

QBCC Governance Review – 90-day Action Plan Report

as at 27 September 2022



On 29 June 2022, the Queensland Government (the government) released its response to the Queensland Building and Construction Commission (QBCC) Governance Review 2022 Report (Review Report). In reply to the recommendations and findings of the Review Report, the government developed a robust 90-day action plan (action plan) with a firm focus on implementation. The action plan forms a strong foundation for the next three years of implementation, including the 25 actions and 39 supporting deliverables.

The government established an Implementation Steering Committee (steering committee), chaired by the Director-General, Department of Energy and Public Works and comprising senior executives from across government and the QBCC. Working together, this steering committee has overseen the delivery of the action plan within the 90-day period. The steering committee is pleased to provide this 90-day action plan report card, which outlines the achievements in delivering the action plan. The steering committee will continue to work collaboratively to oversee delivery of the three-year implementation plan and will report regularly on progress.

Report action	90-day deliverables	Achievements	90-day deliverables finalised	Further work over three-year implementation period
Recommendation 1 - Refocus the Queensland Building and Construction Commission's (QBCC's) regulatory role to licensing and compliance of the industry.				
Action 1.3 - Transfer responsibility for prescribing technical qualification requirements across all QBCC licensees to the Department of Energy and Public Works (EPW) to clarify and distinguish the policy and regulatory responsibilities.	1.3.1 Identify potential legislative amendments. 1.3.2 Analyse resourcing implications. 1.3.3 Commence consultation process.	All three deliverables in the 90-day action plan have been completed. The Executive Government process, which is required to fully implement this action item, has been included in the three-year implementation plan. The proposed legislative changes are not expected to impact industry or the current licensing processes.	✓	✓
Action 1.4 - Establish a committee comprising the training ombudsman and representatives from EPW, QBCC, Construction Skills Queensland (CSQ), Department of Employment, Small Business and Training (DESBT), industry representatives and other experts as required.	1.4.1 Establish the implementation group in consultation with relevant agencies and organisations. 1.4.2 Finalise the scope of the roles and responsibilities of the implementation group.	A Training Advisory Committee has been established and Terms of Reference finalised. This action is fully implemented.	✓	DELIVERED
Action 1.5 - Refer comments about the Queensland Home Warranty Scheme (QHWS), which are out of scope for this review, to the QHWS review team.	1.5.1 The QHWS review team has been provided all comments received during the review about the QHWS.	This action is fully implemented.	✓	DELIVERED
Recommendation 3 – Reduce the size of the Queensland Building and Construction (QBC) Board and realign measures to demonstrate alignment with continuous improvement practices.				
Action 3.1 - In accordance with best-practice, right-size the QBC Board to seven persons, including the Chair. Action 3.2 - The composition of the reformed board must have an appropriate mix of relevant skills and experience.	3.1.1 Commence Executive Government process by seeking nominations for seven QBC Board positions.	An expression of interest (EOI) was advertised seeking nominations for consideration to appointment to the QBC Board. This EOI outlined the required qualifications and expertise.	✓	✓



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Action 3.3 - Apply the principles of gender equality, diversity and inclusiveness in selecting members of the QBC Board.	<p>3.2.1 Consider relevant skills and experience as part of the executive government appointment process for the QBC Board.</p> <p>3.3.1 Consider gender equality, diversity, and inclusiveness as part of the significant appointment process.</p>	<p>The recruitment panel considered these qualifications and expertise, along with applicant's skills and experience when assessing the suitability of nominees.</p> <p>The EOI actively promoted diversity, gender equality and inclusiveness of interested nominees.</p> <p>The Executive Government process, which is required to fully implement this action item, has been included in the three-year implementation plan.</p>		
Action 3.4 - Establish an industry advisory body to allow the QBC Board to effectively engage with the sector.	<p>3.4.1 Develop scope of the roles and responsibilities of the advisory body.</p> <p>3.4.2 Identify and consult about membership.</p> <p>3.4.3 Establish the advisory body.</p>	<p>A Terms of Reference outlining the roles and responsibilities of the advisory body has been developed.</p> <p>A membership consultation plan was developed and consultation with industry bodies, QBCC, EPW and the Implementation Steering Committee completed.</p> <p>The membership process for the advisory body has commenced with key stakeholders. The function of the advisory body has been established through an EOI.</p> <p>This action is implemented, noting details of nominees are being finalised.</p>	✓	DELIVERED
Recommendation 4 - Realign structure and recognise specialist skills.				
Action 4.1 - Undertake a structural realignment within the QBCC that supports an outcomes-focused regulator.	4.1.1 Develop and consult on a structural realignment strategy.	<p>A structural realignment strategy and consultation approach has been developed. Consultation on a structural realignment has commenced including with QBC Board, QBCC Senior Leadership and EPW.</p> <p>The strategy has been communicated to QBCC staff.</p> <p>Resources have been engaged to support further consultation and strategy implementation, as part of the three-year implementation plan.</p>	✓	✓
Action 4.2 Recognise and promote specialist career pathways and attract specialist skills and expertise.	<p>4.2.1 Identify specialist skills required to deliver functions.</p> <p>4.2.2 Commence process to identify if any skill gaps exist.</p> <p>4.2.3 Develop strategies to address.</p>	<p>Specialist skills required to deliver the QBCC's functions have been identified using primary and secondary data sources.</p> <p>A process to identify if any skill gaps exist has commenced, with initial internal consultation undertaken.</p> <p>Strategies to address identified skills gaps have been identified, and include areas of workforce planning, career development and learning, capability framework, job design and structure, analysis of training needs and attraction.</p> <p>Implementation of a specialist skills roadmap is required to fully implement this action item. This has been included in the three-year implementation plan.</p>	✓	✓

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Recommendation 5 - Enhance the QBCC's reputation based on consistency, transparency, fair and impartial decision-making.				
Action 5.3 - Improve the customer experience through responsive and timely investigation, accurate advice and managing expectations through guidance and communication material.	5.3.1 Undertake customer journey mapping. 5.3.2 Prepare a baseline analysis.	Customer journey maps have been developed for key customer journeys for dispute and investigative processes. Customer journey mapping will continue. A baseline analysis has been completed, covering timeframes for addressing customer complaints relating to disputes and investigations. Research was conducted in September 2021 to understand stakeholders, licensees and homeowners providing customer experience benchmarks. Further work is underway to capture additional customer experience benchmarks. Deliverables to manage expectations around building disputes and to provide greater transparency for building dispute timeframes which is required to fully implement this action item, has been included in the three-year implementation plan.	✓	✓
Action 5.4 - Establish a precedent register to improve consistency of disciplinary action, including fines and education requirements.	5.4.1 Develop and establish a precedent register.	A precedent register to improve consistency of disciplinary action has been established. A process for updating and using the precedent register has been incorporated into operational procedures and communicated to teams undertaking compliance activities. This action is fully implemented, with the use of the register forming part of the business-as-usual activities.	✓	DELIVERED
Action 5.5 - Actively report on the outcomes of QBCC decisions.	5.5.1 Develop protocols for reporting of decisions. 5.5.2 Adopt practices to implement legislative reform passed through the parliament.	Protocols for reporting of decisions have been developed. With S106V of the QBCC Act introduced mid-2022, a new policy for reporting the outcome of a complaint was developed and is being implemented by operational units. This action is fully implemented, and the protocol will be subject to regular review for currency and to address emerging issues.	✓	DELIVERED
Action 5.6 - Implement streamlined processes across regulatory agencies to reduce duplication in reporting and supports a customer focus. For example, reporting of health and safety risks.	5.6.1 Consult with other regulatory agencies to identify options to enhance industry and consumer reporting arrangements. For example, work health and safety risk reporting on construction sites.	Consultation between QBCC and Workcover and the Office of Industrial Relations has been undertaken to discuss options to enhance reporting on safety incidents and will continue. Implementation of streamlined reporting and investigation of opportunities with other regulatory agencies which is required to fully implement this action item, has been included in the three-year implementation plan.	✓	✓
Action 5.7 - The Transport and Resources Committee support the amendments in the Building and Other Legislation Amendment (BOLA) Bill to improve consumer rights to information.	5.7.1 The Transport and Resource Committee considered the BOLA Bill in its Report No. 18, May 2022 and recommended the Bill be passed.	This action is fully implemented.	✓	DELIVERED

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Recommendation 6 - Enhance the transparency and accountability of the conflicts of interest framework.				
Action 6.1 - Establish a public-facing conflict of interest register for the QBC Board.	<p>6.1.1 Develop protocols for the public register, noting that sensitive, private information should not be publicly disclosed.</p> <p>6.1.2 Establish and publish a public facing conflict of interest register.</p>	<p>Protocols for the public-facing conflict of interest register for the QBC Board have been developed and are available on the QBCC's website.</p> <p>The register will be a live document and will be regularly updated to reflect changes in declared conflicts as allowed.</p> <p>The publication of the QBC Board conflicts of interest is embedded into the QBCC policies and procedures.</p>	✓	DELIVERED
Action 6.2 - Promote and monitor the disclosure of all forms of conflicts of interest including unreasonable and unacceptable forms of private interest for individuals in decision-making.	6.2.1 Conduct training regarding the QBCC conflicts of interest policy	<p>Training sessions on QBCC's conflicts of interest policy have been held in-person and online with QBCC employees and will continue.</p> <p>This training has been embedded into the QBCC's ongoing training requirements.</p> <p>This action is fully implemented and is considered to be a business-as-usual activity.</p>	✓	DELIVERED
Recommendation 7 - Invest in an integrated information management system that is contemporary, fit-for-purpose and aligns with the organisation's functions.				
Action 7.2 - Recruit business transformation skills and expertise to improve the likelihood of success of organisational change.	7.2.1 Recruit resources with transformational skills.	<p>Contractor resources with transformational skills and to incorporate transformational change management expertise into the organisation have been procured to supplement existing expertise.</p> <p>The 90-day deliverables have been completed, with the need to embed these skills into the organisation through ongoing recruitment activities.</p> <p>This action is fully delivered, with the recruitment of the skills forming part of business-as-usual activities.</p>	✓	DELIVERED
Recommendation 8 - Ensure strategic planning reflects government's expectations of the regulator and supports continuous improvement from the industry.				
Action 8.4 - Update the service charter to include an education program about the roles, responsibilities, and functions of the QBCC.	8.4.1 Amend the QBCC's service charter (now 'Our commitment to you') to incorporate information about the roles, responsibilities, and functions of the QBCC.	<p>The QBCC's service charter has been updated to incorporate information about the roles, responsibilities, and functions of the QBCC. The updated service charter has been published to the QBCC's website at www.qbcc.qld.gov.au.</p> <p>This action is fully implemented.</p>	✓	DELIVERED

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Recommendation 9 - Foster a culture of continuous improvement, respectful engagement and effective reporting.				
Action 9.4 - Communicate and report on the organisation's priorities, ongoing work commitments and emerging issues impacting service delivery, to encourage a collaborative approach to resolving matters and effectively managing resources.	9.4.1 Establish clear channels of communication between QBCC leadership, management, and staff.	A suite of communication and reporting tools have been developed and are now in use for staff awareness and information. Multiple, regular Commissioner-led activities have been organised and an employee town hall event has been held. Further work will be undertaken as business as usual to streamline mechanisms and continue to target information toward staff needs. This action is fully implemented and becomes a part of the organisation's business as usual activities.	✓	DELIVERED
Action 9.5 - Empower staff to perform their roles and responsibilities with the support of appropriate training.	9.5.1 Consult within the QBCC to determine scope of the action required. 9.5.2 Develop a framework for training protocols and programs. 9.5.3 Develop a strategy to implement a feedback mechanism to evaluate effectiveness of programs.	Consultation within the QBCC to determine scope of the action required has been completed. A framework for training protocols and programs has been drafted. This will continue to be reviewed to support a practical and appropriate training framework being applied at QBCC. An assessment was undertaken to review the current training feedback mechanisms and enhancements to these mechanisms were identified. These will be implemented, along with other elements to evaluate the effectiveness of training programs as a part of the three-year implementation plan.	✓	✓
Recommendation 11 - Implement a comprehensive and public compliance and enforcement strategy.				
Action 11.1 - Establish a rigorous and ongoing auditing process to strengthen compliance with regulatory actions taken by the QBCC.	11.1.1 Publish the results of compliance and enforcement activities undertaken during the 2021-2022 financial year. 11.1.2 Develop a six-month interim compliance and enforcement strategy for the period of 1 July 2022–31 December 2022.	An End of Year Compliance Report 2021-22 was published on the QBCC's website. A Compliance Strategy for the period of 1 July 2022–30 June 2023 was published on the QBCC's website. Development of annual compliance strategies incorporating auditing, which is required to fully implement this action item, forms part of the three-year implementation plan.	✓	✓
Recommendation 13 - Embed cooperative and collaborative relationships with stakeholders that promote trust, improve customer service which leads to a better understanding of the operating environment.				
Action 13.5 – Establish protocols between the QBCC and EPW regarding the respective roles and responsibilities in policy development.	13.5.1 Consultation to determine the best approach to the development to establishing protocols as recommended.	A protocol has been established between the QBCC and EPW. This action is fully implemented, noting the protocol will be reviewed annually for currency and to address emerging issues.	✓	DELIVERED

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Action 13.6 - The government develop a statement of expectations or similar which provides clear guidance to QBCC on the strategic priorities, emerging risks, engagement philosophy, performance and conduct. Consideration should also be given to the incorporation of the statement of expectations into QBCC's existing business planning processes and these processes should include milestones for reporting on progress.	13.6.1 Develop statement of expectations.	The Minister's Statement of Expectations has been sent to the QBCC and will be published within 10 days of receipt. This action is fully implemented.	✓	DELIVERED
Recommendation 15 - Support the independent review of the role of developers within the Queensland building and construction industry.				
Action 15.1 - Inform the independent review panel of the findings of this review, the unique identity of developers and liaise as appropriate with the proposed review implementation working group.	15.1.1 The independent Developer Review panel has been informed of the findings of the QBCC Governance Review.	This action is fully implemented.	✓	DELIVERED
Recommendation 17 - Establish an implementation group to monitor and report on the progress of the QBCC Review recommendations.				
Action 17.1 - Establish a steering committee comprising the Director-General of EPW (Chair), a QBC Board member, the QBCC Commissioner and representatives from the Department of Premier and Cabinet, Queensland Treasury and any other person or agency deemed necessary by the Chair, to oversee implementation of the recommendations.	17.1.1 The implementation committee has been established. 17.1.2 Develop three-year implementation plan.	The implementation committee met five times during the 90-day period. The three-year implementation plan has been developed and subject to executive government processes.	✓	DELIVERED