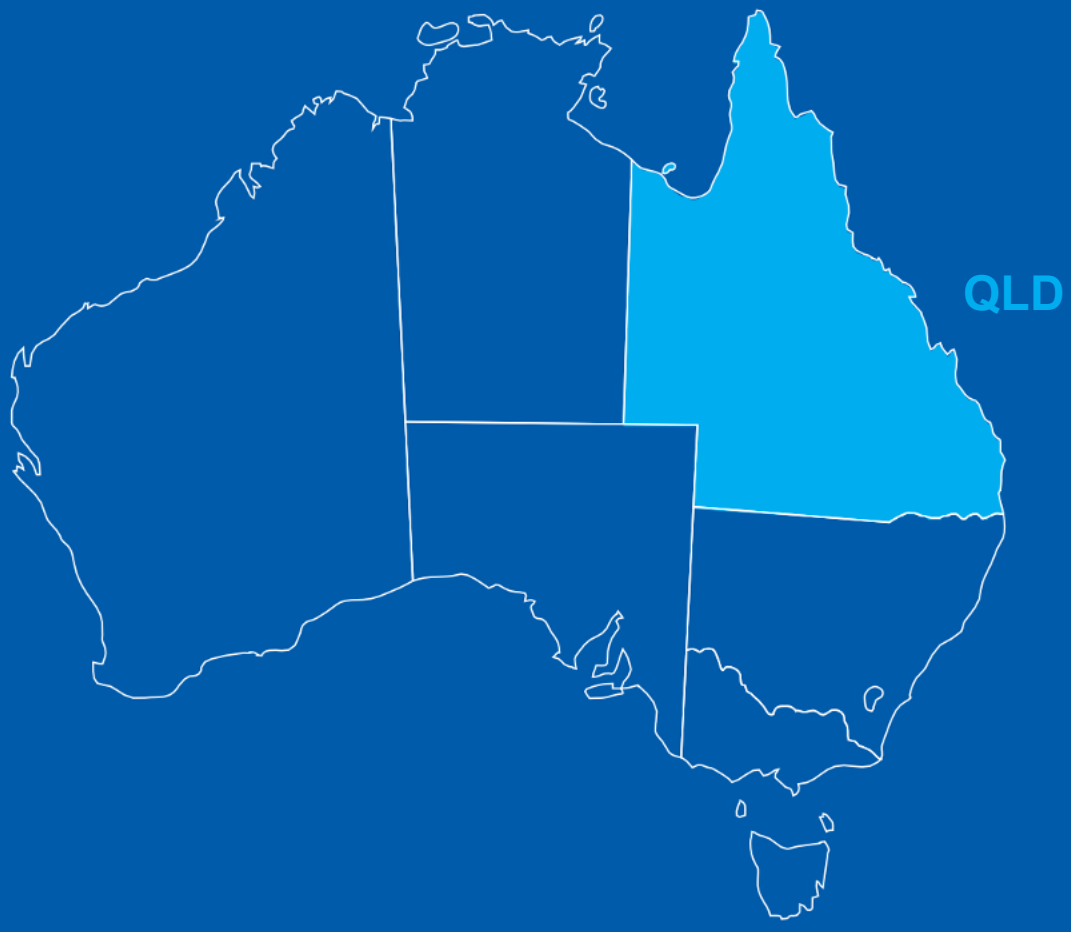
national electrical and communications association

Submission

Response to Counsel Assisting Further Submissions on the Re-introduction of a Construction Industry Code and Regulator

July 2026





Introduction

The National Electrical and Communications Association Queensland Chapter (**NECA Queensland**) welcomes the opportunity to respond to Counsel Assisting's further submissions dated 3 July 2026 concerning the proposed re-introduction of a construction industry code of practice and associated regulator for Queensland's building and construction industry.

NECA Queensland represents electrical and communications contractors across Queensland, including businesses engaged on major public infrastructure, commercial construction, civil works, energy, transport, health, education and private sector projects. Electrical contractors operate in a safety-critical and highly regulated industry, often as specialist subcontractors within complex multi-employer construction environments. They are directly affected by site disruption, unmanaged industrial disputes, coercive conduct, access constraints and productivity loss.

NECA Queensland supports the establishment of a Queensland construction industry code and associated regulator with appropriate scope, powers and expertise to address corrupt, coercive, unlawful and unnecessarily disruptive conduct in the construction industry. A properly designed framework should promote lawful conduct, productivity, accountability, freedom of association, proper right-of-entry practices and fair competition across the contracting chain.

Summary of NECA Queensland's position

NECA Queensland supports the following propositions.

First, Queensland should establish a construction industry code that clearly sets the standards expected of all parties participating in publicly funded building and construction work.

Second, the code must be administered by an independent and properly resourced regulator with educative, advisory, investigative and enforcement functions. A code without practical enforcement is unlikely to address conduct that imposes immediate and significant costs on contractors, subcontractors, workers and taxpayers.

Third, NECA Queensland broadly supports the draft Implementation Guidelines contained in Annexure 2 to Counsel Assisting's submissions. The Guidelines provide a workable procurement-based framework for workplace relations management, dispute settlement, productivity, right of entry, freedom of association and government oversight.

Fourth, the final code and Guidelines should place particular emphasis on ensuring that enterprise bargaining agreements and related workplace arrangements support productivity and flexibility. Enterprise agreements should not be used to entrench rigid project-wide practices that prevent contractors from organising work safely, efficiently and competitively.

Fifth, disputes raised by permit entry holders should be managed lawfully, proportionately and with appropriate containment. Genuine safety and workplace concerns must be respected, but they should not be allowed to become vehicles for unnecessary escalation, site-wide disruption or productivity loss at unrelated sites.

Support for a construction industry code and regulator

NECA Queensland supports the re-introduction of a Queensland construction industry code. A code can provide clear expectations for publicly funded construction work and assist in restoring confidence that Queensland Government projects will be delivered safely, lawfully, efficiently and with appropriate regard to taxpayer value.

The code should be directed to practical site conduct, not merely formal compliance. It should address coercion, intimidation, corrupt conduct, unjustified work stoppages, misuse of site access, artificial restraints on labour deployment and workplace arrangements that interfere with lawful and efficient project delivery.

NECA Queensland also supports the establishment of an associated regulator. The regulator should be independent, properly resourced and staffed by people with relevant construction, subcontracting, industrial relations, procurement and dispute-resolution expertise. It should be able to provide guidance, assess workplace relations management plans, monitor compliance, investigate alleged breaches, recommend sanctions and intervene early where conduct threatens disproportionate disruption.

The regulator's scope should be broad enough to address corrupt, coercive and unnecessarily disruptive conduct, while avoiding unnecessary duplication of existing workplace relations, safety, procurement or criminal enforcement agencies. Its focus should be compliance with the code, workplace arrangements that restrict productivity, misuse or circumvention of right-of-entry arrangements, coercive conduct affecting contractors and subcontractors, protection of freedom of association, and the management of threatened or actual industrial disruption.

Meaningful commercial consequences should be available for non-compliance, including exclusion from tendering for government work where appropriate. Such sanctions should be subject to procedural fairness and review rights, but they must be strong enough to influence behaviour.

Broad support for Annexure 2 Implementation Guidelines

NECA Queensland broadly supports the draft Implementation Guidelines contained in Annexure 2. The Guidelines provide a practical structure for implementing the code through procurement and project governance.

NECA Queensland particularly supports the Guidelines' focus on proactive workplace relations management, cost efficiency, productivity, workplace health and safety, innovation and continuous

improvement. Publicly funded projects should be delivered on time, within budget and with real value for money for Queensland taxpayers.

The proposed requirement for workplace relations management plans is also supported. These plans should require tenderers to identify how they will source labour, manage workplace arrangements, ensure subcontractor compliance, control third-party site access, protect statutory workplace rights, manage demarcation and right-of-entry disputes, and minimise lost time caused by industrial disruption.

The Guidelines' dispute-settlement provisions are particularly important for specialist subcontractors. Electrical work is highly sequenced and is often dependent on timely access to work fronts, switch rooms, risers, plant areas, ceiling spaces, shutdown windows, testing and commissioning programs. A dispute involving one party can quickly disrupt unrelated subcontractors if not properly contained.

Enterprise agreements must support productivity and flexibility

NECA Queensland's first focused observation is that enterprise bargaining agreements must be improved so that they support productivity and flexibility.

Enterprise bargaining remains a legitimate mechanism for employers and employees to agree on fair and appropriate conditions. However, enterprise agreements should not be used to impose rigid or inefficient arrangements that prevent contractors from organising work safely and productively. This is not a question of reducing safety standards or lawful entitlements. It is about ensuring that workplace arrangements reflect the operational realities of construction delivery.

For electrical contractors, flexibility is essential. Electrical work may require intensive labour during rough-in, specialist expertise during commissioning, out-of-hours work for shutdowns, rapid response to design changes, and adjustment to delays caused by other trades, weather, equipment lead times or client access constraints. Agreements that impose fixed resourcing rules, rigid RDO patterns, one-in-all-in arrangements, third-party approval for labour decisions, restrictions on labour hire or subcontracting, or project-wide terms unrelated to the contractor's enterprise can materially impair efficient delivery.

NECA Queensland therefore supports provisions in the draft Guidelines that prohibit workplace arrangements which restrict efficient performance of work or limit productivity improvement. This includes arrangements dealing with fixed employee ratios, one-in-all-in practices, last-on-first-off redundancy clauses, restrictions on labour sources, constraints on lawful all-in payments, and inflexible RDO arrangements.

The final Guidelines should expressly state that enterprise agreements and workplace arrangements must preserve an employer's ability to make lawful decisions about labour sourcing, rostering, sequencing, subcontracting, supervision and deployment of specialist skills. This should be treated as a central feature of the code.

Project agreements and subcontractor competition

NECA Queensland supports the Guidelines' cautious approach to project agreements. Electrical contractors operate in a competitive subcontracting market where price, productivity, technical capability, supervision, safety systems, quality and delivery performance all matter.

Project agreements or pattern arrangements that require subcontractors to adopt head-contractor conditions, site-wide wage structures or project-specific obligations can suppress competition and increase costs. They should only be permitted on public construction projects where there is a clear and demonstrable benefit to the Queensland Government.

The relevant test should be whether the arrangement improves time, cost, safety, workforce capability or project delivery compared with ordinary enterprise-level bargaining and competitive subcontracting. Convenience, custom or pressure from project participants should not be sufficient.

Permit entry holder disputes must be managed without unnecessary escalation

NECA Queensland's second focused observation is that disputes raised by permit entry holders must be managed without unnecessary escalation or productivity loss.

NECA Queensland recognises that lawful right of entry serves legitimate statutory purposes. Permit holders may have lawful roles in holding discussions with employees or investigating suspected contraventions. NECA Queensland does not oppose lawful right of entry or the raising of genuine safety and workplace concerns.

However, right-of-entry arrangements should not be used as a mechanism for disruption, leverage, intimidation, delay or escalation beyond the issue actually raised. The final Guidelines should reinforce that permit-holder disputes must be managed according to the principles of specificity, proportionality, containment and continuity of work.

A concern should be identified clearly enough for the relevant employer, subcontractor, principal contractor or duty holder to respond. The response should be proportionate to the seriousness and immediacy of the issue. A localised matter should not result in site-wide disruption unless the facts genuinely warrant that outcome. Where it is safe and lawful to do so, work should continue while the relevant dispute-resolution process is followed.

This is especially important where a dispute concerns one subcontractor, one work area or one alleged contravention. Disruption should not automatically extend to unrelated subcontractors, other work fronts, other projects or other sites. Electrical contractors should not lose productivity because a dispute involving another party is allowed to spread beyond its proper scope.

Safety concerns must be addressed, but not misused

NECA Queensland strongly supports prompt and serious attention to genuine safety concerns. Electrical work carries significant safety obligations, including isolation, testing, commissioning, energisation and compliance with electrical safety and work health and safety laws.

However, the code should distinguish genuine safety issues from purported safety concerns used as a proxy for industrial leverage. Where a safety matter is raised, it should be assessed promptly by the relevant duty holder and, where necessary, by the statutory safety regulator. If the issue can be addressed without stopping unrelated work, that should occur. If work must cease in a particular area, the stoppage should be confined to the affected area unless there is a genuine broader risk.

NECA Queensland supports accurate reporting of lost time arising from industrial action, WHS matters or purported WHS matters. Reliable reporting is necessary to understand the true cause and cost of disruption.

Recommended refinements to Annexure 2

NECA Queensland recommends the following refinements to the draft Guidelines:

1. The Guidelines should expressly state that enterprise agreements and workplace arrangements must support safe, productive and flexible work organisation.
2. Workplace relations management plans should require tenderers to explain how they will manage permit-holder disputes without unnecessary escalation or disruption to unrelated subcontractors, work areas, project stages or other sites.
3. Dispute-settlement provisions should incorporate the principles of specificity, proportionality, containment and continuity of work where safe and lawful.
4. The regulator should publish guidance on compliant and non-compliant enterprise agreement clauses, including clauses relating to RDOs, labour hire, subcontracting, project allowances, right of entry, union consultation, dispute escalation and union involvement in site processes.
5. Subcontractors should have a practical and confidential pathway to raise concerns with the regulator where they experience coercion, pressure, intimidation, disruption or indirect retaliation.
6. Any sanctions regime should preserve procedural fairness and review rights, while ensuring that repeated or deliberate non-compliance attracts meaningful consequences.

Conclusion

NECA Queensland supports the establishment of a Queensland construction industry code and associated regulator with appropriate scope, expertise and powers. A well-designed framework can improve lawful conduct, protect freedom of association, preserve the integrity of right-of-entry laws, reduce disruptive conduct and support productivity and value for money on publicly funded construction projects.

NECA Queensland broadly supports the draft Implementation Guidelines in Annexure 2, subject to refinements that strengthen productivity, flexibility and dispute containment. Enterprise agreements should not lock in inefficient or inflexible practices that prevent contractors from delivering work safely and competitively. Likewise, disputes raised by permit entry holders should be managed lawfully, specifically and proportionately, without unnecessary escalation or avoidable productivity loss at the site or on other sites.

Queensland's construction pipeline, including major public infrastructure and works associated with the 2032 Olympic and Paralympic Games, requires a construction industry that is safe, lawful, productive and accountable. A construction industry code and properly empowered regulator would make a meaningful contribution to that objective.

national electrical and communications association

To arrange a meeting or discuss this proposal further, please contact:

Patrick Murphy

Executive Director – NECA Queensland

T 1300 361 099 **E** memberservices@neca.asn.au **W** www.neca.asn.au