SUBMISSION PROPOSED QUEENSLAND BUILDING AND CONSTRUCTION CODE ((BPIC)

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Introduction

With regard to the proposed Queensland Building and Construction Code, the following comments are not intended to address every aspect of what a new Code should contain. Rather, they identify several gaps in the current regulatory framework that I have observed through my own professional and personal experience.

Developing a comprehensive Code will require extensive consultation with industry, workers, employers, unions, professional bodies and regulators. My comments are intended to contribute to that discussion by highlighting opportunities to improve governance, worker protection and regulatory coordination.

1. Desirability of a Queensland Building and Construction Code

A Queensland Building and Construction Code is desirable.

The current regulatory framework is fragmented. Private-sector workers are generally covered by Commonwealth workplace laws, while Queensland retains responsibility for procurement, work health and safety, workers' compensation, contractor licensing and the governance of government-funded projects.

A Queensland Code cannot replace the Fair Work Act or determine the application of Commonwealth modern awards. However, it can require contractors undertaking Queensland Government work **to demonstrate that they have effective governance systems to comply with those laws.**

The Code should move beyond simply requiring compliance and instead encourage proactive assurance that lawful employment practices are being maintained.

2. Key elements that should be included

The Code should require contractors to demonstrate effective governance systems, including:

- documented processes for identifying applicable awards, enterprise agreements and employee classifications;
- confidential and accessible worker reporting mechanisms;

- strong protections against adverse action, victimisation and exclusion from future employment for workers who raise genuine concerns;
- clear internal complaint resolution processes;
- psychosocial risk management, including organisational justice, procedural fairness and timely dispute resolution;
- regular review of employment compliance systems.

The Code should encourage prevention rather than relying solely on workers identifying and reporting problems after they occur.

3. Benefits of a Code compared with legislation or regulation

A Code provides flexibility and allows Queensland to use procurement as a mechanism for improving governance.

However, a Code will have limited value if it:

- **merely restates existing legal obligations;**
- **relies solely on contractor self-declarations;**
- lacks independent monitoring;
- has uncertain application;
- provides no meaningful sanctions;
- fails to provide workers with an effective reporting pathway.

A successful Code should complement—not duplicate—existing legislation.

4. Costs and benefits of previous codes

An effective Code has the potential to:

- reduce unlawful labour practices;
- **improve workforce stability**;
- reduce disputes regarding classifications and employment conditions;
- improve workforce planning, training and rostering;
- improve confidence in government procurement.

It should also **reduce administrative costs** by providing:

- clearer expectations for employers;
- greater certainty regarding compliance requirements;
- fewer employment disputes;

- reduced investigation and claim management costs;
- less productivity lost through conflict, uncertainty and psychological injury.

Good governance should reduce costs over the life of projects rather than increase them.

5. Timing of implementation

Implementation should allow sufficient time for industry to prepare.

Prior to commencement:

- contractors should receive practical guidance;
- education and training should be available;
- auditing capability should be established;
- regulators should have clearly defined responsibilities.

6. Implementation and enforcement

Effective implementation will require more than publishing a Code.

The framework should include:

- standard contractual obligations;
- independent auditing where appropriate;
- **information-sharing arrangements between Queensland agencies and relevant Commonwealth regulators;**
- clear referral pathways where a complaint falls outside the jurisdiction of the receiving agency;
- a register of complaints, investigations and findings (subject to privacy and procedural fairness);
- graduated enforcement measures, including warnings, improvement notices and procurement sanctions.

Where a receiving agency cannot determine a matter because it falls outside its jurisdiction, responsibility for referring the matter to the appropriate authority <u>should not rest solely with the worker.</u>

7. What is needed to make the Code effective?

The effectiveness of the Code will depend upon:

- clear and practical requirements;

- consistent application;
- **regulatory coordination;**
- effective monitoring;
- meaningful enforcement;
- **worker confidence in the reporting process.**

Most importantly, complaints should move through a coordinated regulatory pathway rather than requiring workers to identify the correct regulator themselves.

Employment compliance should also be recognised as a component of psychological safety.

Prolonged uncertainty regarding wages, classifications, employment conditions and complaint outcomes can contribute to financial stress, loss of control and visible organisational injustice. These factors have the potential to contribute to psychosocial harm and reduced workforce participation.

A modern Code should therefore recognise that protecting workers is not only an industrial relations objective—it is also an important component of creating psychologically healthy, productive and sustainable workplaces.

Kind regards,

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About the Author

I make this submission in my personal capacity. My observations are based on my professional experience as a Chartered Professional Engineer and Registered Professional Engineer of Queensland, working across the construction, mining, infrastructure and government sectors. They also reflect my experience navigating multiple regulatory frameworks as both an engineering professional and a worker. The views expressed are my own and are intended to contribute constructively to the development of a practical, effective and balanced Queensland Building and Construction Code.