



STATE DEVELOPMENT, INFRASTRUCTURE AND WORKS COMMITTEE

Mr JJ McDonald MP—Chair
Ms JM Bush MP
Mr TA James MP
Mr D Kempton MP
Mr SR King MP
Mr CG Whiting MP

Staff present:

Ms S Galbraith—Committee Secretary
Ms R Duncan—Assistant Committee Secretary

PUBLIC BRIEFING—INQUIRY INTO THE QUEENSLAND BUILDING AND CONSTRUCTION COMMISSION AND OTHER LEGISLATION AMENDMENT BILL 2025

TRANSCRIPT OF PROCEEDINGS

Thursday, 24 July 2025

Brisbane

THURSDAY, 24 JULY 2025

The committee met at 10.39 am.

ATKINS, Mr Graham, Deputy Director-General, Public Works, Department of Housing and Public Works

BARRON, Ms Ainslie, Assistant Director-General, Building Policy, Public Works, Department of Housing and Public Works

FOX, Ms Andrea, Executive Director, Policy and Workplace Services, Office of Industrial Relations, Department of State Development, Infrastructure and Planning

LAMBRINOS, Mr Angelo, Chief Executive Officer and Commissioner, Queensland Building and Construction Commission

SUTHERLAND, Ms Johanna, Executive Director, Specialised Health and Safety Services, Office of Industrial Relations, Department of State Development, Infrastructure and Planning

CHAIR: Good morning and welcome. Before I turn to questions from the committee, would you like to respond to any of the points made by our hearing witnesses and submitters to the inquiry?

Ms Barron: As you know, the department has considered the submissions that have been provided and has provided the committee with the letter from the director-general. I note that overall the submissions supported the amendments proposed in the bill and consistent with the discussions that happened earlier today, there were a number of clarifications that were sought. There is a strong interest, as you can hear, in the ability to retain a physical licence. The bill does not propose to restrict that at all, as you would be aware. It really just means that the way that the licence is issued is technology neutral or physical card neutral. There was probably a point there around making sure that in our implementation messaging it is very clear that you can have both and there are, in fact, circumstances where it may be appropriate for you to have both a physical licence and a digital licence. I think there was a question as well during the session earlier around the photograph. Essentially, the QBCC is adopting for the digital licence element TMR's requirements around the photograph, so that is a relatively seamless process.

There were a couple of submissions, particularly from Landscape Queensland and the Civil Contractors Federation which sought to ensure that the bill's implementation and communication will be clear and it be clear there were not any additional requirements being proposed. That is obviously something that we seek to do and we will ensure that our communication is clear if the bill is supported by the parliament. In terms of what that is proposed to be, the communication would include obviously that the digital licence would be optional and that the QBCC licensees will be able to choose how they engage with the QBCC as well, because you will recall this is not just about the digital licence; it is actually about the QBCC's ability to engage electronically with their licensees and vice versa.

I note that at the first briefing the committee was interested in the memorandum of understanding that exists between the QBCC and OIR. As you know, that MOU is publicly available and has been provided to the committee. Given the committee's interest in this the last time we appeared, we thought it might be appropriate to touch on that also. An MOU has been in place since December 2013. The current MOU was executed in February 2021. It includes information-sharing arrangements between the agencies including the disclosure of certain information such as incident notifications, infringements, improvement and prohibition notices, electrical safety notices and the confidentiality of information. It includes the details to be disclosed and the specific timeframes for the sharing of information between agencies, which was also a matter that was discussed at the previous hearing. The MOU formalises an ongoing commitment from OIR and the QBCC to build and maintain a relationship that supports safety in the building industry through collaboration and that supports improvements in processes, investigation outcomes and information sharing.

OIR and the QBCC will be reviewing the MOU over the coming months to ensure it is contemporary, it reflects current information-sharing arrangements including the automated process which is established by the Office of Industrial Relations, which commenced back in November last year, and that is subject to the passage of the bill. OIR will also be reviewing reporting in the first quarter of 2026 to identify any potential opportunities for improvement and ensure this is continuing to operate effectively.

A number of the submissions raised matters that are outside the scope of the bill as well. Turning to the matters that were raised today, in my view Mr Garrels made three key points in his submission to the committee: the importance of the statutory obligation remaining; the requirement for the QBCC to investigate and take action should not, in his view, be touched; and a very strong interest in a legislative requirement rather than this being established through a memorandum of understanding.

In my opening statement to the committee, I flagged that three key changes were made in 2017. They were around reporting to the QBCC, the ability for the QBCC to take action against licensees for the most serious of the safety related offences as well as information-sharing and confidentiality provisions. I point specifically to sections 28A and B, which are the requirements around information sharing as well. In the department's view, the bill does not touch the core elements of what was introduced in 2017. It provides for a single entry point to a single regulator and the requirement to report to the entity remains. The reference in the bill is the 'relevant entity'. That is then enabled by the change to OIR's form to provide that the licensee advises that they are a QBCC licensee and that information is then shared.

I thought it also important that we provide a little bit of advice to the committee about the action that the QBCC has taken to date in relation to safety notifications. I would like to pass to the commissioner for that.

Mr Lambrinos: Over the past five years, we have been notified of over 1,100 incidents—just to talk in orders of magnitude—to which we responded with disciplinary action, including reprimands and conditions as well as actions on updates to safe systems of work, to over 900 of those notified incidents. We have sought a show cause notification on 26 of those, which has resulted in five cancellations over that period. From that perspective, the notifications have been coming through the dual process, as well as, as the assistant director-general notified, through the information sharing that exists between the two agencies. From our perspective, the operational effectiveness of that information sharing has resulted in the disciplinary actions, the show causes and the cancellations that have resulted over that five-year period.

Ms Barron: In relation to the briefing from Fire Protection Association Australia, they raised two key issues in that discussion, one of which was really related to what they addressed in their written submission. They also spoke a little bit about the reporting process for fire safety notifications. I would like to clarify for the committee that, while obviously this is a safety notification related matter, it is set up under the Building Fire Safety Regulation, which is co-administered by the Minister for Public Works and the Minister for Fire. This is a separate process that is usually identified during inspections, so essentially routine maintenance requirements. Those inspections are mandatory. The Australian Standard is called up for that. This is a requirement that attaches to the building owner, in this instance. A building owner must be notified of the defect, including a description of the defect, the risk and the rectification recommendations. If the matter is a critical defect, which is a defined term, it needs to be reported to the Queensland Fire Department and they may then conduct an inspection and then the building owner is responsible. It is a separate process that is picked up generally during maintenance matters.

In terms of working through the remainder of the evidence provided, the Civil Contractors Federation Queensland talked a little about a pro-reporting culture and a single point of contact being of benefit. We thought it might be useful for the committee to hear from the OIR in terms of their use of data, the sharing of trend analysis that they do and the proactive and reactive compliance.

Ms Fox: I am from the Office of Industrial Relations, specifically from Workplace Health and Safety Queensland section of the office. I understand people's anxiety about if data is collected are we using it effectively to change something on the ground. I do want to provide reassurance that that is the case by Workplace Health and Safety Queensland.

Obviously, data collected from the incident notification goes into a triaging process, which my colleague can expand on, for a reactive response to the incident that is being notified of. We also use the data for a number of proactive measures. We do publish fatality data and the like so that the public can see which industries we have identified clearly through the data as the high-risk industries. The

data is among a bunch of datasets that we use to inform our whole Workplace Health and Safety Queensland priority plan. It goes in with other data to identify where we should be giving proactive attention for awareness education, but also compliance and enforcement measures over the next three years. It is specifically used by the compliance area as well to build a forward program of compliance campaigns. My colleague there uses that data to identify not just the high-risk industries but also the particular hazard areas. They then design a calendar of campaigns that actively go out and proactively address those in the particular industries and the hazards. She publishes a report on the outcomes of those so that each sector is informed of what we found in their area and what we are concerned about.

We also have quarterly meetings. I know that Transport was mentioned today. The compliance area also meets quarterly with Transport to talk about trends in our data and to notify them of what we are seeing as well. We obviously have regular meetings with the QBCC on data and information around it. My colleague might expand briefly on some elements.

Ms Sutherland: The triaging process is essentially where we receive the notifications that come in. Should this go forward, we will see an increase in the number of notifications that will come in. Currently, our requirements only encompass persons conducting a business or undertaking. These changes would mean that people who were not PCBUS would also need to notify the OIR. When we receive those notifications, they are subject to review by officers who assess the risk in those particular matters individually and decide on a number of actions that the regulator would take. The regulator may take no action if the matter is out of our jurisdiction or there is insufficient information to justify us taking action. We may take an administrative approach to it that would involve us engaging with the PCBU, talking to them about the incident or the risks that have been raised with us and ensuring that they have processes and systems in place to adequately protect against the outcomes that would be negative for workers. If the risk is high, we would send that out and an inspector would attend that event and take action as they saw fit, depending on what they found when they attended the site. That would be a range of statutory notices and other things, including more ongoing investigation. All of the matters that will come in will be subject to that level of review by those officers.

Ms Barron: You would have heard, as did we, that both the Master Plumbers' Association of Queensland and the Strata Community Association, in their evidence here, supported the bill in the way that they did in their written submissions. The Strata Community Association obviously raised a number of matters that are outside of the bill. As was noted during some of the commentary, this bill is what we are calling tranche 3 of the government's Building Reg Reno reforms, which suggests that there is a further tranche to come. That is publicly available information. We will all be interested in the interim report from the Queensland Productivity Commission as well, which is due this month. No doubt there will be matters of legislative interest raised in that. That is really all I intended to say in my introductory remarks.

Ms BUSH: Thanks, everybody, for coming along, for your responses and for being here today. Johanna, this may be a question for you but I am happy for anyone to pick it up. Michael Garrels made a really compelling case around where things fall down and just how serious these matters can be. We want to help the sector get more efficient but not at the loss of safety. I have not worked in the QBCC or the department. Can you take me through the notification process, how it works and where those efficiencies will be gained? I understand that if you are the reporter then there is an efficiency in there being one form. Can you talk me through the efficiency gain once it hits the respective departments?

Ms Sutherland: I will go into detail and then you can tell me if you want me to hurry along. Essentially, at the moment our reporting process includes both a manual and an online form. The majority we receive online, obviously. A notifier completes that form. For the purposes of this process, during the completing of that form they will answer a question that says that they are a QBCC licence holder and that the incident occurred on a work site that they either have control of or that they are completing work on. When that is then lodged into our system, it becomes an event.

We have a new system. It was released in November last year. It is called Rapid. It is a significant improvement on the system that we previously had. It has enhanced data capability and it also has a greater ability for us to automate, which is what we have been able to do with this report.

When that notification is received, it is automatically flagged and sent within 24 hours to the QBCC in the first report. It then sits in our system and we will triage it. As I explained before, it is looked at by an adviser, they will make decisions and then we will take action ourselves as a regulator.

All of the matters that come in will be subject to our consideration as a regulator. There was a discussion earlier around leads. Obviously, if something is notified to us as the health and safety regulator, we will consider it and whether we need to take action in relation to it, regardless of whether it goes to the QBCC.

The process within the system is that, once that initial report goes across daily, if that matter attracts statutory notices then they will be flagged in the system as well and that would be a second report that would go across to the QBCC. If a matter is sent to the QBCC and then we attend, inspectors attend and they issue notices, the QBCC will be advised of those notices. Andrea touched on the fact that we have a range of ways that we interact with the QBCC. The assessment services area, which is our triaging area, will interact with QBCC officers regularly around the actions that we are taking as a regulator and what they may do also on those incidents.

Ms BUSH: Can I extend that question to the QBCC as well? Is it within a 24-hour period or at 24 hours that the notification is sent?

Ms Sutherland: The report goes daily so it goes at the—

Ms BUSH: There is like a wash or something.

Ms Sutherland: Exactly.

Ms BUSH: At some point it gets washed over to you and you get notified about this incident. I am trying to understand what happens from your perspective and where the efficiencies will be gained or where there will be differences under this bill.

Mr Lambrinos: We play both a reciprocal role to the one Jo has just explained and a duplicated role in that we are receiving the notifications directly as well. We also have both a manual and an online form for the notifications that are coming directly to the QBCC. In those instances where we are receiving a notification directly, we would be doing a crosscheck against the daily feed we get from the OIR to ensure that they too have been notified. We are doing the duplicate notification crosscheck and, depending on the particulars of that incident, we would then either wait for the investigation to verify any of the alleged offences that may be associated with that incident and/or, depending on the particulars, be able to undertake some fit and proper assessments of the licensee in parallel.

Ms BUSH: It sounds like the internal process is still the same but the way that you are receiving the information is slightly different; is that correct?

Mr Lambrinos: From our perspective, we are relying now on one source of truth for the information to come into the agencies and to be able to respond to that from, I guess, the lead safety regulator.

Ms BUSH: It was raised that one form has some things and another form has other things. Will all that information now just be answered through the regulator's form and you will receive all of that so you do not need to go backwards and forwards and fish for more? How does that work?

Mr Lambrinos: That is exactly right. That is where the efficiency would come from because the details associated with the notification would come from the safety regulator, from the single notification off the site that has detailed the particulars of it from which we then can either hold until the investigation is completed or start some fit and proper assessments of the licensee.

Ms BUSH: Finally, we can see now that there have been 1,100 reports in the time that this system has been occurring so that is one every three days, ish. There are no real changes internally for the department so the efficiency gains then are literally the worker or the licensee filling out the second form. Is that where we are hoping to gain efficiencies through the process?

Ms Fox: I think there are multiple efficiencies, one of them being one way of collecting the data and categorising the data. I do think that we have had this system of exchange of data for a lot of years, since that awful incident with Jason Garrels, reflecting the different types of needs that the commissioner has for his data in terms of who he has jurisdiction over versus us and who we have jurisdiction over. Having one form where you collect the same data in the same way and then collect his additional flag for him to say, 'And this one is for your attention as well' is a great efficiency. I think it is an improvement in confidence that the data comes in and is interpreted in the same way, applied in the same way and actioned in the same way.

Ms BUSH: I have many more questions.

Mr KEMPTON: Angelo, in relation to the five licence cancellations, were any of those as a result of or related to a workplace health and safety death or injury?

Mr Lambrinos: I might need to take that question on notice and get back to you before the hearing. The data I have in front of me is all in relation to notifications that have come through section 54A, so it is as a result of a notification of a serious incident on a site from which all these different disciplinary actions have been able to be taken, some of which have resulted in those five cancellations. I think in principle the answer to your question is 'probably', but if you are looking for some more specifics around whether any of those cancellations were as a result of a death on a site, if that was your question, I can certainly go back and check that information.

Mr KEMPTON: If you would not mind, thank you.

Mr KING: I want to go back to dual reporting and I am sorry to harp on it. You have explained very well the one form, the one data collection. Someone earlier said that there were two different forms going to two different people and all that. Even if all that information is compiled into one form, I still have a concern that it goes to the department and then the QBBC gets notified afterwards. What if they were all notified at the one time? Say there is a 24-hour lag before it gets to the QBBC, 24 hours is a long time on a construction site if there is something dangerous. I still have that concern that we have seen incidents and tragedies happen—no blame on anyone.

Ms Sutherland: Absolutely. What I can say confidently is that we will attend. There is not the case where one of these notifications comes in and there will not be an action taken by the regulator in relation to it. Our action is obviously directly related to the incident, the hazards and risks that are present in that particular location at that point in time so we want to get there. We are going to get there as immediately as we possibly can. I hear your concerns, but there is no gap, essentially. It is not the case that we are going to be notified of a significant incident and no-one is going to attend.

Mr KING: Would there be any harm in everyone getting the same information at the same time? Someone said earlier that that confuses things, but it has been my experience that if you get everyone in the same room at the same time getting the same information then there is less confusion.

Ms Sutherland: I feel like where we are at the moment is that, with the benefits that we gain from a streamlined approach to both the data that we receive and the actions that we take, I do not think there would be confusion. At the moment, as a regulator, we work very closely with a range of other regulators on matters and we do that well. We will often engage. Because we are all notified does not mean everyone attends at the same time. We will often take the lead or the QPS will take the lead. It is the case, regardless of how these incidents are received, that one particular regulator or entity will usually be the lead. The nature of these will mean that usually it is WHSQ.

Mr KING: But there would be no harm in everyone being notified at the same time.

Ms Fox: This is as close to everyone getting the same information at the same time as I think you can expect something to happen. If people are notifying the commissioner separately to us, that is also a risk because what if they notify the commissioner and consider, 'For today's task, I think that's done.' We are then waiting for the data to come in and then we will go, 'Oh, there's something here as well.'

We have a very strong incident notification framework. It is very known. We do a huge amount of work as regulators across the country in asking: are we capturing the right seriousness of incidents, are we defining them correctly, where there is a lot of work are we looking at changing and increasing incident notification? It is precisely this kind of thing. Are we hearing what we need to hear as regulators?

What I would say in this space is that we are a regulator with very strong teeth. We have an industrial manslaughter offence, as you know. We have an independent prosecutor. On having things come in to us, I do not think we are looking at a gap here in terms of whether somebody is taking action in response to this to make it safe immediately.

Mr KING: Thank you. I am just saying that it is not separating the information; it is all going to everyone at once. I have made my point, thank you, Chair.

Mr JAMES: Angelo, in their submission, the Strata Community Association call for stronger and harsher penalties from the QBBC. Do you have any comments on that?

Mr Lambrinos: In terms of penalties, we operate within the legislative framework that is available to us so we administer the penalties that are enforceable under the current legislation. I think any amendments to those and any consideration of those is certainly a matter for government to consider. They are working effectively within the framework that we are operating in. As I said, any further comment on that would be for government to consider under future reforms.

Mr JAMES: They have not asked for any or spoken to the QBBC about that?

Mr Lambrinos: I am 90 days into the role and I have not had those conversations with the department yet.

CHAIR: Of course, that does not include the increased penalties in this bill. You are talking about others outside the bill?

Mr Lambrinos: Yes.

Mr WHITING: Ms Barron, has the department conducted any risk assessment or stakeholder testing to identify any potential gaps or delays in the information sharing between Workplace Health and Safety, the Electrical Safety Office and the QBBC?

Ms Barron: Probably the most important thing to say in response to your question is that this is part of a process that has been tested for some time. At the point where we get to, should the parliament support the bill, to change the law, it will not be the first time that this process has been used. As my colleagues from OIR have spoken about and we flagged in the last briefing session, talking about changing this process started back in 2023 as part of the recommendations from the governance review into the QBBC. It has been a careful and deliberate process because we too recognise the importance of everyone who needs to have this information receiving it in a timely way so each regulator can take action within their legislative remit. This is not something that has been undertaken unnecessarily quickly. It has been done thoughtfully and deliberately because everyone needs the information in order to be able to take appropriate action and we want to be sure that, if this change is approved, at the point where it is enacted it is effective and works efficiently.

It is probably also important to note that, when he introduced the bill, the minister spoke about the fact that he would be looking to review how it is working within two years in order to ensure that it has had the effect anticipated. We mentioned today the work that the QBBC and OIR will be doing to update the MOU before the change comes into effect, if it is approved, in order to ensure that it is completely fit for purpose with the change that is being proposed. In terms of your question around a risk analysis, specifically the risk analysis, that has been fundamental within what has been happening, it has all been happening deliberately and effectively as a back-end process to make sure, in fact, it does work.

Mr WHITING: I understand the process has been tested generally, but I refer to the work that has been done to make sure that nothing slips through the cracks, as one of the other witnesses today talked about. The process has been tested, but has there been any testing to make sure that nothing slips through the cracks?

Ms Sutherland: Can I clarify: do you mean a notification slipping through the cracks or are you talking about someone failing in their duty to notify?

Mr WHITING: The fire safety witnesses talked about notifying incidents that may slip through the cracks because some of those incidents may not fit neatly under either or any of those three bodies.

Ms Sutherland: That is probably a broader discussion around the provisions that we had in place that define what is notifiable, and Andrea touched on before that within our space there is ongoing national discussion about what is included in a notifiable incident. If there is research or analysis that indicates that there are high-risk safety matters that are not currently subject to that notification provision, that would be informing that body of work. That is that one.

With regard to duty holders failing to notify, we consider that these changes may provide us, as the safety regulator, with better understanding of PCBUs that may not be notifying in the sense that we may get a notification from a QBCC licence holder for an incident that we should also have heard about from a PCBU, and we can look in our system and see that we actually have not received that, and in attending that scene, we also have penalties available to us that we can place on those people. Because of the additional requirements that will come about through the QBCC Act, we may have better oversight of failure to comply with duties to notify.

Mr WHITING: Sounds like we will need to monitor and evaluate the system as it works. That will be a crucial part of the plans going forward; am I correct?

Ms Sutherland: Absolutely no question, yes.

Mr WHITING: And that has been programmed in to what will happen?

Ms Sutherland: Yes. As touched on, we are looking at a review of the MOU and we can then include some of those ongoing enhancement reviews in the MOU explicitly. In relation to the system itself, we will be doing a review of the reporting early next year, and that will focus on a range of different things. Obviously this is our No. 1 compliance system, so there are already fail-safes built

into the system that ensure that it is consistently available and reliable, that batch processes go when they should, and that we know when they do not. We have extreme comfort at the moment in the quality of the system that is being used. However, we will be doing that review on the reporting specifically to look at the form and the timeframe for the reports going across. All of that will be subject to the review that happens early next year.

CHAIR: Thank you all for addressing each of the questions. I want to highlight and reconfirm a couple of things that were going through my mind. Obviously since 2013, the original MOU, and 2021, the existing MOU, the departments or the OIR and the QBCC must have been considering this issue of dual reporting requirements and challenges during all of that time—certainly predating this government—and as the assistant director-general said, this has been a thoughtful process to grapple with it. I am thinking the new system that is affected by this bill will see one point of reporting to workplace health and safety, which are safety issues and immediate need, and then there is an under-24-hour response to QBCC for other matters. Have I got it right? Can you reinforce the rationale around that for us and satisfy further the questions by those opposite?

Ms Fox: I think that is a good summary. This is not a new relationship between the two regulators. There are a couple of things I would correct. I did hear somebody refer to it as potentially based on relationships, and I do want to correct that and say that that is not the case. We have legislative requirements, as both regulators, to capture particular information. We have provisions within our legislation to be able to share information with the other regulators—that is covered in the legislation—and we have a longstanding memorandum of understanding that has been fully cooperated with by both regulators, and obviously we have shared interest in that continuing to be the case. I do want to give people reassurance that there is something that sits over this regardless of who is in what job and where they are located.

I would say that going forward, I think all the areas for better performance lie in what we do with data—the two regulators—not in terms of whether we agree to share it. That is a very longstanding relationship. It is absolutely tragic that that was not working better at the time, that there was not that kind of element happening at the time of what happened to poor Jason. It is a horrible fact that in government often in the past, in a whole range of areas, the weakness is laid in parts of government not sharing and working better together. We absolutely understand, as contemporary regulators, that that is critical.

CHAIR: Do you think this new system will stimulate confidence within the industry?

Ms Fox: I do not know if you want to refer to it because it is your legislation, Ainslie, but, yes.

CHAIR: Thank you very much. The time for the session has expired. Thank you for addressing each of the questions from the committee. Thank you for the information you have provided today. Thank you for all the data we have shared. Unfortunately, the committee has not had an opportunity to approve and publish that, but we will consider that in due course. Thank you for each of your responses. There was a question on notice from the member for Cook with regard to cancellations of licences and those things. Did you have the answer to that today, Commissioner? You can take it on notice.

Mr Lambrinos: I do. Fortunately or unfortunately, I think the response is still the same. It is possibly in that the way we categorise our cancellations is that they could fall under one of many categories which do include serious injury, fatality or the failure of a safety system. They are all captured as the one cancellation category. To understand whether any one of those was as a result of a fatality rather than the other categories, we need to dive into information to assess that.

Mr KEMPTON: Thank you.

CHAIR: Thank you, Commissioner. Thank you to our Hansard reporters, the secretariat and broadcast staff for their assistance. A transcript of these proceedings will be available in due course. I declare the public hearing closed.

The committee adjourned at 11.22 am.