COMMISSION OF INQUIRY INTO THE CFMEU AND MISCONDUCT IN THE CONSTRUCTION INDUSTRY

SUBMISSIONS OF THE QUEENSLAND COUNCIL OF UNIONS

Proposed Code of Practice and Independent Regulatory Body

A. INTRODUCTION

1. The Queensland Council of Unions ('QCU') is the peak council of trade unions in Queensland. The QCU represents the interests of affiliated trade unions across a wide range of industries, including the building and construction industry.

2. The QCU has been afforded an opportunity to make these submissions in response to the submissions of Counsel Assisting dated 14 April 2026 and 3 July 2026 ('Counsel Assisting Submissions'), in which Counsel Assisting urges the Commissioner to recommend:

   (a) the re-introduction of a code of practice governing standards of behaviour in the building and construction industry (Issue 1); and

   (b) the establishment of an independent regulatory body to administer and enforce such a code (Issue 2).

3. These submissions are made further to the QCU's submissions to the Commission dated 20 May 2026 ('QCU's Earlier Submissions') and the evidence of Ms Jacqueline King, General Secretary of the QCU, given at the hearing on 25 August 2026.

4. For reasons that follows, the QCU does not support either the introduction of a code of practice or the establishment of an independent regulatory body.

B. ISSUE 1: THE PROPOSED CODE OF PRACTICE

The existing legislative framework is comprehensive and adequate

5. Queensland already has a comprehensive legislative framework regulating workplace conduct, industrial relations and work health and safety in the building and construction industry. This framework comprises the *Fair Work Act 2009* (Cth) (the 'FW Act'), the *Fair Work (Registered Organisations) Act 2009* (Cth) (the 'RO Act'), the *Industrial Relations Act 2016* (Qld) and the *Work Health and Safety Act 2011* (Qld) (the 'WHS Act').

6. The QCU's Earlier Submission detailed the regulatory mechanisms under this framework, including civil penalty provisions; criminal sanctions for serious offences; democratic governance requirements for registered organisations; mechanisms for the removal and disqualification of officers and officials; external oversight by the Registered Organisations' regulators; and the functions and powers of workplace delegates, health and safety representatives and entry permit holders.

7. As submitted by the QCU on 20 May 2026, "*the evidence before the Commission does not support the conclusion that further substantive legislative amendments to industrial or work health and safety laws are required*".[1] That position remains unchanged having regard to the evidence given before the Commission to date. The alleged misconduct disclosed by the evidence did not arise because of any deficiency, omission or lacuna in the existing legislative framework. Nor was it conduct that was authorised by, or fell outside the scope of, that framework. Rather, the conduct in question was already prohibited and capable of being addressed under the existing industrial, work health and safety, and other applicable legal regimes.

8. The evidence therefore does not support the conclusion that additional legislative measures are required. The appropriate response is to ensure that the existing statutory framework is adequately resourced and effectively enforced, rather than to overlay that framework with a procurement code directed to the same subject matter through a different regulatory mechanism.

The evidence base for productivity benefits is insufficient and contested

9. A central plank of the Counsel Assisting Submissions is the contention that a code of practice will improve productivity in the building and construction industry. That contention rests principally on the evidence of Mr Hadgkiss and Mr Jenkinson.

10. The QCU submits that the evidence relied upon is insufficient to establish a causal link between a code of practice and productivity improvements. The conclusions of Mr Hadgkiss and Mr Jenkinson are based on personal observations and anecdotal industry feedback rather than rigorous empirical data. This is an inadequate foundation on which to recommend the imposition of a regulatory regime affecting the workplace rights and conditions of thousands of workers.

11. The Australian Government Productivity Commission's own 2014 report acknowledged the difficulty of establishing any statistically significant link between

[1] QCU Submission of 20 May 2026 at [196].

building industry codes, dedicated regulators and productivity improvements.[2] That difficulty has not been overcome by the evidence before this Commission.

12. Moreover, as Ms King observed in her evidence, productivity is "*multifactorial*" and cannot be narrowly defined as, or reduced to, labour costs.[3] Supply chain disruptions, design complexity, skills shortages and project management practices all bear upon productivity. To attribute productivity outcomes solely or principally to industrial conduct, and to propose a code of a punitive nature as the solution, is to oversimplify a complex economic question.

13. Counsel Assisting also relies on statistics concerning working days lost to industrial disputes as evidence of a correlation between the operation of a code and reduced industrial disputation.[4] The QCU submits that correlation is not causation. The periods identified by Counsel Assisting coincide with numerous other changes, including significant legislative reforms, changes to union density, broader economic conditions, and the introduction and repeal of other workplace relations measures. It is not possible to isolate the effect of a code from these confounding variables. Moreover, days lost to industrial disputes is a narrow metric that measures only one dimension of productivity. It does not capture the multifactorial nature of productivity in the construction industry.

14. The QCU further notes that Counsel Assisting relies on a 2013 report by Independent Economics which concluded that the activities of the BIT and ABCC delivered productivity improvements in the range of 10 to 21 per cent. However, as the Commissioner observed, the macroeconomic data does not show any correlation between the introduction of the ABCC and improvements in productivity.[5] Similarly, the 2014 Productivity Commission report tendered during cross-examination by the CFMEU Administrator acknowledged that any positive effect of the BIT and ABCC on productivity could not be discovered with any statistical precision in aggregate data for the construction industry as a whole.

15. Those matters underscore the limitations of the available evidence concerning the productivity benefits said to flow from a specialised regulatory regime. At best, the evidence is contested and inconclusive. The Commission should therefore approach with caution any contention that a new code is justified on productivity grounds.

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[2] Submissions of Counsel Assisting dated 3 July 2026 at [24]
[3] Transcript of Proceedings, 25 August 2026 at P-4147 (Ms Jacqueline King, General Secretary, QCU).
[4] Submissions of Counsel Assisting dated 14 April 2026 at [22].
[5] Transcript of Proceedings, 25 August 2026 at P-4150 – P-4151.

16. In circumstances where the asserted productivity benefits cannot be reliably identified in industry-wide data, there is an insufficient evidentiary basis to support the introduction of a new regulatory regime, the effectiveness of which remains uncertain and the consequences of which would be significant for workers, unions and collective bargaining processes.

The Proposed Code goes well beyond procurement

17. A code of practice for government-funded building and construction work might, in principle, be a legitimate exercise of government purchasing power. However, the Draft Implementation Guidelines annexed to the Counsel Assisting Submissions (Annexure 2) (the 'Draft Guidelines') extends well beyond setting conditions for government procurement or the proper scope of conditions attached to the expenditure of public funds.

18. The Draft Guidelines do not confine themselves to government-funded projects. They extend to privately funded building and construction work, related entities, and connected entities.[6] They seek to regulate a broad range of workplace arrangements including enterprise agreement content; over-award payments; industry superannuation; workforce composition and labour hire ratios; rostered days off; project agreements; and right of entry.[7] The breadth of those matters demonstrates that the proposed scheme is directed not merely to procurement outcomes, but to the ongoing regulation of industrial and employment practices across the building and construction industry.

19. The submissions of Counsel Assisting describe the code as the "*Government using its purchasing power to drive positive changes*".[8] However, that description understates the nature and effect of the Draft Guidelines. Their scope makes clear that they are not directed solely to the performance of government contracts or conduct on government-funded projects. Rather, they seek to establish a parallel system of workplace relations regulation, extending into areas traditionally regulated by legislation and industrial instruments. In substance, the Draft Guidelines could enable the state government to prescribe and enforce workplace relations standards which would then be enforced outside the existing legislative framework.

20. The QCU further notes that the proposed code operates by transferring much of the burden of enforcement from the regulator to contractors themselves. Head

[6] Draft Implementation Guidelines, Annexure 2 to the Counsel Assisting Submissions, 3 July 2026, s 2.4.
[7] Draft Implementation Guidelines, Annexure 2, ss 3.3, 4, 5.
[8] Counsel Assisting Submissions, 3 July 2026 at [25].

contractors would be required to ensure that their subcontractors comply with the code, and non-compliance by a subcontractor could result in the head contractor being excluded from government-funded work. Notably, even industry stakeholders who support a code in principle expressed concern about this mechanism. The Stakeholder Engagement Report records that contractors should not be made the "*auditors or police*" of the Code, a lesson drawn from experience with earlier federal codes where audit and reporting obligations turned site managers into compliance officers rather than allowing them to manage construction work.

The Code would restrict matters lawfully bargained under the Fair Work Act

21. Many of the workplace arrangements that the Draft Guidelines seek to prohibit or restrict are matters that may be lawfully included in enterprise agreements under the FW Act.[9] The FW Act defines permitted and prohibited content for enterprise agreements, and the Fair Work Commission is charged with the approval of such agreements.

22. A procurement code that penalises contractors for including terms in their enterprise agreements that are lawfully bargained and approved under the FW Act effectively implements a procurement process that overrides or restricts bargaining outcomes. This is not a proper approach to procurement as the practical effect is to creates a regime in which workers and their bargaining representatives are deterred from pursuing or bargaining conditions that are lawful under FW Act for fear that their employer will be excluded from government work. In this way, the Draft Guidelines use procurement leverage to constrain the exercise of legal rights that are conferred on workers, employers and their industrial representatives.

The Code risks undermining legitimate worker representation

23. The Draft Guidelines contain a number of provisions that would substantially diminish the role of worker representatives in the building and construction industry. These include the prohibition on non-working workplace delegates,[10] restrictions on consultation obligations regarding resourcing decisions, and limitations on right of entry beyond those provided by existing statute.[11] The QCU submits that collectively, these measures operate to curtail established mechanisms of worker representation and participation in workplace decision-making.

[9] Draft Implementation Guidelines, Annexure 2, s 4.
[10] Draft Implementation Guidelines, Annexure 2, s 4(l).
[11] Draft Implementation Guidelines, Annexure 2, s 4(f).

24. In particular, workplace delegates perform important statutory functions. Sections 350A to 350C of the FW Act recognise the right of workplace delegates to represent the industrial interests of members, to reasonable communication with members, to reasonable access to the workplace and workplace facilities, and to reasonable access to paid training leave.[12] The Draft Guidelines would restrict these entitlements through a code that operates outside the FW Act.

25. Health and safety representatives (HSRs) and entry permit holders (EPHs) are carefully regulated by the WHS Act, which contains its own accountability mechanisms, qualification requirements and grounds for disqualification. The QCU's Earlier Submission detailed these mechanisms at length. There is no evidential basis for the proposition that additional restrictions on HSRs and EPHs, imposed through a procurement code, are necessary or appropriate.

Positive procurement should be distinguished from restrictive procurement

26. The QCU supports the use of government purchasing power for positive measures that enhance industry outcomes. As Ms King told the Commission, the government has the right to use its procurement "*for positive measures which will add value to or enhance contractor performance*", including skills and training requirements, apprenticeship targets, the attraction and retention of women, First Nations employment, and best practice work health and safety standards.[13]

27. However, Ms King's evidence drew an important distinction between positive procurement measures and procurement policy that is used to "*lower wages and conditions or reduce safety*" or to direct "*how a regulator at a federal level should otherwise do their work*".[14] Procurement policy should properly be directed towards improving the quality, capability and performance of the industry. It should not be used as a mechanism to restrict workers' conditions and entitlements that may be lawfully bargained, or to create a separate industrial relations regulatory regime that interferes with the existing regime without a sound policy or evidentiary basis for doing so.

Culture change cannot be achieved by a punitive code

28. The evidence before the Commission, including from the stakeholder engagement process, demonstrates a broad consensus that meaningful cultural change in the

[12] *Fair Work Act 2009* (Cth), ss 350A–350C.
[13] Transcript of Proceedings, 25 August 2026 at 22 (Ms King).
[14] Transcript of Proceedings, 25 August 2026 at 23 (Ms King).

building and construction industry is an industry-wide challenge requiring sustained commitment from all participants.[15]

29. That consensus supports a collaborative rather than punitive approach to reform. The draft Joint Construction Industry Charter of the National Construction Industry Forum ('NCIF'), developed collaboratively across unions, employer associations and industry bodies, represents the kind of instrument most likely to drive genuine behavioural and cultural change through shared responsibility, collective leadership and industry-wide commitment. It proceeds from the premise that sustainable reform requires the commitment of all industry participants, not the imposition of sanctions by a regulatory body.

30. A parallel process is presently underway at the Commonwealth level. On 21 August 2026, the Australian Government released a discussion paper on potential Commonwealth standards for the construction industry, with submissions closing on 16 October 2026.[16] That consultation is the next step in implementing the NCIF's *Blueprint for the Future*, endorsed on 22 September 2025, and is being conducted alongside the NCIF's consultation on the draft Charter referred to above, which closes on the same date.[17]

31. The existence of that process is significant for three reasons. First, the Commonwealth consultation addresses substantially the same subject matter as the proposed Code, including integrity and lawful conduct, the genuine making of enterprise agreements, the timely resolution of disputes, the use of labour hire, and the engagement of apprentices. Secondly, the Commonwealth has expressly stated that no decisions have been taken as to the design, scope or implementation of any standards, and that a second stage of consultation will follow to test any proposed model before it is adopted.[18] Thirdly, the Commonwealth has identified that the role of any standards would be to address genuine gaps without duplicating existing arrangements.[19]

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[15] Stakeholder Engagement Report, Annexure 3 to the Counsel Assisting Submissions, 3 July 2026.
[16] Department of Employment and Workplace Relations (Cth), Potential Commonwealth standards for the construction industry, consultation opened 21 August 2026, submissions close 16 October 2026: <https://consultations.dewr.gov.au/potential-commonwealth-standards-for-the-construction-industry>.
[17] National Construction Industry Forum, Blueprint for the Future: A building and construction industry that works for everyone (2025) (the 'Blueprint'); National Construction Industry Forum, Draft Joint Construction Industry Charter, released for consultation on 24 August 2026, with feedback due 16 October 2026.
[18] Department of Employment and Workplace Relations (Cth), Potential Commonwealth Standards for the Construction Industry: Discussion Paper (August 2026) at 4 and 6 (the 'Discussion Paper').
[19] Discussion Paper at 8.

32. The QCU submits that the Commission should have regard to that process. The introduction of a Queensland procurement code at this time risks pre-empting the outcome of a national tripartite process directed to the same issues, and risks exposing contractors and principals working on both Commonwealth-supported and Queensland Government projects to overlapping or inconsistent obligations. The preferable course is for Queensland to participate in the Commonwealth process and to have regard to its outcome, rather than to impose a parallel State-based instrument in advance of it.

33. By contrast, the Draft Guidelines proceed primarily through coercive mechanisms, relying upon the prospect of exclusion from government procurement opportunities to drive compliance. A punitive code may secure compliance through fear of exclusion from government work, but it is unlikely to produce the lasting attitudinal and behavioural change that is required. The Commission should therefore be cautious about assuming that additional or increasing punitive regulatory measures will, of themselves, achieve the objective of enduring cultural change in the industry.

The consultation process has been inadequate

34. The process by which the proposed code has been developed is a matter of concern. The Stakeholder Engagement Report (Annexure 3 to the Counsel Assisting Submissions) records that union representatives were not provided with a finalised draft code.[20] Union representatives could not, and did not, give meaningful feedback without knowing the precise scope, application and content of the Code.

35. The Stakeholder Engagement Report further records that one peak body did not support the introduction of a code on the basis of the discussion paper, noting that "*the case lacks a draft instrument and a regulatory impact statement*".[21] The QCU shares that concern. The process has proceeded without a regulatory impact assessment. No assessment has been made of the costs, benefits and distributional effects of the proposed Code on workers, contractors and the industry. The contrast with the Commonwealth process referred to above is instructive. That process has proceeded by way of a published discussion paper identifying five themes and 27 specific questions, a public submission period, an industry briefing, and an express commitment to a further stage of consultation to test the design and implementation of any model.

[20] Stakeholder Engagement Report, Annexure 3, recording union representatives' feedback.
[21] Stakeholder Engagement Report, Annexure 3, recording one peak body's position that "the case lacks a draft instrument and a regulatory impact statement".

Duplication with existing law

36. A recurring theme from the stakeholder engagement process is the risk of duplication between the proposed Code and existing law.[22] Numerous stakeholders, including industry bodies, emphasised that any code must complement rather than duplicate existing legislation.

37. The matters addressed in the Draft Guidelines, including industrial conduct, right of entry, workplace delegate rights, health and safety representative functions, enterprise agreement content, and freedom of association, are already comprehensively regulated under Commonwealth and State legislation. The introduction of a parallel code addressing the same matters creates unnecessary complexity, increases compliance costs for contractors and principals, and risks inconsistent regulatory outcomes.

The CFMEU is now under administration and significant cultural change is underway

38. The *Fair Work (Registered Organisations) Amendment (Administration) Act 2024* (Cth) placed the Construction and General Division of the CFMEU into administration. The administrator has been granted extensive powers to reform the governance and operations of the Division. That legislative intervention vested the administrator with extensive powers to reform the governance, operations and culture of the Division. It demonstrates that the existing statutory framework is capable of responding to serious and systemic misconduct through targeted legislative and regulatory action where Parliament considers such intervention necessary.

39. The significance of those developments is twofold. First, they illustrate that entrenched governance and cultural issues can be addressed through the mechanisms available under existing legislation. Secondly, they demonstrate that substantial reform efforts are already underway. The QCU's evidence describes the rebuilding of cooperative relationships between affiliated unions and the administered CFMEU, significant personnel changes within the organisation following the High Court's decision, and the implementation of new processes for the management of demarcation disputes and standards of conduct.

40. These developments are directly relevant to the Commission's consideration of whether a further industry-wide regulatory response is necessary or warranted. The evidence indicates that the principal subject of concern identified by the Commission

[22] Stakeholder Engagement Report, Annexure 3.

is already undergoing significant structural and cultural reform under a statutory process specifically enacted for that purpose.

41. These developments support that the existing framework, properly applied and enforced, is capable of addressing the conduct and behaviour that has been the subject of the Commission's inquiry. They do not support the introduction of a new code of practice that would affect the entire industry, including workers and employers who have not been the subject of any adverse findings. The Commission should therefore carefully consider whether such a broad regulatory response is necessary, proportionate, or justified in circumstances where substantial reform is already being pursued through existing statutory mechanisms.

The Proposed Code's stated urgency is itself a concern

42. The Counsel Assisting Submissions urge that the Code be implemented promptly because of the imminent next round of enterprise bargaining.[23] That submission is revealing. It suggests that the purpose of the Code is not merely to set procurement standards, but to directly intervene in enterprise bargaining processes regulated by the FW Act.

43. Enterprise bargaining is a matter for employers, employees and their bargaining representatives, conducted under the collective bargaining framework established by the FW Act and subject to the oversight of the Fair Work Commission. The use of a procurement code to restrict the content of enterprise agreements, particularly where its implementation is deliberately timed to coincide with enterprise bargaining cycles, sits uneasily with the collective bargaining framework established by the FW Act. Such an approach risks using procurement leverage to influence matters that Parliament has entrusted to employers, employees and their bargaining representatives, and is difficult to reconcile with the proper role of the state government as a purchaser of construction services.

C. ISSUE 2: THE PROPOSED INDEPENDENT REGULATORY BODY

Insufficient information

44. The form, functions, powers and governance arrangements of the proposed independent regulatory body have not been clearly defined. The Commission has

[23]Counsel Assisting Submissions, 3 July 2026 at [77].

heard general evidence about what such a body might look like, but no detailed proposal has been put forward for consideration by the parties.[24]

45. Without knowing whether the body would be established by legislation or executive action, its investigative and enforcement powers, its relationship with existing regulators, its governance structure and its accountability mechanisms, it is impossible to meaningfully assess the proposal. The QCU is thus being asked to respond to a concept rather than a concrete proposal.

No stakeholder consensus

46. The Stakeholder Engagement Report confirms that there is no consensus amongst stakeholders on whether a standalone regulator is warranted.[25] Views expressed during the consultation process ranged from a small compliance unit within an existing government department to a dedicated statutory authority with comprehensive investigative powers. The Report records that the question of the administering body "*remained unresolved*".[26]

47. The absence of stakeholder consensus on a matter of this significance is itself an indication that further consultation and policy development is required.

Existing regulators should be properly resourced

48. The functions contemplated for a new regulator substantially overlap with those already performed by existing institutions, including the Fair Work Ombudsman, the Fair Work Commission, the Registered Organisations Commissioner, the Queensland Industrial Relations Commission, Workplace Health and Safety Queensland, and the Queensland Police Service. Those bodies already possess extensive statutory powers to investigate, enforce and adjudicate upon the types of conduct said to justify the creation of a new regulatory body.

49. As Ms King told the Commission, "*if those bodies, federal or state, have not been performing their functions, then that should be addressed*".[27] The QCU agrees. If deficiencies exist, the appropriate response is to ensure that existing regulators are adequately resourced and supported to perform the functions that Parliament has already conferred upon them, rather than creating a further body with overlapping responsibilities.

[24] Stakeholder Engagement Report, Annexure 3.
[25] Stakeholder Engagement Report, Annexure 3.
[26] Stakeholder Engagement Report, Annexure 3.
[27] Transcript of Proceedings, 25 August 2026 at P-4147.

50. The stakeholder engagement process itself recorded the position of union representatives that "*bodies should not be created where regulators already exist*".[28] That proposition accords with sound regulatory design. The creation of parallel regulators risks duplication, jurisdictional uncertainty, inefficiency and inconsistent regulatory outcomes.

51. That approach is consistent with the recommendations of the Blueprint. The Blueprint does not recommend the creation of a new industry regulator. It recommends that regulators take a more joined-up, proactive and visible approach to enforcement across the entire building and construction industry (Recommendation 2.2), and that opportunities be identified for greater information sharing and cooperation between regulators and agencies, including in relation to project funding and data (Recommendation 2.6).[29] Those recommendations were endorsed by a tripartite body comprising unions, employer associations and government. They proceed on the premise that any deficiency lies in the coordination and visibility of existing regulators, not in the absence of institutions.

52. The Stakeholder Engagement Report identified the risk of regulatory duplication and confusion as a concern.[30] This concern is well-founded. Regulatory duplication creates uncertainty for regulated persons and entities, increases compliance costs, and risks inconsistent regulatory outcomes.

53. The QCU further notes the discussion that the former compliance unit administering the previous code was under-resourced, with approximately five staff and three inspectors at its peak. However, that evidence supports a case for greater investment in compliance and enforcement, not the creation of a new regulator. If additional public resources are to be committed, they would be more effectively directed towards existing agencies with established industrial relations, workplace health and safety, and investigative expertise.

54. The fact that the previous compliance model may have lacked adequate resources does not, without more, justify the creation of an entirely new regulatory body. To the contrary, it tends to demonstrate that concerns about enforcement may be addressed through proper resourcing of existing institutions. In those circumstances, the creation of a new regulator would represent a disproportionate response to concerns that can already be addressed through existing legislative frameworks. The more coherent

[28] Stakeholder Engagement Report, Annexure 3.
[29] Blueprint at 14 (Recommendations 2.2 and 2.6).
[30] Stakeholder Engagement Report, Annexure 3.

course is to strengthen and resource the institutions that already possess the jurisdiction, expertise and statutory authority to perform those functions

Cost and time to establish

55. The establishment of a standalone statutory regulator would require a substantial investment of time and public resources. No detailed proposal has been advanced as to the regulator's legislative foundation, powers, governance arrangements, model or relationship with existing agencies. If established by statute, enabling legislation would need to be drafted, scrutinised and enacted. Governance structures would need to be designed, personnel recruited, and administrative systems developed. As the Stakeholder Engagement Report recognises, while a procurement-based code may be implemented relatively quickly, the establishment of a standalone regulator is a materially more complex and time-consuming undertaking.[31]

56. This creates a fundamental tension with the urgency advanced by Counsel Assisting. If the code must be implemented immediately to influence enterprise bargaining, but the regulator to administer the code cannot be established for a considerable period, the practical question of how the code would be administered and enforced in the interim is unresolved.

57. Evidence and stakeholder feedback about previous regulatory bodies such as the Building and Construction Compliance Branch and the Australian Building and Construction Commissioner, reveals both limitations and concerns.[32] Stakeholders described audit-heavy processes, the policing of paraphernalia, and mandated testing that did not achieve its stated purpose.

58. In those circumstances, the case for establishing a new standalone regulator is not self-evident. The evidence before the Commission points to the costs, complexity and risks of creating an additional regulatory body, while providing limited evidence that such a body would achieve outcomes that could not be achieved through existing institutions exercising properly resourced statutory powers.

The proposed coercive powers raise serious concerns

59. The Council Assisting Submissions of 14 April 2026 propose that the independent regulator be vested with "*appropriate coercive powers*" to enable it to detect and investigate non-compliance with the Code. The QCU submits that the conferral of

[31] Stakeholder Engagement Report, Annexure 3
[32] Stakeholder Engagement Report, Annexure 3.

coercive examination powers on a body that would operate outside the existing statutory framework raises serious concerns. Coercive powers including the power to compel persons to attend, answer questions and produce documents engage important protections including the privilege against self-incrimination, legal professional privilege and the like. These protections are carefully calibrated in the existing regulatory framework: the Fair Work Ombudsman, the Registered Organisations Commissioner and Workplace Health and Safety Queensland each exercise coercive powers subject to detailed statutory safeguards.

60. The QCU submits that no compelling case has been advanced for conferring equivalent powers on a new body operating alongside existing regulators. Such a body would increase the risk of regulatory overlap, duplicative investigations and inconsistent enforcement action in relation to the same underlying conduct or affairs.

61. If existing regulators require additional powers or resources to address misconduct in the construction industry, the preferable course is to strengthen those agencies within established legislative frameworks, rather than creating a new regulator whose powers, functions and relationship with existing bodies remain undefined.

D. CONCLUSION

62. For the reasons set out above, the QCU does not support the reintroduction of a building and construction code of practice. The existing legislative framework is comprehensive, the claimed productivity benefits are unproven, and the proposed Code would restrict matters lawfully bargained under the FW Act.

63. The QCU also does not support the creation of a new independent regulator. There is insufficient clarity regarding its role, no stakeholder consensus, and a significant risk of regulatory duplication. Existing regulators should instead be properly resourced to perform their role and functions.

64. The QCU supports maintaining and strengthening the current framework through effective enforcement and resourcing, rather than introducing additional regulatory layers that risk duplicating existing laws and undermining lawful bargaining.

65. The QCU remains committed to constructively engaging in measures that genuinely improve conduct, safety and productivity in Queensland's building and construction industry.

Queensland Council of Unions **21 September 2026**