

Queensland Building and Construction Commission (Minimum Financial Requirements) Amendment Regulation 2024

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, Meaghan Scanlon, Minister for Housing, Local Government and Planning and Minister for Public Works provide this human rights certificate with respect to the Queensland Building and Construction Commission (Minimum Financial Requirements) Amendment Regulation 2024 (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 (Minimum Financial Requirements) Regulation 2018* (MFR Regulation) commenced in Queensland on 1 January 2019. The MFR Regulation establishes a minimum financial requirements (MFR) framework that applies to contractor licensees that are licensed by the Queensland Building and Construction Commission (QBCC). The framework helps ensure contractor licensees have a strong and financially sustainable business with an appropriate level of working capital.

The Amendment Regulation will make minor amendments to the MFR Regulation to clarify the requirements for MFR reports for category SC1, SC2, 1, 2, and 3 licensees. The amendments are proposed to provide:

- that a category SC1, SC2, 1, 2 or 3 licensee must prepare an MFR report in accordance with the requirements in new section 11D. New section 11D is intended to enable category SC1, SC2 and 1, 2 or 3 licensees to prepare signed financial statements for an MFR report in a way that is commensurate with the former Special Purpose Financial Statement (SPFS) requirements.
- a transitional provision enabling a licensee that is providing a category SC1, SC2, 1, 2 or 3 MFR report for the most recent quarter reporting period (immediately prior to commencement of the Amendment Regulation) to prepare the MFR report in accordance with the requirements in new section 11D.

The Amendment Regulation is consistent with the original policy intent, as it ensures that a licensee's MFR reporting requirements continue to be commensurate with the former SPFS requirements and with their licence category.

The Amendment Regulation will also provide greater equity, clarity, and certainty to licensees, particularly in relation to the requirements for MFR reports. It is intended to reduce administrative burden and costs for relevant licensees.

A minor amendment has also been made to address an incorrect cross-reference in the definition of related entity.

Human Rights Issues

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

There are no human rights affected or engaged by the Amendment Regulation.

Conclusion

I consider that the *Queensland Building and Construction Commission (Minimum Financial Requirements) Amendment Regulation 2024* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

MEAGHAN SCANLON MP
MINISTER FOR HOUSING, LOCAL GOVERNMENT AND PLANNING
MINISTER FOR PUBLIC WORKS

© The State of Queensland 2024