trustees and circumstances where a nominated person changes.

The training will be subject to an evaluation following full implementation of the trust account framework in 2023 to ensure that it is meeting the desired training intent.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2, HR Act)

Human rights under the HR Act have been considered in relation to the RTT Regulation. The regulation was not found to engage any human rights under that Act, therefore, it is reasonable to conclude the regulation is compatible with human rights.

Consideration of reasonable limitations on human rights (section 13, HR Act)

Not applicable.

Conclusion

I consider that the RTT Regulation is compatible with the HR Act because it does not limit, restrict, or interfere with a human right under the HR Act.

MICK DE BRENNI MP
MINISTER FOR ENERGY, RENEWABLES AND HYDROGEN
MINISTER FOR PUBLIC WORKS AND PROCUREMENT

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