

Australian Building and Construction Commission Corporate Plan 2020–21



Australian Government
**Australian Building and
Construction Commission**



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Message from the Commissioner

The ABCC's 2020-21 Corporate Plan sets the agency's strategic direction for the next four years to ensure building work in Australia is carried out fairly, efficiently and productively—for the benefit of employers, workers and the national economy.

In an economy dealing with the challenges of the COVID-19 pandemic, the ABCC's role as a responsive regulator is more important now than ever before. The building and construction industry has been identified as a key driver to stimulate the economy post-pandemic.

The ABCC has adopted a flexible and responsive approach to all its activities to assist building industry participants to comply with the law as they work towards a post-pandemic recovery. To achieve this important goal, the ABCC has identified eight key performance indicators (KPIs) that will guide our activities and measure our performance.

Our 2020-21 Corporate Plan builds on the achievements of the past 12

months. Our actions are focused on ensuring the rule of law on Australian building sites is upheld and that our staff and resources are accessible and available to provide accurate advice and guidance to all building industry participants.

The ABCC is committed to continually improving its performance and is focused on helping those that want to comply with the law, while taking appropriate action against those that choose to disregard it.

Stephen McBurney

Commissioner
Australian Building
and Construction Commission

Introduction

I, Stephen John McBurney, as the accountable authority of the Australian Building and Construction Commission (ABCC), present the ABCC's 2020-21 Corporate Plan, which covers the period 2020-21 to 2023-24, as required under section 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).



Our purpose

Upholding the law and changing behaviour to make the building and construction industry fair, efficient and productive.

This purpose is in line with our responsibility under the *Building and Construction Industry (Improving Productivity) Act 2016* (BCIIP Act).

Our strategic objectives



Educate



Advise and assist



Impartially monitor and assess compliance



Use litigation and other enforcement options to drive a change in behaviour



Promote an impartial, flexible and innovative workforce



Our key activities

To ensure we are a responsive regulator and achieve our purpose over the four-year period of this plan, we will:



Educate

- ▶ Use the full range of communication tools and channels to extend our reach across the industry
- ▶ Target our education to provide information that people need in a way they can easily access
- ▶ Use enquiry data to respond to changing industry trends and inform the deployment of new education programs



Advise and assist

- ▶ Respond to every enquiry in a timely manner
- ▶ Identify additional and innovative ways to interact with agency stakeholders
- ▶ Use business intelligence and data analytics to provide underlying insights to areas of risk or heightened industrial activity



Impartially monitor and assess compliance

- ▶ Use our compliance activities to drive better outcomes, particularly in security of payments, right of entry, freedom of association, and wages and entitlements
- ▶ Promote targeted compliance informed by intelligence
- ▶ Employ diverse methods to monitor compliance



Use litigation and other enforcement options to drive a change in behaviour

- ▶ Progress investigations and litigation in a timely manner
- ▶ Utilise the full range of enforcement tools available
- ▶ Seek the imposition of personal payment orders in appropriate cases to achieve general deterrence



Promote an impartial, flexible and innovative workforce

- ▶ Use learnings from the COVID-19 pandemic to reform the way we work and how we deliver services in a post-pandemic environment
- ▶ Maintain high levels of employee wellbeing, engagement and innovation
- ▶ Continue to recruit and develop the best people available

Operating context

Environment

The building and construction industry has been identified as a key driver to stimulate the economy as it recovers from the effects of the COVID-19 pandemic. A number of large infrastructure programs have been announced by various levels of government as a means to stimulate the economy. While the broader impact on the building and construction industry is yet to be seen, in the event of a downturn we anticipate financial stress will impact high risk areas such as security of payments and wages and entitlements compliance.

There are also a number of industrial relations reform initiatives that may result in legislative amendments. This includes the five working groups announced by the Government focusing on: award simplification; enterprise agreement making; casuals and fixed term employees; compliance and enforcement; and greenfields agreements for new enterprises. A review into the Building Code is also underway following the release of a discussion paper. In the area of wages and entitlements, the Senate has commenced an inquiry into the unlawful underpayment of employees' remuneration.

Capability

In light of this environment, the ABCC will need to adopt a flexible and agile staffing profile to enable it to adequately respond to issues as they arise in different jurisdictions around Australia. During the COVID-19 pandemic, the ABCC has fostered a culture of change by employing alternative operational practices to ensure the ongoing safety and productivity of staff. Many of these initiatives can be leveraged beyond the pandemic period and become part of normal operational activities to increase the agency's regulatory reach.

In keeping with our strategic objectives, the ABCC continues to invest in technology to efficiently and effectively extend our reach across the industry. This enhanced capability will enable the rapid implementation of education and interaction with stakeholders over the next four years.

Managing risks

The ABCC monitors and manages risks that affect our ability to achieve our strategic objectives and successfully carry out operational activities.

The ongoing challenges presented by the COVID-19 pandemic will require the agency to adopt a flexible approach to our activities. This will ensure that we do not add burden to building industry participants working towards a post-pandemic recovery and that we comply with any applicable health and safety protocols.

The ABCC's risk management framework consists of policies and procedures that provide a structured approach to managing risk and developing a positive risk culture. The main elements of the risk management framework are: the ABCC Risk Management Policy; Risk Management Strategy and Plan; the ABCC Strategic Risk Register; operational risk profiles; and risk assessment and reporting tools.

The risk management framework complies with section 16 of the PGPA Act, the Commonwealth Risk Management Policy, and *AS ISO 31000:2018 Risk management – Guidelines*.

The ABCC will continue to take a practical, fit-for-purpose and cost-effective approach to risk

management, and embed risk in whole-of-agency operations through:

- ▶ an annual review of strategic goals and risks for the agency,
- ▶ integrating risk assessments into the business planning cycle,
- ▶ regular reporting of risks and risk treatment plans to monitor and review current risks.

Cooperation

Any changes resulting from the Government's industrial relations reform agenda may have an impact on the ABCC and other regulators such as the Fair Work Ombudsman, Registered Organisations Commission and the Fair Work Commission. We will continue to build on our cooperative working relationships with these regulators.

In response to the COVID-19 pandemic, we have redirected our staff to other agencies to assist in the critical whole-of-government response to the pandemic. This has provided our staff with learning and development opportunities and assisted in establishing critical networks that we will continue to utilise into the next financial year.

Measuring our success

The KPIs set out in this Corporate Plan demonstrate continuous improvement and ambitious targets to drive better outcomes for both the ABCC and the industry.

The ABCC's strategic objectives describe how we will achieve our purpose and the services we provide to the building and construction industry. The primary KPIs that assess our delivery of these external-facing services are contained in the Portfolio Budget Statements and this Corporate Plan.

The KPIs set out in this Corporate Plan demonstrate continuous improvement and ambitious targets to drive better outcomes for both the ABCC and the industry. They have been selected on the basis of legislative and policy requirements, research, and past performance data. Our performance will be evaluated using various methodologies, including data analysis and external surveys.

Our KPI targets were set prior to the onset of the COVID-19 pandemic. Whilst we will still strive to achieve these targets over the life of this plan, it may be necessary to review and revise these targets over the next 12 months, to account for any impact on the industry and the need to shift our activities in response.

In line with the requirements of the PGPA Act, we will assess our performance against these targets in the annual performance statement contained in the ABCC's Annual Report, tabled in October each year by the Attorney-General and Minister for Industrial Relations. Through this annual process, we demonstrate our accountability and transparency to the Minister, the Parliament, and the Australian public.

Our key performance indicators

Strategic objective	KPI	Measure	Performance target				PBS KPI
			2020-21	2021-22	2022-23	2023-24	
Educate	1	Surveyed stakeholders who indicate that tools and resources provided by the ABCC have improved their understanding of workplace rights and responsibilities.	80%	80%	80%	80%	✓
	2	Number of presentations delivered to stakeholders.	150	175	175	175	✓
Advise and assist	3	Surveyed stakeholders who are satisfied or highly satisfied with the quality and timeliness of advice and assistance provided.	80%	80%	80%	80%	✓
	4	Number of site visits undertaken nationally.	1,200	1,250	1,300	1,350	N/A
Impartially monitor and assess compliance	5	Average time taken to assess enterprise agreements for compliance with the Building Code 2016.	1 month	1 month	1 month	1 month	N/A
	6	Number of activities to improve compliance with designated building laws and the building codes.	450	475	500	525	✓
Use litigation and other enforcement options to drive a change in behaviour	7	Average time taken to commence civil penalty proceedings.	<12 months	<12 months	<12 months	<12 months	✓
	8	Percentage of successful civil penalty proceedings.	80%	80%	80%	80%	N/A

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