
Queensland Building and Construction Commission

2017 Compliance and Enforcement Strategy

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Introduction

The Queensland Building and Construction Commission (QBCC) is the State's building and construction regulator and is responsible for regulating its licensees in the performance of building work as defined in the *Queensland Building and Construction Commission Act 1991* (QBCC Act).

This compliance plan sets out short to medium term compliance priorities for the QBCC in terms of regulating the building and construction industry. This is a 'live plan' meaning that the planned priorities are proactive and could alter during the year based on changes to the environment such as legislation reform, a shift in resources or because the QBCC identifies a risk that needs a concentrated focus. It is recognised that the QBCC has finite resources. As such, like most law enforcement agencies, the QBCC cannot act on every complaint received. It will, however, take on cases and act in accordance with its risk management framework and enforcement priorities. Where the QBCC receives information, and the matter presents a low risk, the QBCC may direct its resources on other cases which provide a greater deterrence or are more aligned with enforcement priorities. In these instances, the QBCC may use the intelligence provided in the complaint to inform its future compliance priorities, where intervention is needed and where industry requires further guidance. Where insufficient information is provided, the QBCC cannot act on the matter.

The QBCC's strategic priorities

The QBCC's vision is to be a regulator that builds trust and confidence in all we do. This is the epitome of everything that the QBCC does to achieve peace of mind. The QBCC achieves this through 5 core behaviours:

- 1) Professionalism
- 2) Integrity
- 3) Accountability
- 4) Teamwork
- 5) Customer Service

It is the QBCC's expectations that licensees take responsibility for meeting their lawful obligations under the relevant legislation that exists to protect industry and consumers. The QBCC will undertake compliance activities pre and post licensing to ensure this occurs. The QBCC will also monitor the industry's performance on an ongoing basis to not only understand industry trends, but to ensure the QBCC's compliance activities are regulating industry in the right areas and at the right time.

Objectives of the Compliance Strategy

This strategy provides transparency for industry and the broader community on where the QBCC will focus its efforts to protect the public and industry; give peace of mind; and enhance home owners', industry's and the community's trust in the QBCC.

The QBCC is taking a two-pronged approach under this compliance strategy by targeting licensees, to ensure they are meeting their legislative obligations in terms of ensuring they meet the requirements of the legislation by which the QBCC regulates, and by undertaking regular

unannounced inspections of building sites across Queensland to eradicate unlicensed work. It is important that licensees perform work in accordance with the law to prevent defective work and unnecessary cost, worry and inconvenience both to themselves and the community.

The priorities selected in this strategy have been chosen using a risk-based approach using evidence based data, and intelligence provided by a range of sources, including other regulatory agencies.

Establishing compliance priorities

This compliance strategy sets out the QBCC's compliance priorities for the 2017-18 financial year. This information will help ensure that stakeholders are informed about QBCC's compliance activities which will assist in raising community awareness and encourage voluntary compliance.

The priorities of this strategy will also be used as a baseline measurement to gauge future education, media and compliance activities to gauge the effectiveness of the QBCC's compliance framework. This will ensure that the QBCC gets it right in terms of focusing its resources on areas which identify as the biggest risk to the building and construction industry.

Identifying the most important problems affecting the building and construction industry allows the QBCC to decide what compliance priorities it will focus on. Knowledge about these problems and their associated risks is established by collecting and analysing data from a range of information sources including:

-) Feedback from the community
-) Results from industry monitoring
-) Information from environmental scanning performed by QBCC
-) Trends in non-compliance
-) Information from other sources such as the Queensland Injury Surveillance Unit.

Approach to compliance and regulation

The QBCC's compliance activities focus not only on enforcement alone, but rather encompass a full range of activities and powers to encourage and enforce compliance with the applicable laws.

A core focus for the QBCC as a regulator is to minimise consumer detriment and protect the public's health and safety as well as the reputation of the industry.

Consumer detriment includes that of health and safety matters, direct financial or material loss caused by a licensee or unlicensed person not complying with the law, or costs incurred in seeking a remedy to the loss (for example time or costs lost in the rectification of defective work). It is also important to support licensees in their day to day operations and ensure the integrity of the industry is maintained.

The QBCC will undertake its regulatory responsibilities through a number of mechanisms that advise industry and the community what the QBCC's role is, what it does and what it will not do.

The QBCC recognises the majority of licensees aim to achieve compliance. For these licensees, the QBCC monitors intelligence to confirm this group's lower risk categorisation. This can involve activities such as requesting targeted information about specific issues the QBCC has identified

through its data and intelligence, and which fall out of its proactive compliance activities such as audited programs, and through its internal review processes.

As risk increases in particular areas under the remit of the QBCC, the QBCC will undertake targeted activities to deal with compliance concerns. These activities are more likely to be formalised through carefully planned operations and specific legislated audits. To achieve greater consistency in the way the QBCC addresses specific issues, it may also use a project-based approach which groups and addresses similar risks. The latter type of compliance activities are more prevalent. This includes where building industry quality issues are identified and therefore large audits of buildings and/or building work is required. In such instances, the QBCC may take action with building owners, licensees, and other regulators as required.

Unfortunately, there is a small percentage of licensees and unlicensed individuals and entities who blatantly break the law within the building and construction industry. The QBCC pays particular close attention to this group. The QBCC will assign the necessary resources to ensure that these individuals and entities are not only targeted but appropriately dealt with in accordance with QBCC's compliance and enforcement policy. This may include but is not necessarily limited to prosecution or disciplinary proceedings, licence removal or restriction actions.

To achieve this strategy, the QBCC will focus on:

-) Decision making – our decisions will be based on the law, fairness and public interest
-) Data driven – decisions will be made using data to help us focus on the areas of greatest risk
-) Education – the *Queensland Building and Construction Commission Act 1991* and the *Plumbing and Drainage Act 2002* requires the QBCC to educate the community as well as industry about their rights and requirements – education helps to raise understanding of the role a licensee plays in meeting their licensing obligations
-) Guidance – the QBCC is committed to providing regulatory guidance to assist industry
-) Communication – the QBCC will use media to advise industry and the community about its regulatory activities and outcomes.

This strategy seeks to achieve compliance within the building and construction industry by:

-) Preventing unlawful conduct from continuing
-) Undoing harm caused by the contravening conduct (for example directing a licensee to rectify non-compliant work)
-) Ensuring on-going compliance with the law
-) Deterring future offending conduct.

The QBCC uses a range of initiatives appropriate to different levels of risk to improve decision-making, priority setting and resource allocation which leads to best practice regulator outcomes and maximised benefits for industry. The QBCC's contemporary regulatory model includes dedicated licensing, technical evaluations and advice, audit, probity and compliance functions.

The QBCC uses a number of proactive compliance strategies to regulate the building and construction industry across Queensland. These strategies assist in identifying and addressing systemic issues. These strategies include:

-) Performing unannounced inspections at building sites to ensure regulated work is performed by appropriately trained, qualified and licensed tradespeople
-) Joint operations with other regulators targeting specific risk factors

-) A reinspection program to ensure compliance issues identified during a previous inspection have been satisfactorily addressed
-) A range of different audit programs.

Intelligence-based initiatives

With regional offices and resources located across the State, the QBCC's compliance and enforcement operations occur throughout Queensland. Using intelligence, derived from both qualitative and quantitative data, the QBCC may target particular regional locations to treat systemic issues or a growing pattern of issues encroaching industry.

The QBCC ensures regional and remote areas also receive education, via other outreach programs, as well as compliance visits.

Key compliance priorities

The key compliance priorities included in this strategy have been determined using a range of available data and information as outlined above. The priorities recognise issues important to industry and the community and provide an opportunity for the QBCC to focus its efforts around issues that present the most significant risk.

In 2017, the QBCC will focus on following equally weighted priorities:

- Compliance Priority 1:** Eradicating unlicensed work and ensuring licence currency
- Compliance Priority 2:** Reducing risks associated with fire safety installations not being maintained in accordance with the law
- Compliance Priority 3:** Improving the quality of work performed by licensees
- Compliance Priority 4:** Ensuring appropriate supervision of building work
- Compliance Priority 5:** Ensuring licensees notify the QBCC of Notifiable Work performed in accordance with the law
- Compliance Priority 6:** Licensees maintaining Minimum Financial Requirements
- Compliance Priority 7:** Certifier compliance.