

QUEENSLAND BUILDING AND CONSTRUCTION COMMISSION

REPORTING ON THE QUEENSLAND GOVERNMENT'S REGULATOR PERFORMANCE FRAMEWORK 2021-2022



INTRODUCTION

The Queensland Building and Construction Commission (QBCC) is Queensland's building and construction regulator. Our mandate is to independently regulate the building and construction sector, and efficiently manage the Queensland home warranty insurance fund (the Queensland Home Warranty Scheme).

The building and construction sector is continually evolving with new challenges and risks. In line with this, the QBCC will continue to respond to these challenges by adapting operational and strategic approaches to ensure the best outcomes for the industry.

We are an independent statutory body established under the *Queensland Building and Construction Commission Act 1991* (QBCC Act) governed by the Queensland Building and Construction Board (QBC Board). Our responsible Minister is the Honourable Mick de Brenni MP, Minister for Energy, Renewables and Hydrogen and Minister for Public Works and Procurement. The QBCC is responsible for regulating the building and construction industry, while the Department of Energy and Public Works (DEPW) assists the government to develop and progress the government's policy.

Led by a Commissioner, our vision is to be a regulator that 'builds trust and confidence in all we do'. Our overarching strategies contribute to the Queensland Government's Objectives for the Community, with a focus on 'Supporting jobs', 'Building Queensland', and 'Backing small business'.

Refer to QBCC's 2021-2022 Annual Report (<http://www.qbcc.qld.gov.au/about-us/our-corporate-publications/annual-report>) for more information on our performance.

OUR STRATEGIC PLAN

The QBCC 2020-2024 Strategic Plan (revised for 2021-22) (Strategic Plan), lays out four strategic objectives, associated strategies, and the performance measures which we use to determine if we are achieving the objectives.

The Strategic Plan also details the risks that could hinder achievement of our objectives, and the opportunities that could assist us in achieving them. The Strategic Plan makes it clear that our people matter and commits us to always putting the welfare of our people at the forefront of all we do.

In carrying out our work, the QBCC values the following behaviours in our staff:

- professionalism
- integrity
- accountability
- teamwork
- customer focus.

The Strategic Plan can be downloaded at www.qbcc.qld.gov.au/about-us/our-corporate-publications/strategic-plan. The QBCC is currently undertaking a comprehensive review of our Strategic Plan. The new plan will be officially published by 1 July 2023.

REGULATOR PERFORMANCE FRAMEWORK

The Queensland Government has published a Regulator Performance Framework¹, which requires regulators to report annually on the extent to which they are implementing model practices included in the Framework. This document lists evidence of how the QBCC's regulatory practices and activities in 2021-2022 align with the model practices.

QBCC REGULATOR PERFORMANCE FRAMEWORK ASSESSMENT 2021-2022

The following table outlines evidence demonstrating the extent to which the QBCC's regulatory practices align with the regulator model practices, or actions taken in 2021-2022 (or currently being taken) to improve regulator activities and business practices to reflect the regulator model practices.

1. ENSURE REGULATORY ACTIVITY IS PROPORTIONATE TO RISK AND MINIMISES UNNECESSARY BURDEN

	QBCC'S REGULATORY PRACTICES AND ACTIONS
<ul style="list-style-type: none"> • a proportionate approach is applied to compliance activities, engagement and regulatory enforcement actions • regulators do not unnecessarily impose on regulated entities • regulatory approaches are updated and informed by intelligence gathering so that effort is focused towards risk 	<p>The QBCC regulatory approach for the 2021-2022 reporting period featured the following activities:</p> <ul style="list-style-type: none"> • continued focus on unlicensed contracting, advertising, and contract offences, as well as safety matters. This was achieved through a considered approach which combined education and engagement activities to both licensees and property owners (where appropriate) and more robust enforcement actions where necessary. • analysing annual financial information from licensees and targeting audits based on risk; auditing those with the most serious breaches and the most at risk of financial failure. • combining QBCC data with third party data, identifying project home builders most at risk of financial failure and prioritising for appropriate regulatory action. • launching a major public awareness campaign in April 2022, targeting those licensees unaware of their licence obligations and educating home owners on the requirements expected of tradespeople. This focused campaign aimed to: <ul style="list-style-type: none"> » protect home owners, when they undertake building work, by avoiding engaging unlicensed trades people » increase awareness among licensees of their responsibilities » provide awareness among licensees to help them get paid » minimise unlicensed building activity in Queensland.

¹ The Queensland Government Guide to Better Regulation, Queensland Treasury, May 2019, p.27

2. CONSULT AND ENGAGE MEANINGFULLY WITH STAKEHOLDERS

- formal and informal consultation and engagement mechanisms are in place to allow for the full range of stakeholder input and Government decision making circumstances
- engagement is undertaken in ways that helps regulators develop a genuine understanding of the operating environment of regulated entities
- cooperative and collaborative relationships are established with stakeholders, including other regulators, to promote trust and improve the efficiency and effectiveness of the regulatory framework

QBCC'S REGULATORY PRACTICES AND ACTION

The QBCC sought to gain further insights and influence in the sector through numerous channels, stakeholder groups and activities.

Commissioner led engagement:

A Commissioner-led listening tour was kicked off in March 2022. This tour focused on meeting key industry stakeholders and identifying important issues affecting them, allowing the QBCC to identify opportunities to work together to benefit the industry. During the listening tour, the Commissioner met with representatives from a range of organisations including:

- Air Conditioning and Mechanical Contractors Association of Australia
- Construction Skills Queensland (CSQ)
- Housing Industry Association (HIA) of Queensland
- Master Builders Association Queensland (MBAQ)
- Master Electricians Australia
- Master Plumbers Association Queensland (MPAQ)
- National Fire Industry Association
- Plumbing and Pipe Trades Employees Union Queensland
- QBuild, and several local builders.

Stakeholder engagement activities also involved the commencement of CEO roundtable meetings hosted by the QBCC Commissioner in March 2022. These established positive and productive relationships with those impacted by, or regulated under, legislation administered by the QBCC, laying a solid foundation for fruitful, ongoing relationships. Meetings have been held with representatives of Engineers Australia, the Australian Institute of Building Surveyors, and the Service Trades Council (STC). The Commissioner has since scheduled similar, quarterly roundtable meetings as an ongoing activity.

The Commissioner also took opportunities to engage with stakeholders when guest speaker at various industry events, including the National Association of Women in Construction (NAWIC) 'Women on Tools' breakfast; the Australian Institute of Building Surveyors QLD/NT Chapter Conference; and the MBAQ Industry Leaders Lunch.

The Commissioner also instigated inter-governmental engagement activities, meeting with senior representatives of:

- DEPW
- Department of Premier and Cabinet
- Department of Regional NSW
- the Safer Buildings Taskforce (SBT)
- Queensland Chief Entrepreneur
- Professional Standards Councils
- Queensland Audit Office
- Office of Fair Trading
- Queensland Treasury

² Refer to 'Service Trades Council', page 41 of the 2021-2022 QBCC Annual Report

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QBCC'S REGULATORY PRACTICES AND ACTIONS

Service Trades Council²

- the STC is an independent advisory body, advising the Minister, and the Commissioner for the QBCC in relation to the service trades
- the STC provides a voice for the service trades, and to protect the public's health and safety as well as the environment
- it comprises members and deputy members from industry and other Queensland government departments during 2021-2022 The QBCC continued as a member of the STC and the Service Trades Licensing Advisory Panel Committee
- the Council met seven times in 2021-2022 and provided advice to the Minister and the Commissioner in accordance with its functions under the *Plumbing and Drainage Act 2018*.

Stakeholder engagement:

The QBCC has a long history of engaging with a range of stakeholder groups in order to meet key strategic objectives, including industry groups and peak bodies, federal, state and local government departments, other regulatory agencies, media, registered training organisations and other relevant groups that interact with key QBCC segments such as licensees and home owners.

There are a number of formal stakeholder group arrangements in place for the QBCC with specific priorities as follows:

- the QBCC is a member of the Ministerial Construction Council (MCC). They provide a platform for key stakeholders and statutory bodies to discuss matters relating to the building construction industry.
- the QBCC is actively involved in both intragovernmental and industry groups such as the SBT, the Building Recovery Group (BRG) and the Building Regulators Forum (BRF).
- the SBT is a taskforce focused on ensuring the safety of Queensland's building infrastructure is maintained. The QBCC is represented on the SBT whose work is overseen by the Safer Buildings Inter-Departmental Committee.
- the BRG specialises in natural disaster recovery and is chaired by the Director-General of DEPW. A natural disaster can impact the built environment resulting in damage and disruption which subsequently inhibits the capacity of essential services, including housing, accommodation, education and health facilities.
- the BRF allows state building regulators to share intelligence about non-compliant building products and broader industry non-compliance which may have national implications. The QBCC also chairs and provides secretariat support for the BRF Modular Construction Working Group.
- the QBCC is part of the Residential Construction Industry Capacity (RCIC) Working Group. The RCIC Working Group is chaired by the DEPW, MBAQ, HIA and Building Products Industry Council.
- the QBCC constructively engages with the DEPW regarding operational implementation of legislative changes and supporting industry understanding and compliance. Regular meetings to discuss critical issues result in targeted information being communicated to industry on complying with legislative requirements.
- the QBCC has a long-standing partnership in place with NAWIC and continues, for the fourth year running, to be an annual sponsor.
- the QBCC has a number of memorandums of understanding in place with other regulatory agencies to support effective and efficient communication and sharing of agreed information impacting the building and construction industry.

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QBCC'S REGULATORY PRACTICES AND ACTIONS

- the QBCC has established several stakeholder groups to ensure stakeholders are informed and engaged in QBCC's implementation and industry reform programs. The stakeholder group members represent industry and/or government agency stakeholders with an interest in the reforms. Meetings are held as agreed (for example, monthly or bi-monthly) and as needed to align with key phases of reform initiatives. Current and former stakeholder groups include:
 - » Building Industry Fairness and Other Legislation Amendment (BIFOLA) stakeholder group
 - » Fire Protection Licencing reforms stakeholder group
 - » Trust Account Change Agent Network.
- the QBCC also engages regularly with individual key stakeholders to identify opportunities to collaborate on joint educational activities with some of the key initiatives from 2021-2022 outlined below:
 - » four presentations to the Institute of Plumbing Inspectors Queensland industry forums, with topics including compliance and audit activities, notifiable work lodgement forms and defective work.
 - » four NAWIC 'Women on Tools' events and four further NAWIC-organised events, which provided opportunities to advise tradeswomen and apprentices on licensing requirements and promote the QBCC as an employer of choice in the Queensland building and construction industry.
 - » one joint webinar with Timber Queensland and MBAQ discussing post-flood assessment and repair, and dealing with the aftermath of the February 2022 flood event.
 - » one pool safety information session for government and industry association stakeholders
 - » one plumbing and drainage information sessions for local government stakeholders
 - » Two Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships presentations to provide an overview of QBCC's functions including licensing, the Queensland Home Warranty Scheme, compliance and dispute resolution
 - » one MBAQ subcontractor's forum presentation on Security of Payment, monies owed and the early dispute resolution process
 - » one CSQ strategic presentation and discussion on trends in construction in the Townsville region
 - » participated in two Brisbane Home Show events, the Sunshine Mitre 10 Trade Expo and the Ipswich City Council/Queensland Police – Get Ready Community Safety and Crime Prevention Expo.
- the QBCC also held monthly catch ups with our respective counterparts in the MBAQ and the MPAQ. This encourages open communication between industry stakeholders and their members with the QBCC. It also allows QBCC to become aware of issues impacting licensees as they arise and encourages collaborative problem solving between all parties.
- the QBCC has taken a collaborative approach to engaging with industry stakeholders as part of the Trust Account Framework and licensing reforms with formal stakeholder meetings to discuss issues and how QBCC can support stakeholder understanding and compliance with reforms. This has resulted in revised communications to meet industry stakeholder needs and circulation of targeted materials to industry members.

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QBCC'S REGULATORY PRACTICES AND ACTIONS

Industry Engagement:

- with the expansion of Project Trust Accounts requirements from 1 January 2022 to the private sector, local government, government owned corporations and statutory authorities for contracts of \$10 million and above, the QBCC delivered webinars focused on the Trust Account Framework. Topics delivered were:
 - » eligibility and overview of framework
 - » managing a trust
 - » auditing a trust account
 - » small group trustee Q&A sessions. These sessions allowed trustees to meet with trust account experts to discuss any issues or specific compliance questions.
- a sub-committee of the MCC, with significant support from industry, developed a draft Compulsory Continuing Professional Development (CCPD) Framework for consideration by DEPW. This framework aims to fill the gap in continuing professional development for licensees who work in an industry that is constantly changing.
- to test elements of the draft framework, the QBCC delivered a pilot program which featured free online professional development courses from May to November 2021. Topics covered included Minimum Financial Requirements and Annual Financial Reporting, and safety obligations. More than 160 participants from across Queensland, and interstate took part in the courses, with initial training course registrations filling rapidly.
- the QBCC has provided data and insights gathered from the pilot program to the DEPW, to assist with its consideration on whether CCPD is legislated in Queensland.

3. PROVIDE APPROPRIATE INFORMATION AND SUPPORT TO ASSIST COMPLIANCE

- clear and timely guidance and support is accessible to stakeholders and tailored to meet the needs of the target audience
- advice is consistent and, where appropriate, decisions are communicated in a manner that clearly articulates what is required to achieve compliance
- where appropriate, regulatory approaches are tailored to ensure compliance activities do not disproportionately burden particular stakeholders (e.g. small business) or require specialist advice

QBCC'S REGULATORY PRACTICES AND ACTIONS

The QBCC sees education and engagement activities as a key strategy in helping customers understand their responsibilities in complying with the law and encouraging proactive compliance through preventative education. These activities are regularly conducted across Queensland, and some examples in 2021-2022³ include:

- a Statewide Tradie Tour, which included 10 face-to-face events, incorporating two sessions per event:
 - » session one covered the technical topic of concreting and was run in conjunction with Cement Concrete and Aggregates Australia
 - » session two addressed Project Trust Account implementation and addressed:
 - the Project Trust Account framework
 - security of payment reforms.

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QBCC'S REGULATORY PRACTICES AND ACTIONS

- webinar sessions for the compulsory retention trust training, required as part of the Trust Account Framework and BIFOLA reforms, see question 2 for more information on sessions delivered.
- Presentations at MPAQ's industry forums and webinars discussing topics including compliance and audit activities, notifiable work lodgement forms and defective work
- information sessions to third and fourth-year apprentices at a variety of registered training organisations throughout the State
- delivered free online courses to help licensees better understand Minimum Financial Requirements and Annual Financial Reporting to ensure financial compliance and how to easily and quickly register safety incidents with the QBCC and Workplace Health & Safety Queensland
- revised the QBCC's insurance platform to streamline the process of creating, amending and cancelling insurance policies and to improve the overall user experience
- launched a refreshed website in April 2022, realising several important benefits for stakeholders including:
 - » ease of navigation
 - » simplified content so that customers can self-serve more effectively
 - » alignment with the Government's commitment that public-facing, digital services are fit for purpose, customer focused and represent value for money
 - » measurement of on-site user behaviour to better serve the kinds of information stakeholders are seeking, in line with the QBCC's commitment to be an insights-driven regulator.
- developed an intuitive tool on the QBCC website to assist plumbers to better understand when a Form 4/4A registration is required for Notifiable Works
- launched a public education campaign on the new QBCC refreshed website on 6 April 2022 and progressively rolled out in a staged approach across other channels
- this launch included promoting the campaign on the QBCC website home page, creating a campaign landing page housing the 30 second advertisements for both homeowners and licensees, television commercials, organic (unpaid) and paid social media activity, outdoor billboards, video-on-demand and Google search advertising³
- the QBCC delivered webinar sessions of the compulsory retention trust training following changes made from 1 January 2022. This training is required as part of the Trust Account Framework and BIFOLA reforms. A total of 339 trustees (and their employees), adjudicators, accountants and auditors attended.
- developed and delivered pilot programs on topics including a Minimum Financial Requirements and Annual Financial Reporting course, and another course on safety reporting obligations. These served to support the CCPD scheme to uplift the skills of the building and construction industry.
- issued warnings to the public about unlicensed companies and individuals offering services in regulated activities to Queenslanders.

³ Refer to 'Education and engagement', page 24 of the 2021-2022 QBCC Annual Report

4. COMMIT TO CONTINUOUS IMPROVEMENT

- regular review of the approach to regulatory activities, collaboration with stakeholders and other regulators to ensure it is appropriately risk based, leverages technological innovation and remains the best approach to achieving policy outcomes
- to the extent possible, reform of regulatory activities is prioritised on the basis of impact on stakeholders and the community
- staff have the necessary training and support to effectively, efficiently and consistently perform their duties

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 - security of payment reforms.

One of the QBCC's objectives is to deliver regulatory and insurance services that are timely, accurate, fair and transparent⁴. The QBCC is committed to continuous improvement and in 2021-2022 the organisation:

- supported customer research with the goal of improving service delivery to align with the changing needs of customers and to ensure provision of accessible and relevant information and advice to the industry and community
- decommissioned legacy technologies to reduce risk and improve QBCC's transition to digital platforms
- implemented 7 of 11 recommendations in the Queensland Audit Office Report 16 2019-20: Licensing builders and building trades
- implemented CAMMS to the QBCC, an integrated risk, strategy, audit, projects and workplace health & safety management and reporting system, supporting maturity in planning and risk-based decision making across the organisation
- developing data, insight and analytics platforms to support regulatory activity planning and delivery.

The Regulatory and Resolution Committee:

The Regulatory and Resolution Committee⁵ supports the QBC Board by overseeing and advising on the QBCC's licensing regulatory framework and systems by:

- ensuring that the licensing framework continues to meet the needs of the industry and practices in the training industry
- ensuring that the regulatory framework adds value to the building and service trades sectors and continues to protect consumers and industry
- ensuring that appropriate resolution systems are in place to handle disputes fairly and equitably
- ensuring that appropriate mechanisms are in place to educate contractors on their rights and responsibilities
- ensuring that current processes pertaining to dispute resolution, compliance and enforcement deliver effective regulation in response to current legislation.

⁴ Refer to page 26 of the 2021-2022 QBCC Annual Report

⁵ Refer to page 40 of the 2021-2022 QBCC Annual Report for more details on the Regulatory and Resolution Committee structure

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QBCC'S REGULATORY PRACTICES AND ACTIONS

Government's Response to the QBCC Governance Review 2022 – June 2022:

- the QBCC is represented on the Interdepartmental Implementation Steering Committee, established to oversee the implementation of 17 recommendations contained in the Government's Response to the QBCC Governance Review 2022, which was published 29 June 2022.
- while some recommendations will require further executive government and parliamentary consideration, implementation of other recommendations will, by time of publication, already be underway as part of a 90-day action plan.

Staff training and support:

Objective three from the Strategic Plan is to put our people first, and support and value them. The QBCC coordinated/delivered the following development/training to our staff during 2021-2022:

- staff development through performance development plans
- providing staff study assistance through the Study and Assistance Scheme, supporting staff to complete further studies appropriate to their roles
- providing staff with regulatory training:
 - » Statutory Interpretation - Crown Law
 - » Good Decisions, Complaints Management, Practical Ethics - Queensland Ombudsman
 - » Best Practice Regulatory Training - Tactical Communication and Operational Safety.
- providing staff with recruitment and selection training to ensure the right people are successful in obtaining the right jobs within the QBCC:
 - » Selection panel training
 - » How to get that job training.
- developing upcoming leaders with training:
 - » QBCC Emerging Leader Programme
 - » Moving from Team Member to Team Leader
 - » Managing Effectively in a Blended Work Environment
 - » Successful Performance Reviews
 - » Leadership, Culture and Team Development training with Human Synergistics Ltd.
- other training provided to staff:
 - » DiSC communication
 - » The Role of Feedback in Effective Communication
 - » Microsoft Word – Intermediate and Advanced
 - » Microsoft Excel – Beginners and Intermediate
 - » Meeting Skills
 - » Presentation Skills
 - » Plain English Writing for Government
 - » Writing technical Documents in Plain English
 - » Wellness and Resilience in the Workplace
 - » Staying the Distance
 - » Emotional Intelligence.

5. BE TRANSPARENT AND ACCOUNTABLE IN ACTIONS

- where appropriate, regulatory frameworks and timeframes for making regulatory decisions are published to provide certainty to stakeholders
- decisions are provided in a timely manner, clearly articulating expectations and the underlying reasons for decisions
- indicators of regulator performance are publicly available

QBCC'S REGULATORY PRACTICES AND ACTIONS

The QBCC continues to improve its efforts to be transparent and accountable in our actions and to build trust and confidence in all that we do. The planned establishment of the QBCC Academy in 2022-2023 demonstrates our commitment to formalising a learning framework on which our people can continue personal development and professional growth.

Regulator performance indicators:

- following lodgement of an application for adjudication to the QBCC, a decision is made by the Adjudication Registrar as to whether the application is valid, if valid then the application is referred to an Adjudicator within four business days. Applicants are provided with details of the Adjudicator as well as relevant information on the adjudication process.
- following lodgement of a licence application to the QBCC, and where a decision is made by the QBCC to refuse the application, QBCC applicants are provided the reasons for refusal in writing, along with advice on how to have the decision reviewed.
- following lodgement of a complaint about defective work, and where a decision is made by the QBCC on the complaint, QBCC applicants are provided with a response outlining reasons for the decision and the applicant's options to review those internally and/or proceed to the Queensland Civil and Administrative Tribunal for further consideration.
- the QBCC has a Strategic Plan containing performance measures⁶. These performance measures guide the QBCC on their regulatory frameworks, influencing regulatory timeframes.
- the QBCC's 2021-2022 Service Delivery Statement is available on the State budget website⁷. The QBCC service standards specifically relate to the performance of key regulatory activities as listed below. The performance of these service standards is provided in the QBCC Annual Report 2021-2022⁸. The service standards include:
 - » time taken to process licence applications
 - » time taken to finalise dispute cases
 - » customer perception of the fairness of our decisions
 - » the percentage of decisions that were set aside by the Queensland Civil and Administrative Tribunal.
- the QBCC publishes an Annual Report on our external facing website as soon as practicable after tabling in Parliament.

⁶ Refer to our website at <https://www.qbcc.qld.gov.au/resources/corporate-publication/qbcc-strategic-plan-2020-2024>

⁷ www.budget.qld.gov.au

⁸ Refer to page 26 of the 2021-2022 QBCC Annual Report

Need more information?

Visit qbcc.qld.gov.au or call us on 139 333.



Building confidence

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