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Commission of Inquiry into the CFMEU

Email: legal@cfmeuinquiry.qld.gov.au

Submission on the Draft Queensland Code of Practice for the Building and Construction Industry

The Property Council of Australia welcomes the opportunity to provide feedback on the proposed Queensland Code of Practice for the Building and Construction Industry and accompanying Implementation Guidelines.

As the leading voice for Queensland's property industry, the Property Council of Australia represents more than 450 member companies who invest in, design, build and manage the homes, precincts and workplaces that underpin Queensland's growth. Our members are committed to delivering the housing supply, community infrastructure and employment land required to keep Queensland affordable, attractive, globally competitive and sustainable.

Queensland is confronting an unprecedented delivery task. The State must accelerate housing supply, deliver major infrastructure and support a growing population while preparing for the 2032 Olympic and Paralympic Games, all against a backdrop of rising costs, workforce shortages and productivity pressures.

Achieving these objectives will depend on a construction sector that is productive, competitive, safe and capable of delivering projects efficiently and lawfully.

The Property Council notes the detailed submissions made by the Queensland Major Contractors Association (QMCA), Civil Contractors Federation Queensland (CCF Queensland) and other industry stakeholders who represent the construction sector and we support the productivity, project delivery, integrity and enforcement themes raised through those submissions. Rather than duplicate those submissions, the Property Council offers additional perspectives through the lens of developers, investors, owners and managers of Queensland's built environment, with a particular focus on housing supply, infrastructure delivery, investment confidence, productivity and economic growth.

The Property Council supports the introduction of a Queensland Building and Construction Code in principle.

We support a Code that:

- Promotes lawful conduct across construction sites.
- Strengthens integrity and accountability.
- Improves productivity and project delivery outcomes.
- Protects workers from intimidation, coercion and unlawful behaviour.
- Supports freedom of association and compliance with existing laws.
- Creates greater confidence in public procurement.
- Encourages competition throughout construction supply chains.
- Contributes to the efficient delivery of housing and infrastructure.

The ultimate test of any Code should be whether it helps Queensland deliver more homes, more infrastructure and more economic development projects safely, lawfully and efficiently.

The Code Should Focus on Productivity, Integrity and Delivery

The Property Council strongly supports measures that improve construction productivity and project delivery.

Queensland's construction sector remains under significant pressure, the ability to deliver housing affordability outcomes, social infrastructure, major transport projects and Games-related infrastructure will depend on policy settings that support productivity, flexibility, competition and efficient project delivery.

The Code provides an opportunity to establish consistent expectations around lawful conduct and workplace behaviour while reinforcing procurement settings that encourage value for money and better project outcomes.

Importantly, the Code should remain focused on improving productivity, integrity and delivery outcomes and should not become a parallel industrial relations system. Matters already appropriately governed under workplace relations and workplace health and safety legislation should not be unnecessarily duplicated through procurement mechanisms.

Accountability Should Apply Across All Participants

The Property Council supports the principle, reflected in a number of industry submissions, that accountability should apply wherever conduct undermines safety, project delivery, competition, freedom of association or lawful behaviour.

The effectiveness of the Code will depend on industry confidence that serious misconduct and non-compliance will be addressed consistently, transparently and proportionately.

The Property Council supports:

- Safe and trusted reporting pathways.

- Appropriate whistleblower protections.
- Timely investigation of serious complaints.
- Proportionate consequences for substantiated breaches.
- A regulatory framework that promotes confidence across the industry.

The objective should be a construction sector where all participants understand their obligations and where unlawful or coercive conduct is addressed appropriately regardless of its source.

The Role of an Independent Regulator

The Property Council supports the establishment of an appropriately resourced independent regulator. It is our view that the regulator should serve not only an enforcement function but also an education and advisory role.

The construction industry operates within a highly complex regulatory environment, many of the proposed Code requirements will require practical interpretation and guidance. Industry participants should have access to clear, timely advice regarding compliance obligations before disputes emerge or projects are delayed.

The Property Council also supports industry calls for greater certainty around compliance requirements and practical implementation guidance. Early advice and education will improve compliance outcomes and reduce unnecessary disputes.

Successful implementation will depend as much on education and guidance as it will on enforcement.

Workplace Relations Management Plans

The Property Council recognises the value of proactive workplace relations planning and supports the principle of Workplace Relations Management Plans (WRMP) for major projects.

However, WRMP requirements should be practical, proportionate and focused on outcomes.

There is a risk that excessive reporting and administrative compliance obligations add cost and complexity to projects without delivering corresponding productivity benefits.

The Code should avoid creating unnecessary procurement burden and should ensure requirements are scalable to project size, complexity and risk. Particular attention should be given to ensuring that compliance obligations do not become a barrier to participation by smaller contractors and suppliers.

The focus should remain on supporting project delivery, managing risks and encouraging productive workplace practices.

Housing Supply and Investment Confidence

The Property Council's primary interest is ensuring Queensland can deliver the homes, industrial land, employment precincts and infrastructure needed to support future growth.

Construction productivity directly affects:

- Housing affordability.
- Project feasibility.
- Infrastructure delivery.
- Investor confidence.
- The cost of living.
- Queensland's long-term economic competitiveness.

Policy settings that unnecessarily increase costs, constrain competition or reduce flexibility ultimately affect the ability of the private sector to invest in new housing and development opportunities.

The Property Council considers that the Code should be regularly assessed against measurable outcomes including:

- Productivity improvements.
- Housing delivery outcomes.
- Project cost performance.
- Delivery timeframes.
- Market competition.
- Investment confidence.

Queensland's housing and infrastructure challenges require every part of the delivery system to be working as efficiently as possible.

Supporting Competition and Market Participation

A competitive construction sector is essential to achieving value for money outcomes and delivering the scale of housing and infrastructure Queensland requires.

The Property Council supports policy settings that encourage fair competition throughout supply chains and create opportunities for businesses of all sizes to participate in project delivery.

Care should be taken to ensure that compliance obligations do not create unintended barriers to entry, particularly for small and medium-sized contractors and subcontractors who play an important role in Queensland's construction ecosystem.

The Code should support a competitive market that drives innovation, productivity and better project outcomes.

Implementation and Transition

The Property Council supports implementation of the Code with appropriate transition arrangements.

Industry participants require certainty around new obligations and sufficient time to adjust procurement practices, contractual arrangements and compliance systems.

Implementation should be accompanied by:

- Clear guidance materials.
- Industry education programs.
- Practical implementation support.
- Ongoing consultation with industry stakeholders.
- Regular review of the Code's effectiveness.

The success of the Code will depend not only on its design but also on its practical implementation across the sector.

The Property Council supports many of the themes advanced by the QMCA and CCF Queensland particularly those relating to productivity, accountability, procurement integrity and effective enforcement. Our submission complements those perspectives by focusing on the implications for housing supply, investment confidence, project feasibility and economic growth.

Queensland's future prosperity depends on our collective ability to deliver homes, infrastructure and employment-generating projects at scale.

The Property Council supports a well-designed Code focused on promoting lawful conduct, strengthening productivity and fostering a construction sector that is safe, inclusive and capable of delivering the homes, infrastructure and economic development projects Queensland needs to support its future growth.

If you have any questions regarding this submission, please contact the Property Council of Australia Queensland Division.

Yours sincerely

[redacted]

Jess Caire
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Property Council of Australia