

Building and Construction Industry (Portable Long Service Leave) 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, Grace Grace, Minister for State Development and Infrastructure, Minister for Industrial Relations and Minister for Racing provide this human rights certificate with respect to the Building and Construction Industry (Portable Long Service Leave) Regulation 2024.

In my opinion, the Building and Construction Industry (Portable Long Service Leave) Regulation 2024 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 54 of the *Statutory Instruments Act 1992* provides that subordinate legislation automatically expires every ten years unless action is taken to preserve it. The Building and Construction Industry (Portable Long Service Leave) Regulation 2013 (the BCI Regulation) was due to expire in 2023. However, a 12-month exemption extension was granted, and the BCI Regulation now expires on 31 August 2024.

The BCI Regulation is subordinate legislation made under the *Building and Construction Industry (Portable Long Service Leave) Act 1991* (the BCI Act). The BCI Regulation includes provisions authorised by the BCI Act that are required to ensure the effective ongoing operation of Queensland's building and construction industry portable long service leave scheme.

The objective of the Building and Construction Industry (Portable Long Service Leave) Regulation 2024 is to give effect to the outcome of the sunset review of the 2013 BCI Regulation and remake the regulation. The sunset review confirmed that provisions within the BCI Regulation are still necessary and appropriate for the continued operation of the BCI Act and its portable long service leave scheme.

The sunset review also identified that minor changes are necessary to ensure the BCI Regulation operates effectively, as well as changes in response to stakeholder feedback. The BCI Regulation is to be remade as the Building and Construction Industry (Portable Long Service Leave) Regulation 2024.

During the sunset review, minor amendments were also identified to be made in other portfolio subordinate legislation to update references to other legislation. These minor amendments to subordinate legislation are made in the Industrial Relations (Tribunals) Rules 2011, the Community Services Industry (Portable Long Service Leave) Regulation 2020 and the Contract Cleaning Industry (Portable Long Service Leave) Regulation 2015.

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 Building and Construction Industry (Portable Long Service Leave) Regulation 2024.

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 Building and Construction Industry (Portable Long Service Leave) Regulation 2024.

Conclusion

I consider that the Building and Construction Industry (Portable Long Service Leave) Regulation 2024 is compatible with the *Human Rights Act 2019* because it does not limit human rights.

GRACE GRACE MP
Minister for State Development and Infrastructure
Minister for Industrial Relations and
Minister for Racing

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