

REGULATORY REPORT

FINANCIAL YEAR TO DATE: JULY — DECEMBER 2024



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INTRODUCTION

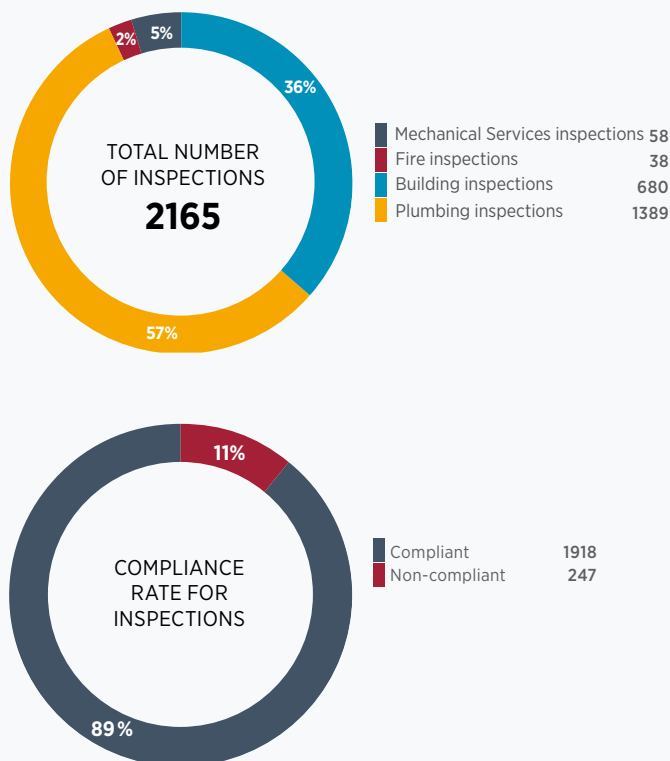
The Queensland Building and Construction Commission (QBCC) is responsible for regulating the building and construction industry—ensuring a safe and compliant built environment. The QBCC supports the building industry in maintaining high standards by undertaking both proactive and reactive activities. The QBCC prioritises its resources to areas that pose the highest risk and may result in the greatest harm to the industry.

This inaugural bi-annual report showcases the regulatory activities undertaken by the QBCC for the six-month period between 1 July 2024 to 31 December 2024. It aligns with our Compliance and Enforcement Strategy 2024-2026 commitment to introduce bi-annual reports that increase awareness of the QBCC's compliance and enforcement activities. This report provides a high-level snapshot of activities undertaken by the QBCC. This report is not an exhaustive list.

PROACTIVE INSPECTIONS AND SITE VISITS

The QBCC undertakes proactive inspections and site visits to identify non-compliance and take appropriate regulatory action. This can range from providing education, issuing warnings, improvement notices and penalty infringement notices, and for more serious breaches, prosecuting offenders. The data provided in this segment shows the number of inspections and site visits undertaken and also provides some insights in relation to the most common issues identified on-site.

The QBCC's Building and Technical Inspectorate conducts proactive building, plumbing and drainage, mechanical, and fire inspections on residential and commercial building sites under construction. It partners with industry stakeholders and other government agencies to undertake targeted inspections throughout Queensland and share information and learnings on issues impacting the building industry. Furthermore, public awareness campaigns are developed and shared through social media platforms, industry events, and public forums. Early intervention through proactive inspections improves the standard of building work, reduces hidden risks, and importantly educates licensees in their own environment.



BUILDING INSPECTIONS

The QBCC undertakes proactive inspections on 'live' residential and commercial building sites under construction. Inspectors educate QBCC licensees on legislative requirements and ensure buildings are code compliant. Random inspections focus on staged building aspects that are deemed high-risk or may compromise building occupant safety, including but not limited to:

- Passive fire requirements in high-rise buildings.
- Roof and wall frame tie-downs (cyclonic and non-cyclonic).
- Fire separating walls in townhouses (light-weight construction and masonry).
- Health and amenity requirements (waterproofing).
- External cladding installation (weatherproofing).
- Structural integrity of buildings and materials in accordance with their intended purpose and as per legislative requirements.

Early intervention through proactive inspections will have the following impact:

- Prevent a significant rectification cost for the QBCC and property owners if defects are identified prior to completion.
- Reduce costs to builders during construction by making subcontractors accountable for poor building practices.
- Target builders or contractors who have a history of defective building work.
- Conduct consistent audits on building sites throughout Queensland to provide a regulatory presence and curb poor industry behaviour.
- On-site education will continue to improve industry awareness and understanding of achieving compliance with relevant codes and standards.
- Ensure non-compliant issues are easily identified during construction, otherwise defects may be concealed or hidden from sight.
- Provide internal business advice and referrals to other QBCC business units for negligent behaviour on live construction sites.

PROACTIVE BUILDING INSPECTION ACTIVITY

Proactive building inspections	680
Compliant sites	560
Sites with compliance issues that were rectified on-site	120
Rectified without an improvement notice	77
Improvement notices issued	43

Compliance rate
upon initial inspection

82%

PLUMBING INSPECTIONS

Plumbing inspections are undertaken by qualified QBCC Senior Plumbing Inspectors focused on regulated plumbing work, which includes but is not limited to installation and separation of water services, sewerage and drainage requirements, hot water systems, and wall frame limitations for services.

Plumbing Inspectors will assess the nature of the regulated plumbing work being investigated to determine if the plumbing work on-site is compliant with the National Construction Code (NCC), relevant Australian standards, and/or manufacturers specifications.

PROACTIVE PLUMBING INSPECTION ACTIVITY

Proactive plumbing inspections	1389
Compliant sites	1236
Sites with compliance issues that were rectified on-site	153

Compliance rate
upon initial inspection

89%

FIRE INSPECTIONS

Fire inspections are undertaken by a qualified QBCC Fire Inspector. These inspections involve education and focus on passive fire related work, which includes but is not limited to fire collars, doors, fire walls, service penetrations through fire walls, emergency lighting and exits, firefighting requirements, etc.

Fire inspectors will ensure passive fire requirements are installed in accordance with the approved construction drawings, fire engineering reports, NCC and relevant Australian standards. Inspectors may also accompany Queensland Fire Safety (QFS) officers to specific occupied buildings to ensure legislative maintenance has been undertaken on fire systems and services.

PROACTIVE FIRE INSPECTION ACTIVITY

Proactive field site visits	38
Compliant sites	27
Sites with compliance issues that were rectified on-site	11

Compliance rate
upon initial inspection

71%

MECHANICAL SERVICES INSPECTIONS

Mechanical service inspections are undertaken by qualified QBCC Mechanical Service Inspectors and focus on mechanical services work, which includes but is not limited to; air-conditioning installation and maintenance, ducted work, drainage and disposal of air contaminants, gas leaks or inadequate installed systems.

Mechanical Inspectors will provide frequent technical advice and inspections on occupied buildings during the QBCC dispute process to ensure air-conditioning systems are compliant with the NCC.

PROACTIVE MECHANICAL SERVICE INSPECTION ACTIVITY

Proactive field site visits	58
Compliant sites	43
Sites with compliance issues that were rectified on-site	15

Compliance rate
upon initial inspection

74%

COMPLIANCE AND ENFORCEMENT—SITE VISITS

The QBCC's Compliance and Enforcement unit regularly completes site inspections to ensure people undertaking building work are appropriately licensed. This also serves as an opportunity to engage with property owners and licensees on a range of issues, including scopes of work and the resources that the QBCC have available to better educate customers.

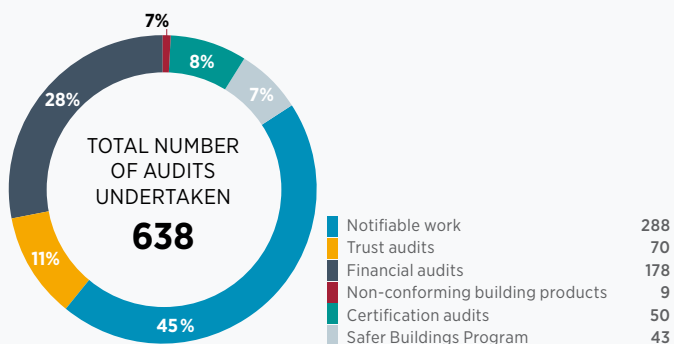
Number of site visits	818
Number of persons audited on-site	2695
Number of confirmed unlicensed contracting offences	8
Number of confirmed contractors engaging unlicensed person offences	5

Compliance rate upon initial inspection

99%

AUDITS

The QBCC undertakes audits for a wide range of activities including notifiable work, trusts, financial and certification. Consistent with the QBCC's Compliance and Enforcement Strategy 2024-2026, these audits are risk-based, with licensees selected for audit based on several criteria including; previous non-compliance, recency of previous audits and receipt of information that suggests a licensee may not be compliant with obligations.



NOTIFIABLE WORK

Plumbing licensees are required to lodge a Form 4 with the QBCC for plumbing work that is considered notifiable work. The QBCC audits licensees each financial year, cross referencing the Form 4s that they have lodged with the invoices they have issued to ensure the QBCC has a record of notifiable works undertaken by that licence holder.

COMPLIANT AND NON-COMPLIANT AUDIT OUTCOMES

AUDITS	TOTAL
Audits undertaken	287
Compliant	184
Non-compliant	49
In progress	55

Compliance rate upon initial inspection

79%

*Does not include withdrawn or cancelled audits. A withdrawn audit is an audit that is initiated but formally discontinued due to valid reasons preventing completion—such as the licensee not contracting, experiencing health issues or facing other legitimate challenges

TOP FIVE CATEGORIES OF NOTIFIABLE WORK LODGED WITH THE QBCC (BY VOLUME)

Category 6:	Installing, replacing or removing a water heater
Category 1:	Extending, altering, replacing or removing water supply pipes
Category 5:	Installing, replacing or removing a temperature control device
Category 3:	Extending, altering, replacing or removing sanitary plumbing
Category 9:	Installing or relocating a fixture in a class 1 or 10 building

REGULATORY ACTION	TOTAL
Non-compliant—considered minor—no further action (NFA)	12
Education provided and referred for re-audit	37

TRUST AUDITS

Certain types of projects require a licence holder to open a Project Trust Account (PTA) and Retention Trust Account (RTA). The QBCC audits trustees of PTAs and RTAs to ensure they are being administered in accordance with legislative obligations.

Companies selected for audit	70
NFA—retention account not required	9
Non-compliant	36
In progress	25
Regulatory action—education	36
Prosecution (in progress)	1

TOP NON-COMPLIANCE ISSUES (RELEVANT LEGISLATION IS *BUILDING INDUSTRY FAIRNESS (SECURITY OF PAYMENTS) ACT 2017*)

1. 52(a)	Trustee failure to keep proper trust records. (This is largely due to the unavailability of software on the market. As a result, the QBCC re-create the ledger from information obtained during the audit to determine whether the trust is being administered in accordance with legislative obligations).
2. 34B (2)	Trustee failure to give Commission notice of retention trust account opening, closing or name change within five business days.
3. 57(1)	Trustee fails to engage auditor for review of trust account.
4. 36A(2)	Trustee unlawfully releases retention amount.
5. 35(2)	Contracted party fails to deposit retention amount in retention trust account within five business days.

FINANCIAL AUDITS

Financial audits are undertaken to ensure that licensees remain financially viable and comply with their Minimum Financial Requirements (MFR). The QBCC may undertake a financial audit of a licence holder where they have serious concerns that the licence holder may not be meeting their MFR obligations. Financial audits require submission of financial documents that comply with specific accounting standards by a qualified accountant and are usually undertaken where a licensee has been identified as high risk of financial failure. Typically, a financial audit is undertaken when a licence holder fails to comply with a request for internal management accounts or where the information that the QBCC has available leads to a reasonable belief of serious non-compliance with the licensee's MFR.

Financial audits undertaken	178
Compliant	91
In progress	59
Non-compliant	28

OF THE 28 AUDITS NOT COMPLIED WITH:

Licences cancelled (non-compliant with audit)	9
Licences cancelled (other reason)	8
Licences cancelled (contractor request)	15
Audits withdrawn (MFR no longer applies)	2

NON-CONFORMING BUILDING PRODUCTS

In August 2017, the Queensland Government passed new laws which placed greater responsibility on everyone in the building product supply chain to ensure that products used on buildings are fit for their intended purpose. The laws hold everyone in the building product supply chain—designers, importers, manufacturers, suppliers, installers, and architects or engineers who specify products for a building—responsible for ensuring that all building products meet relevant standards and are safe. Part of this increased accountability is the requirement for building products to have appropriate information that outlines the purpose they are intended for, and for this information to be supplied throughout the supply chain. The QBCC audits building products to ensure that they are safe, fit for purpose and comply with relevant standards.

Audits opened	9
Audits closed	5
Audits that resulted in a finding*	2
In progress	5

* Numbers in these tables may not add up because of carry over of cases received in the previous period.

CERTIFICATION AUDITS

A building certifier is obligated to ensure that a building complies with all appropriate codes and legislation that might apply in the performance of their functions as a building certifier. All building certifiers are bound by a strict code of conduct and have an obligation to always act in the public interest.

The Certification unit conducts audits of building certifiers across the state to ensure certifiers are meeting their legislative obligations and code of conduct requirements.

Two types of audits exist—assessment audits and technical audits. Assessment audits review certifiers' files and administrative procedures, and technical audits involve on-site inspections of construction projects.

The audits also aim to enhance compliance by identifying trends and providing early intervention and education opportunities.

Completed audits	50
Satisfactory outcome—NFA	15
Not conducted—NFA*	3
Satisfactory with recommendations	31
Audits unsatisfactory conduct with reprimand	1

*Not conducted NFA occurs where the certifier retains a licence in Queensland but is not performing the certification functions in Queensland, or where the certifier has already had multiple sites audited in a financial year.

TOP FIVE ISSUES

1.	Maintain record of competent persons in accordance with section 36 of the Building Regulation 2021.
2.	Ensure all statutory administrative and operational matters are in accordance with prevailing legislation.
3.	Ensure that the Form 18 is provided to the owner within the statutory timeframe under s143(3) of the <i>Building Act 1975</i> .
4.	Ensure the decision notice is properly addressing minimum requirements of the legislation relating to site specific issues.
5.	Under Section 141 of the <i>Queensland Building Act 1975</i> , an engagement of a private certifier must be in writing and clearly state the fees payable by the client to the certifier.

SAFER BUILDINGS PROGRAM

In 2018, Part 4A Combustible Cladding of the Building Regulation 2006, came into effect to help identify privately owned buildings in Queensland that may have combustible cladding. Owners of these buildings were required to register their building and undertake a self-auditing process called the Combustible Cladding Checklist.

Buildings in Queensland that were identified as a Cladding Fire Risk (CFR) through the checklist program that have not undertaken remediation or removal of the affected cladding material, are required to display an 'Affected Private Building Notice' advising the public of the presence of combustible cladding.

If a building owner does not comply after education has been provided, the QBCC may proceed with regulatory action against the owner.

Audits undertaken	45
Compliant	39
Non-compliant	6
Education	1

DEFECTIVE WORK AND INSURANCE CLAIMS

The QBCC receives notifications of disputes between a home owner and a contractor that relate to alleged defective work, non-completion of building work and instances of subsidence. The role of the QBCC is to assess each dispute, determine any fault of either party and where appropriate, direct rectification of building work. In addition, the QBCC also assesses disputes to determine the appropriateness of a claim under the Queensland Home Warranty Scheme.

Each dispute received can have multiple items that the property owner alleges are defective.

Home warranty insurance only applies to residential construction work. This insurance covers the home owner for loss if something goes wrong during the building process up to a maximum of \$200,000. Once a claim is paid out, the QBCC will try to recover the amount paid out to finish or fix the work from the contractor.

Disputes received	2516
Disputes finalised	2774
Items complained about	20300
BREAKDOWN OF ACTION	
NFA*	1810
Referred for building inspection	1478
Disputes finalised prior to inspection	151 disputes rectified prior to inspection
Directions to rectify issued	565 directions to rectify issued
Failure to rectify issued	230 penalty infringement notices issued

* NFA is taken for reasons including insufficient information received, outside jurisdiction, time limit expired, agreement reached over the phone or withdrawn.

TOP FIVE DEFECTS

1	Painting
2	Joinery
3	Roof cladding
4	Floor tiling
5	Internal wet areas waterproofing membranes

QUEENSLAND HOME WARRANTY SCHEME

Number of claims received	829
Number of claims—approved	465
Number of claims in progress	1009
Value of claims approved in the period	\$32.93 million

* Numbers in these tables may not add up because of carry over of cases received in the previous period.

MEDIATION AND CONCILIATION

In October 2023, the QBCC launched the Mediation and Conciliation Pilot which is intended to resolve building disputes quicker through facilitated conversations with an independent mediator/conciliator. Where agreement is reached between the property owner and contractor, the QBCC monitors this to ensure the agreement is satisfied. Where the agreement is not satisfied, the matter is referred back into the formal disputes process. Each dispute received can have multiple items that the property owner alleges are defective.

Cases referred to a conciliator	170
Cases proceeded to a conciliation session	107
» Complaint items	1549
Cases fully resolved	46
» Complaint items resolved	562
Cases partially resolved	15
» Complaint items resolved	403
» Items pending final agreement	67
Cases not resolved	46
» Complaint items not resolved	517

INVESTIGATIONS, ADJUDICATIONS AND PROSECUTIONS

INVESTIGATIONS

As outlined in the Compliance and Enforcement Strategy 2024-2026, the QBCC employs a risk-based approach to regulation and prioritising its actions. This means that although the QBCC will rigorously assess all alleged contraventions, not every matter will be able to be fully investigated. This will depend on the weight of the evidence available, and priority will be given to those matters posing the greatest risk of harm to Queenslanders or the industry.

Once a high-risk area is identified, the QBCC tailors its regulatory response. A range of regulatory tools are used to support compliance including education, engagement, monitoring and enforcement actions. A strong emphasis is placed on prevention. This aims to proactively address potential issues through education and support before they escalate into significant problems, thereby enhancing overall industry compliance and consumer protection.

This means that minor breaches may warrant education or support, while serious or repeat offences could lead to formal enforcement actions such as public warnings, court injunctions, prosecution and licence suspension or cancellation.

COMPLIANCE INVESTIGATIONS

Cases opened	1938
Cases closed	1947
Breakdown of top investigations undertaken	
1.	breaches against licensing legislation <ul style="list-style-type: none"> » unlicensed building work » improper use of a licence
2.	advertising
3.	financial compliance matters
4.	legal requirements for domestic building contracts

REGULATORY ACTION TAKEN

Number of warnings/education	446
Number of Penalty Infringement Notices (PINs)	476
Number of prosecution briefs referred seeking prosecution of offenders	22
Number of disciplinary actions	0

A breakdown of top three offences for PINs being issued

1.	Fail to comply with a direction to rectify or remedy defective building work
2.	Unlicensed building work
3.	Non-compliant domestic building contract

FINANCIAL COMPLIANCE

The Minimum Financial Requirements (MFR) Regulation was introduced in Queensland on 1 January 2019 to reduce financial failure, liquidations and bankruptcy within the building and construction industry and to ensure that people are paid for their work. It is part of the QBCC's remit to build a stronger and fairer industry.

The regulation outlines what MFR must be met to ensure a contractor-type licensee has a strong and financially sustainable business with an appropriate level of working capital. In making this determination, the QBCC considers a contractors allowable annual turnover (Maximum Revenue) as determined by their working capital (Net Tangible Assets) and its Current Ratio (in relation to their debts).

The QBCC requires most contractor-type licensees to demonstrate this financial viability when they apply for a contractor-type licence and through regular reporting of their finances. The QBCC undertakes investigations where concerns are identified that licensees may not be complying with the MFR. One regulatory tool available is to request internal management accounts from licensees that provide more up-to-date financial information. Where deficiencies or non-compliance with MFR is identified, the licensee is given the opportunity to rectify this situation—which is usually by improving their Net Tangible Asset position. This improvement in Net Tangible Assets is recorded by the QBCC as ‘total dollar value injected back into the industry’.

FINANCIAL INVESTIGATIONS

Total requests for internal management accounts	182
Total \$ value injected back into the industry	\$59 million

The Financial Compliance team also investigate monies owed complaints from subcontractors that have not been paid for work performed. Failure to pay a debt when it falls due and payable is a breach of a condition for holding a licence.

MONIES OWED COMPLAINTS

Complaints received	433
Complaints finalised	459
Complaints in dispute (unable to be dealt with and referred to alternative process i.e. adjudication process or QCAT)	120
\$ value of complaints received	\$7,993,688
\$ value of money recovered	\$2,603,092

ACCOUNTANT EXCLUSION

The QBCC has the ability to exclude an accountant for the period of three years if the accountant has, within the previous three years—given information they knew to be false or misleading to a licensed contractor, or to the QBCC, in relation to a licensed contractor’s satisfaction of the MFR; or failed to comply with the MFR in relation to information required to be given to the QBCC; or not complied with a requirement in a previous exclusion notice given to the accountant.

Before a decision is made to exclude an accountant, the QBCC will engage with the accountant to outline any concerns and provide the accountant an opportunity to respond. If the QBCC believes exclusion action is not appropriate, discretion may be applied and a warning will be issued instead, offering a chance for education around the MFR to be provided. During this reporting period, the QBCC has excluded one accountant, which prohibits them from preparing MFR reports for a period of three years.

The QBCC relies on information provided by qualified accountants in relation to a licensee’s financial position, and it is vital that accountants are verifying information provided to them from licensees to ensure the information is true and reliable.

By ensuring the financial information is true and correct, the QBCC can identify risks to the industry and work with licensees to improve the sustainability of the building industry in Queensland. The QBCC has a wide range of educational material available to licensees and accountants on the QBCC website, including guides explaining what the MFR are and how to support businesses in industry. In addition to this, the QBCC hosts regional tours and presents webinars each year, providing the opportunity for stakeholders across Queensland to learn more about the MFR.

ADJUDICATIONS

Adjudication is a dispute resolution process that is a quick, cost-effective mechanism to have disputes about payment claims, particularly progress payments in construction contracts, decided by independent adjudicators.

Adjudication decisions can be enforced by the courts, and the process is intended to maintain cash flow within the building and construction industry.

ADJUDICATION APPLICATIONS

Valid applications received	150
Applications referred to adjudicators	141
\$ value of adjudicators referred	\$322,404,971
\$ value of finalised adjudications in applicants favour	\$33,323,778.50

PROSECUTIONS

As outlined earlier in this document, the Compliance and Enforcement Strategy 2024-2026 outlines a number of regulatory tools that the QBCC can utilise to achieve compliance. They range from providing education and issuing warnings for lower risk non-compliance up to commencing prosecution action for the more serious, higher risk offences. The below details relate to prosecution action by the QBCC during the reporting period:

Prosecution matters commenced	41
Prosecution matters in progress (total number as of 31 December 2024)	44
Prosecutions against corporate and individual entities finalised	15
» Prosecutions discontinued based on case conferencing with the defendant's lawyer	2
Prosecutions brought against a corporate entity and the executive officer in their personal capacity and in their capacity as an executive officer (the corporate entity pleaded guilty to the charges and the two prosecutions against the individual were discontinued by agreement)	3
» Defendants sentenced by way of guilty pleas or ex parte sentences (in the absence of the defendant)	13
Charges made against the 13 defendants sentenced (under the <i>Queensland Building and Construction Commission Act 1991</i>)	31
» s42 offences (unlawful carrying out of building work)	11
» s50D offences (person must not pretend to be a licensee)	1
» s51 offences (improper use of a licence card, certificate, number of PIN)	1
» s53C offences (advertising by an unlicensed person)	2
» s68B offences (when insurance premium is payable by licensed contractor)	4
» s73 offences (failure to comply with direction to rectify or remedy)	4
» s33, sch 1B offences (deposits)	4
» s30, sch 1B offences (contracted services must not start before regulated contract complies with requirements)	4
Total of fines imposed for the 31 charges	\$137,503.00
Total of any restitution/compensation/costs awarded	\$23,842.94
» Costs	\$22,377.70
» Compensation and restitution	\$1,465.24

LICENSING

Core functions of the Licensing Services branch are to:

- assess and then either grant or refuse applications for licences
- renew existing licences when they become due
- provide advice on scope of works under different licence classes
- maintain three publicly accessible licensee registers under different legislation
- update the register details for each licensee as their respective circumstances change.

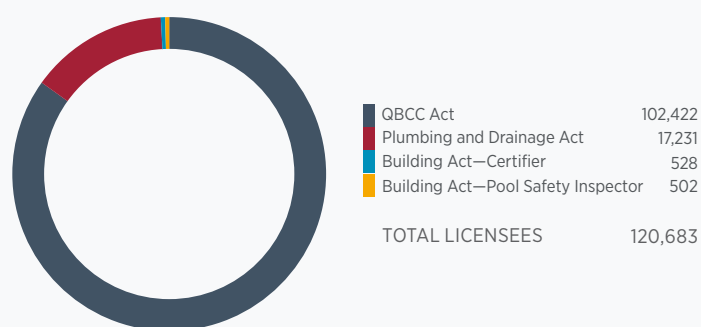
The Licensing Services branch also provides guidance and training to staff based in regional offices who perform licensing work as part of their duties. As at December 2024, there were over 120,000 QBCC administered licensees as indicated to the right.

Each year the QBCC receives thousands of applications for the various licence types and classes as indicated.

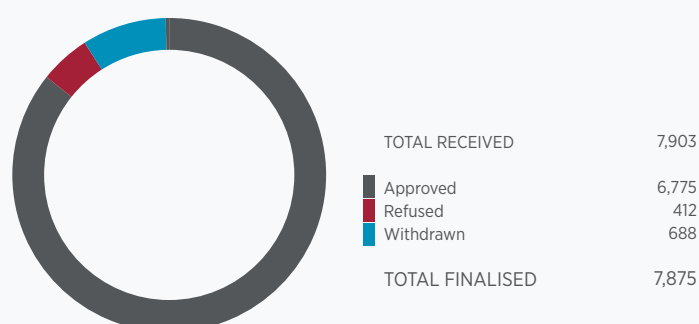
Licensing Services also takes actions against licences such as imposing conditions and suspending or cancelling a licence. Suspension and cancellation actions may be taken for a number of reasons which are outlined in the tables featured.

SUSPENSION REASON TYPE	SUM OF FYTD 25
Annual licence fee not paid	4932
Breach of licence condition	6
Breach of MFR	19
Failure to comply with an audit	25
Failure to pay debts	29
Immediate suspension	1
No current nominee	84
Undischarged debt to the QBCC	2
GRAND TOTAL	5098

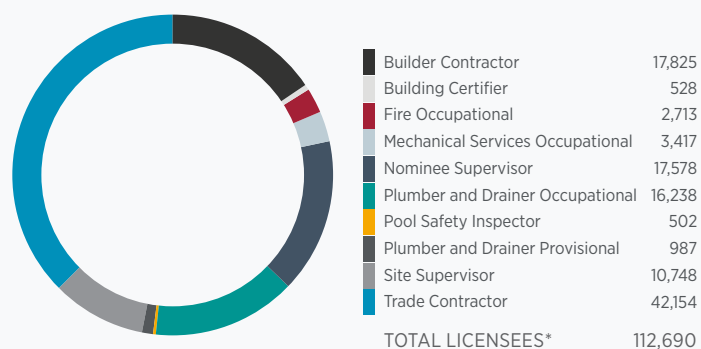
ACTIVE LICENSEES BY LEGISLATION



FINANCIAL YEAR 2025—APPLICATIONS YEAR TO DATE

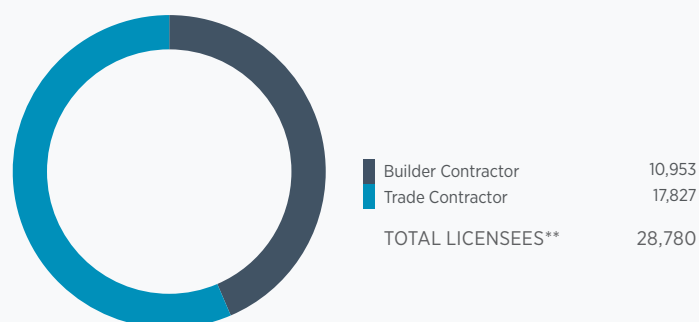


BREAKDOWN OF INDIVIDUAL LICENCE TYPE



* Due to individual licensees potentially holding more than one type of licence, individual row totals do not add up to the grand total which is a distinct count.

BREAKDOWN OF COMPANY LICENCE TYPE



** Due to companies potentially holding more than one type of licence, individual row totals do not add up to the grand total which is a distinct count.

CANCELLATION REASON TYPE	SUM OF FYTD 25
Annual licence fee not paid	2049
Breach of licence condition	4
Breach of MFR	9
Contractor request	654
Convicted of indictable offence	1
Deceased	43
Disqualified individual	2
Excluded	109
Failure to pay debts	10
Failure to comply with an audit	10
No current nominee	37
Not fit and proper to hold a licence	4
Undischarged debt to the QBCC	1
GRAND TOTAL	2933

REGULATORY INTELLIGENCE

The QBCC is advancing its intelligence-led approach to compliance and enforcement by addressing the complexities of regulating the building and construction industry in Queensland. By leveraging established information sources, high-risk participants and activities can be identified to inform targeted, risk-based regulatory activities.

The QBCC's regulatory intelligence capability is a key component of the Regulatory Reform and Insights branch, established in early 2024 to enhance regulatory insights in the building and construction industry. The Regulatory Intelligence and Insights unit can leverage analytics and information to inform proactive, risk-based compliance and enforcement, to improve the QBCC compliance and enforcement activities and outcomes, industry standards and consumer protection.

By harnessing information to produce actionable intelligence, the QBCC is now better positioned to identify individuals and/or activities which pose potential risks and harms.

Need more information?

Visit qbcc.qld.gov.au, call us on **139 333**
or write to **GPO Box 5099, Brisbane Qld 4001**

