

# **Proclamation — Building Industry Fairness (Security of Payment) Act 2017**

Explanatory notes for Subordinate Legislation 2018 No. 219

made under the

*Building Industry Fairness (Security of Payment) Act 2017*

## **General Outline**

### **Short title**

Proclamation commencing certain sections of the *Building Industry Fairness (Security of Payment) Act 2017*.

### **Authorising law**

Section 2 of the *Building Industry Fairness (Security of Payment) Act 2017* (the BIF Act).

### **Policy objectives and the reasons for them**

The BIF Act was assented to on 10 November 2017. The objective of the Proclamation is to commence the following provisions of the BIF Act on 1 January 2019:

- sections 257 to 259
- section 266(1)
- section 267(1)
- sections 268 and 269
- sections 286 and 287
- section 298
- section 304(1)
- section 307(2), to the extent it inserts new definition *minimum financial requirements*.

These sections make consequential changes to the *Queensland Building and Construction Commission Act 1991* (QBCC Act) to reflect the prescribing of the minimum financial requirements for licensing in a regulation, rather than a Queensland Building and Construction Board approved policy.

## **Achievement of policy objectives**

Commencing these sections will support the implementation of changes to the minimum financial requirements for licensing in the building and construction industry.

## **Consistency with policy objectives of authorising law**

The Proclamation is consistent with the objectives of the BIF Act.

## **Inconsistency with policy objectives of other legislation**

There is no inconsistency with the policy objectives of other legislation.

## **Alternative ways of achieving policy objectives**

The policy objectives can only be achieved by making the Proclamation.

## **Benefits and costs of implementation**

The benefit of proclaiming the above sections is that it will introduce a new and stronger minimum financial requirements framework for licensees in the Queensland building and construction industry.

As outlined in the explanatory notes to the *Building Industry Fairness (Security of Payment) Bill 2017*, any costs arising from implementation of the BIF Act will be met from existing resources.

## **Consistency with fundamental legislative principles**

The Proclamation is consistent with fundamental legislative principles.

## **Consultation**

The Queensland Productivity Commission was consulted and advised the proposed proclamation is excluded from regulatory impact analysis as it is of a machinery nature.