

Building Industry Fairness (Security of Payment) Amendment Regulation 2025

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, the Honourable Sam O'Connor MP, Minister for Housing and Public Works and Minister for Youth provide this human rights certificate with respect to the *Building Industry Fairness (Security of Payment) Amendment Regulation 2025* (Amendment Regulation) made under section 201 of the *Building Industry Fairness (Security of Payment) Act 2017* (BIF Act).

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 Department of Housing and Public Works administers the BIF Act, which provides for the prescription of fees and charges, including for adjudication applications.

Adjudication applications fees under the *Building Industry Fairness (Security of Payment) Regulation 2018* (BIF Regulation) are charged based on the amount of the progress payment being claimed. The fees increase incrementally based on certain thresholds of progress payment values. The highest category of fee is a percentage of the progress payment amount, up to a maximum value.

The objective of the Amendment Regulation is to index the progress payment thresholds and percentage in the BIF Regulation by the government indexation rate of 3.4 per cent. This ensures the fees are not eroded over time and remain proportional to the progress payment value.

The automated fee unit conversion approach could not be applied to the progress payment thresholds and percentage, as they are not in themselves a fee. Rather, they enable the appropriate category to be selected for determining the applicable fee. As a result, the thresholds and the percentage are required to be amended annually to reflect government indexation. This is the approach agreed with Queensland Treasury.

Human Rights Issues

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

The Amendment Regulation does not engage any human right protected under the *Human Rights Act 2019*.

Conclusion

I consider that the Amendment Regulation is compatible with the *Human Rights Act 2019* because it does not limit human rights.

SAM O'CONNOR MP
MINISTER FOR HOUSING AND PUBLIC WORKS
AND MINISTER FOR YOUTH

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