

Proclamation – Building Industry Fairness (Security of Payment) and Other Legislation Amendment Act 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 proclamation made under the *Building Industry Fairness (Security of Payment) and Other Legislation Amendment Act 2024* (BIFOLA 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

Section 2 of the BIFOLA Act requires that the Act commences on a day fixed by proclamation.

This Proclamation fixes 1 July 2024 as the date of commencement of the BIFOLA Act excluding sections that relate to the inclusion of GST in retentions held in a retention trust account. Sections related to GST are intended to commence at a later date.

The BIFOLA Act primarily makes clarifying and simplifying amendments to the *Building Industry Fairness (Security of Payment) Act 2017* (BIF Act) related to trust accounts in the building and construction industry. These amendments aim to reduce administrative burden and achieve cost savings for industry.

The BIFOLA Act makes amendments to the *Queensland Building and Construction Commission Act 1991* (QBCC Act), *Building Act 1975* and the *Plumbing and Drainage Act 2018* to implement several recommendations from the Queensland Building and Construction Commission Governance Review 2022 to enhance Queensland Building and Construction Commission (QBCC) governance arrangements.

Lastly, the BIFOLA Act also makes minor amendments to the *Architects Act 2002*, the *Professional Engineers Act 2002* and the QBCC Act to clarify existing provisions, improve registration and regulatory processes, support industry and consumers, and facilitate more effective information sharing between the QBCC and the Department of Housing, Local Government, Planning and Public Works.

Human Rights Issues

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

The human rights issues in relation to the authorising law, the BIFOLA Act, have been detailed in the statement of compatibility that accompanied the Building Industry Fairness (Security of Payment) and Other Legislation Amendment Bill 2024. This proclamation does not raise any human rights issues.

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

The proclamation itself does not raise any human rights issues, it does not limit any human rights and therefore it is not necessary to consider section 13.

Conclusion

I consider that the proclamation of BIFOLA Act 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 and
Minister for Public Works

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