Compliance and Enforcement Strategy

1 Purpose

The purpose of the Compliance and Enforcement Strategy is to outline how QLeave will foster improved compliance through awareness and understanding of the legislative obligations amongst scheme participants in Queensland's building and construction (BCI), contract cleaning (CCI) and community services (CSI) industries. This strategy outlines how QLeave will deliver on this purpose and outlines the principles adopted by QLeave toward compliance and enforcement.

The Compliance and Enforcement Strategy aims to broadly outline the tools and mechanisms that QLeave has to mitigate non-compliance risk, and the principles that guide their application. This strategy should also assist stakeholders in understanding their obligations, along with actions QLeave may consider taking in relation to compliance and enforcement.

This strategy supports the QLeave 2025-29 Strategic Plan and is underpinned by the QLeave Operational Plan.

2 Our Legislation

QLeave administers the following legislation and their respective subordinate regulations:

- Building and Construction Industry (Portable Long Service Leave) Act 1991
- Contract Cleaning Industry (Portable Long Service Leave) Act 2005
- Community Services Industry (Portable Long Service Leave) Act 2020

Each Act provides a fair and efficient system of portable long service leave for workers in their respective industry. Under each Act, workers are entitled to long service leave payments regardless of whether they work for one or more employers.

The Acts confer functions and powers on QLeave that broadly include and are not limited to:

- Register employers and workers (All schemes)
- Collect worker service reporting (All schemes)
- Levy collection (All schemes)
- Information gathering powers
- Compliance activities

3 Our Compliance and Enforcement Approach

We take a risk-based approach when actioning matters related to compliance with QLeave legislation. The appropriate use of a comprehensive range of compliance and enforcement strategies encourages greater compliance with the relevant Act whilst enhancing awareness of the rights and obligations of those who are required to pay the levy, of employers that are registered or required to be registered and the rights and obligations of eligible workers.

QLeave recognises that the majority of scheme participants are willing and able to comply with the requirements of their respective scheme. QLeave supports these participants by working proactively and collaboratively to promote good compliance practices, intervening in a timely and appropriate manner when incidences of non-compliance are identified.

We identify incidences of non-compliance in a number of ways, such as:

- external complaints and reports of non-compliance
- through monitoring and surveillance
- information received from other agencies and stakeholder groups

Figure 1 illustrates how QLeave aims to make it easy to comply through engagement, education and guidance to those who are willing and able to do the right thing but utilises escalating interventions to make it more difficult for disengaged scheme participants not to comply, and to bring non-compliant parties back into compliance.

QLeave will consider how best to respond to all potential contraventions of the legislation that it regulates. QLeave may not be able to action every matter that comes to our attention. Using this approach, QLeave is able to ensure effective and efficient use of resources by tailoring its focus, ensuring that our compliance and enforcement activities are focused on regulated areas and regulated entities that pose the greatest risk without impeding a broadly compliant industry and their ability to operate.

3.1 Compliance and Enforcement Principles

In applying this approach to compliance and enforcement, QLeave is guided by the following principles:

i. **Voluntary compliance** – we will promote and encourage voluntary compliance with the BCI, CCI and CSI legislation through communication and education.
ii. **Risk-based** – our compliance activities will be risk-based ensuring our resources are effectively allocated and our regulatory efforts address the most serious and systemic risks.
iii. **Evidence-based** – we will utilise data and trend analysis to inform our proactive compliance and enforcement activities including our strategic focus areas.
iv. **Proportionate** – our compliance activities and enforcement responses will be proportionate to the compliance risks we are managing and resolving.
v. **Consistent** – our compliance and enforcement activities will be consistent and in accordance with documented procedures.
vi. **Outcomes focused** – our compliance and enforcement activities will be outcomes focused, prioritising our resources to the greatest risks and with a view to improving overall compliance in the regulated industry.
vii. **Fair and timely** – we will be fair and timely in relation to our decision-making and our compliance and enforcement activities, and we will communicate with regulated entities clearly and effectively.

viii. **Responsive, agile and efficient** – we will be responsive to allegations of non-compliance, new information, environmental trends and relevant industry data. Our compliance activities will be streamlined and coordinated to reduce unnecessary imposts on regulated entities, external stakeholders and QLeave.
ix. **Professional** – our staff will be respectful and courteous when providing information and interacting with regulated entities and the public.

3.2 How We Regulate

1. **Education and Awareness** - Promote understanding of regulatory requirements and best practices.
2. **Continuous Improvement** - Strengthen QLeave's Compliance and Enforcement Approach by developing and refining processes that model best practice approaches.
3. **Risk-Based Prioritisation** - Focus enforcement efforts on high-risk areas to maximise resource efficiency and mitigate potential harm.
4. **Enforcement Actions** - Apply proportionate and consistent regulatory action ranging from warnings to prosecution, ensuring good decision-making is adhered to.
5. **Interagency and regulatory partnership** – Actively pursue opportunities for cooperation and collaboration with other government agencies and regulators.

3.3. Compliance and Enforcement Priorities

In taking actions to encourage, strengthen and enforce compliance with the schemes and in alignment with QLeave's compliance principles and legislative requirements, QLeave will prioritise the following areas:

- Non-notification and under notification of project costs (BCI).
- Non-payment of levies (BCI, CCI & CSI).
- Employers do not register (BCI, CCI & CSI).
- Employers provide inaccurate or incomplete employer or worker information (BCI, CCI & CSI).

4 Administrative Law Principles

QLeave undertakes its compliance and enforcement activities with integrity, professionalism and with due regard to procedural fairness. We make decisions on a variety of matters concerning employers, workers and levy payers under each Act.

Each Act provides a framework for internal review of administrative decisions made by QLeave. Each Act also provides for internal review decisions to be subject to review by an Industrial Magistrate.

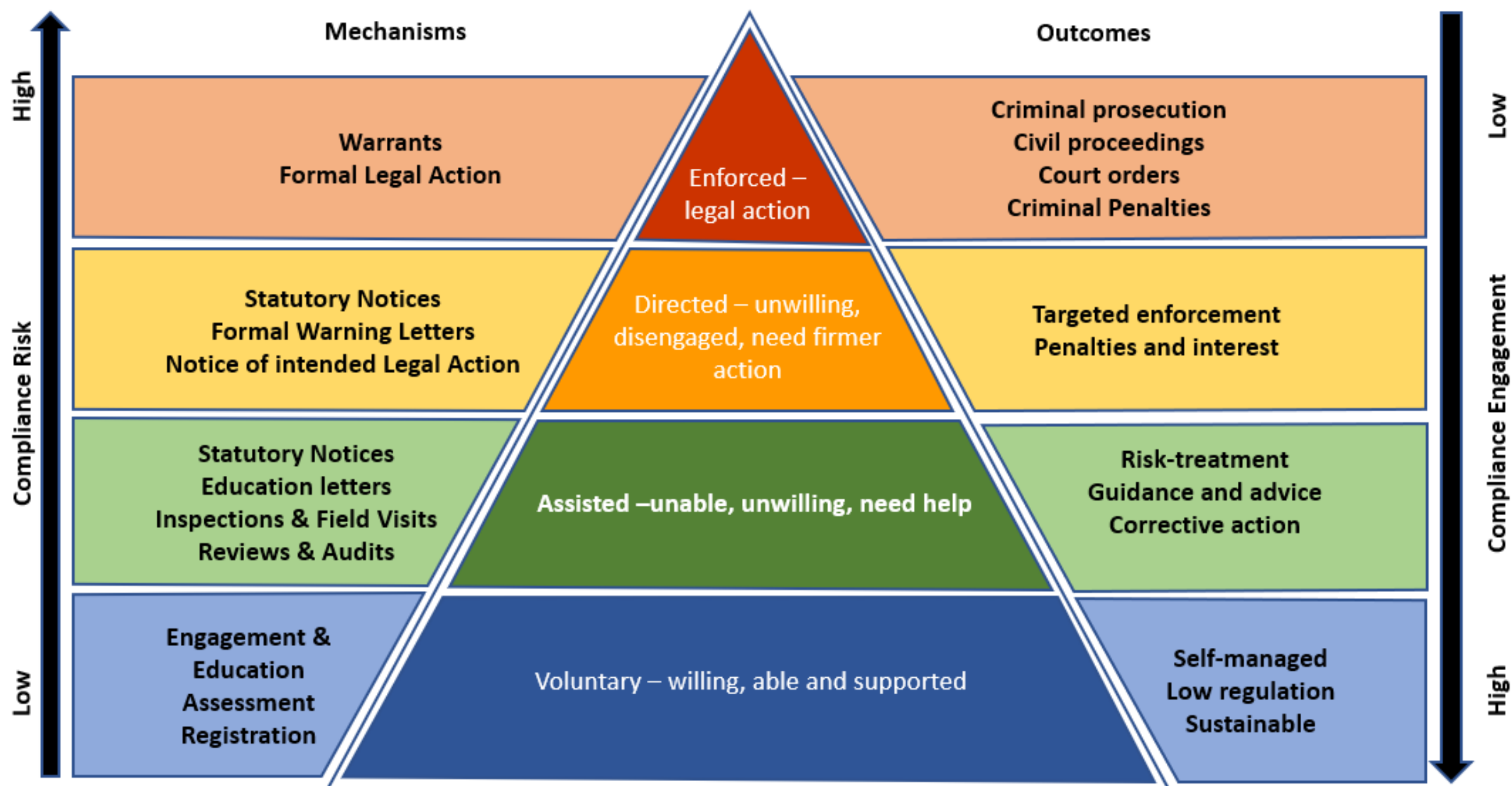QLeave will respect, protect and promote human rights in our decision-making and actions by building a culture that supports the *Human Rights Act 2019*.

Figure 1 – QLeave Compliance Pyramid