

# Commission of Inquiry into the CFMEU

## and Misconduct in the Construction Industry

### Discussion Paper:

Queensland Code of Practice for the  
Building and Construction Industry

As part of its Terms of Reference, the Commission of Inquiry into the CFMEU and Misconduct in the Construction Industry (**COI**) calls for reviewing whether any law or policy change is needed, and the making of recommendations as considered appropriate.

This paper relates to the possibility of the reintroduction of an amended construction industry code in Queensland.

A range of codes related to the construction industry have existed previously in Queensland, in other States and at the Commonwealth level.

## Existing and previous Queensland Codes

On 11 November 2025, the Queensland Government launched the new Queensland Procurement Policy 2026 (**Queensland Procurement Policy**), which commences on 1 January 2026.

The Queensland [Code of Practice for the Building and Construction Industry](#) (**2025 Queensland Code**):

- was updated in March 2025 following the Queensland Government's suspension of the Best Practice Industry Conditions (**BPICs**) in November 2024
- is currently under review ahead of the commencement of the Procurement Policy.

The previous Queensland Code of Practice for the Building and Construction Industry was published in 2000 (**2000 Code**). The 2000 Code was supported with [Implementation Guidelines to the Queensland Code of Practice for the Building and Construction Industry](#) (July 2013) (**2013 Implementation Guidelines**).

## Commonwealth Codes

The Commonwealth has also created building codes from time to time including:

- The *Implementation Guidelines for the National Code of Practice for the Construction Industry, 2003*
- The *Building Code 2013* made under subsection 27(1) of the *Fair Work (Building Industry) Act 2012* which is no longer in force,
- The Code for the Tendering and Performance of Building Work issued under the *Building and Construction Industry (Improving Productivity) Act 2016*, and
- The National Construction Code which deals with technical standards for construction in Australia.

## State Codes and Guidelines

Other States have also issued codes such as the:

- Victorian Code of Practice for the Building and Construction Industry (October 2014) which was abolished in 2015.
- The Victorian [Fair Jobs Code](#).
- The New South Wales [Code of Practice Construction Work](#).

These codes have been applicable to contractors working on public building and construction work, or in some cases, all work.

## Nature of codes

Some of the areas that have been covered in such codes and/or guidelines include:

- Legal obligations in relation to employment
- Written agreements (registered or unregistered)
- How independent contractors operate on construction sites
- Rights on construction sites, such as the right of entry and freedom of association.
- Disputes settlement
- Workplace health and safety
- Site security
- Drug and alcohol testing
- Sham contracting.
- Collusive tendering.
- Security of payments
- Sanctions for non-compliance including being excluded from public building and construction work.

## A New Queensland Code of Practice for Construction

A new Queensland code could provide a unified set of rules that applies to all contractors, practitioners and trades involved in the construction industry to ensure compliance, integrity and efficiency.

In its [Opportunities to Improve Productivity of the Construction Industry Final Report](#), the Queensland Productivity Commission (**QPC**) indicated that such a code could include requirements that:

- *contractors preclude any unnecessary productivity limiting clauses in their EBAs*
- *contractors do not include EBA provisions that pass-through conditions to subcontractors (that is, jump up clauses)*
- *right of entry provisions prevent the misuse of workplace health and safety procedures.*

In its [response to the QPC report](#), the Queensland State Government indicated that it:

*...supports in principle the development of a new whole-of-government code, including to make clear processes for notifying if unlawful industrial action is taken. The development of a new whole-of-government code and subsequent enforcement will be subject to the outcomes of the Wood Commission of Inquiry*

Such a code could be implemented early in 2027.

## Feedback sought

Taking the 2013 Implementation Guidelines as an example, the Commission seeks feedback on the following issues:



1. The desirability of Queensland having a building and construction code.
2. The key elements that should be included / excluded from such a code.
3. The benefits of using a code relative to other mechanisms such as legislation or regulation.
4. The costs and/or benefits of specific parts of existing or previous construction codes.
5. The timing of implementation of such a code.
6. The mechanisms and costs of implementation and enforcement of such a code.
7. What is needed to make a Code work effectively if it were introduced into Queensland?

## How to provide feedback

You are welcome to provide feedback to the Commission by:

- Calling **1800 810 933** (8 am – 9 pm Monday to Friday, 8 am – 4 pm weekends).
- By email to [engagement@cfmeuinquiry.qld.gov.au](mailto:engagement@cfmeuinquiry.qld.gov.au) or
- By post: **GPO Box 3102, BRISBANE QLD 4001.**