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The Commissioner
Commission of Inquiry into the CFMEU
Via Email

Re: Queensland Code of Practice for the Building and Construction Industry

Dear Reviewers,

We write with respect of the above.

At the outset, we wish to commend the key work of the Commission on Inquiry into the CFMEU ("the Commission") in uncovering inappropriate practices and conduct in the sector.

Introduction

The Civil Contractors Federation Queensland Limited (CCF QLD) represents the interests and enhanced prosperity of the civil construction industry in Queensland. CCF QLD prides itself on being the voice of the civil construction industry and advocates for the interests of industry to all levels of government. We are responsible for representing the Queensland civil construction industry; from as far north as Cairns to as far south as the Queensland border and all of Western Queensland.

Civil Contractors Federation Queensland Limited (CCF QLD) has three Queensland Civil Industry Training Centres (QCITC) located in Brisbane, Townsville and Cairns, with Brisbane being our head office. CCF is a Registered Organisation under the Fair Work (Registered Organisations) Act 2009. CCF operates as a non-profit entity governed by a constitution approved by Fair Work Australia.

At the outset, we note that the most important positive change the State has made in the civil construction sector is the abolition of BPIC and the introduction of the new, clearer, more equitable procurement policy. The examination of a potential Code of Practice for the Building and Construction Industry is another important step in ensuring productivity and capacity are maximised for the civil industry in the lead up to the 2032 Brisbane Olympic Games.

We believe the new code must prioritise productivity above all else. Productivity will ultimately drive better wages for workers, profits for businesses and deliver the best value for money for taxpayers. Productivity is a win-win-win, it is the tide that lifts all boats.

Priorities for the New Code

CCF QLD believes that the code should be underpinned by the following key pillars:

- Compliance with State and Federal Laws;
- Collaboration;

- Productivity;
- Supporting the QLD Procurement Policy;
- Cutting red tape;
- Safety; and
- Value for money for taxpayers.

We note the guidelines as drafted support these pillars in the broad sense.

The Commission of Inquiry into the CFMEU ("the Commission")

CCF QLD gave evidence to the inquiry into the CFMEU, with specific reference to the Best Practice Industry Conditions ("BPIC") Policy. We note that much of the testimony of our CEO, Mr Damian Long has contributed to the creation of the Draft Guidelines and that his statements helped inform the submission on this matter for the Counsel Assisting the Commission.

We are grateful to the Commission for its thorough investigation into these matters, it is crucial that the kind of behaviour and the destructive practices which allowed such conduct to flourish are eliminated from our industry. A Building Code is critical bulwark against improper conduct, including collusion, violence and intimidation.

Response to the Draft Implementation Guidelines

CCF QLD believes that the Draft Implementation Guidelines ("the Guidelines or the Draft Guidelines") are a critical lever in ensuring the proposed Code is fit for purpose. We will provide feedback on each section as drafted, as well as suggestions on key pillars of the code proper later in this submission. We will address the guidelines under each of the sections as drafted. CCF QLD has also included in this submission our suggestions on key points that should be contained within a Code for completeness.

Introduction

CCF Queensland notes the Guidelines are intended to achieve the smooth implementation of a proposed code. The Guidelines are intended to support:

- Proactive management of workplace relations
- Cost efficiency and productivity
- High Standards of Workplace Health and Safety
- Innovation and Continuous Improvement.

CCF QLD understands and supports these intended pillars. These "value pillars" mirror closely our suggestions to the Commission and we are pleased to offer unequivocal support to them. Productivity, safety and harmony will be the principles which drive outcomes for a successful Olympics and the protection of Queensland's famous lifestyle as our population continues to grow. These changes will help deliver the infrastructure of the future, allowing our state to deliver more for less.

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Application and Scope

The threshold for the code is sensible and well considered at $10 million for building work and $20 million for civil projects to require a Workplace Relations Management Plan ("WRMP"). WRMP's are an important tool which should provide for front end planning around industrial relations and provide a reference point for continuous management.

Contract Documentation and Management

CCF QLD believes that proportionate compliance enforcement mechanisms are critical to ensure that a Code is effective. WRMP's ought to be used as part of expressions of interest or prior to commencement to demonstrate compliance with the Code and the Guidelines. This also becomes a tool the regulator can audit for compliance; similar to a Safe Work Management Statement (SWMS).

This requirement cannot become a burden for contractors, past Codes required a lot of reporting. Much of the reporting documentation ought to be front ended, with compliance to be audited by an independent, well-resourced construction regulator. We will elaborate on this point further below; however, we believe the regulator should provide guidance and templates to assist industry, recognising the various levels of capacity and maturity amongst contractors.

Proactive Notification Requirements

CCF QLD strongly supports the notion of proactive notification requirements in exceptional circumstances. This, in our view, should be expanded from what is in the guidelines to include proactive notification of anything that constitutes an inducement, intimidation or incitement, even if it is potentially within the limits of the law. The code should go beyond the black letter of the law and ensure that tendering is as open and transparent as possible. Tendering must be done on its merits, with absolute oversight and publicly defensible outcomes.

We consider the following list of matters as a non-exhaustive examination of what could be classed as inducements under the Code and the Guidelines:

- Transferring monetary funds or commissions to procurement personnel, evaluators, sub-contractors, or secondary suppliers.
- Forgiving liabilities or extending credit terms to procurement personnel or supply chain parties.
- Allocating shares or ownership options to decision-makers or sub-contracted entities.
- Transferring physical goods, equipment, or inventory to officials or supply chain agents.
- Funding transit, lodging, meals, or event access for evaluators or procurement personnel.
- Offering future employment or advisory contracts to officials or their designated sub-contractors.
- Subcontracting or employing individuals or entities related to evaluation personnel or key suppliers.
- Directing financial resources to third-party entities, sub-contractors, or organizations designated by officials.

- Applying price reductions, rebates, or side agreements outside formal proposal documentation.
- Supplying additional goods, works, or services beyond stated procurement specifications.
- Submitting bid values below marginal cost through prime or sub-contractor pricing structures.
- Transmitting confidential tender metrics, sub-contractor pricing, or competitor submissions to officials or suppliers.
- Granting restricted supply rights or market access to specific sub-contractors to secure bid selection.
- Structuring sub-contracting agreements to divide market share, rotate bids, or fix prices across suppliers.

In addition to this, the employment, contracting, sub-contracting or involvement with recognised criminals or criminal organisations in any capacity should be regarded as a breach of this Code. For the avoidance of doubt, members of such organisations should be specifically precluded from being employed by any entity tendering for government work. This includes using members of such organisations and their associates as informal "fixers" or mediators. This should include anyone who is a member of organisation listed as an identified organisation under the Liquor Regulation 2002 or a criminal organisation under the Criminal Code Act 1899, as well as anyone with a criminal record for an offence which carries a maximum jail sentence of over 12 months.

Anything which undermines the transparency of tendering should be outlawed by the Code, even if it is within the realm of legality. Requirements to proactively notify themselves are not usually legal, so we are pleased to see this principle brought into the Code and hope it is extended as widely as possible.

We do have concerns about the operation of this requirement even though in principle we strongly support it. The duty to report cannot become an onerous compliance burden. An independent construction regulator ought to set up a simple complaints portal to oversee delivery on this goal. Complaints or notification must be easily made, without consuming too much time for contractors.

Scope

We note the following from the proposed Guidelines:

"These Guidelines apply solely to parties who participate in on-site activities. These Guidelines are intended to apply to all forms of procurement methods including but not limited to: traditional fully documented/lump sum contracts, public private partnerships (PPPs), alliance contracts, managing contractor arrangements - design and construct (D&C); construction management procurement method and any other project funding arrangements or other procurement methods that may be introduced from time to time to reflect changes in Queensland Government contractual and delivery practice."

We agree with the broadness of the procurement methods covered, however, believe that guidelines around this should not just extend to onsite activities but should extend to "any work, negotiations or discussions around tendering for work to be procured by the abovementioned methods, including on and off site work."

This would include negotiations, discussions and other matters, to ensure that the full life cycle of the project is covered. Uncovering and uprooting poor performance is critical to the delivery of high quality infrastructure on-time and on budget. Allowing poor practices to occur off-site can be as detrimental to project delivery as poor practices on-site.

Relationship with the Code

CCF QLD reiterates here our support for the release of an exposure draft of a proposed Building Code with a view to ensuring implementation of the Code by the end of the year or early next.

Relationship with the Fair Work Act

CCF QLD do not believe there is any indication the guidelines would encourage breaches of the Fair Work Act, rather, we view them as providing a simple enforcement mechanism for some of the elements of the Act. Our only notable carve out on this interpretation is the concept of project agreements, which we outline later in this submission.

Legal and Related Obligations

CCF QLD supports all the legal obligations as outlined under point 3.1 in the proposed Guidelines. CCF QLD would also add that to continue to work under the Code, any organisation must also be obliged to register any and all industrial instruments it has with its workforce with the Fair Work Commission and proactively demonstrate this to the Government. It should be made clear under any Code and attached guidelines that tenderers are obliged to demonstrate evidence that they have any of the following applicable to the project:

- A registered enterprise bargaining agreement; or
- A registered greenfields agreement or an agreement with the client to create one upon award of a tender; or
- Full compliance with the relevant award framework.

Without the above, a party bound by the Code and the Guidelines should not be considered for tenders.

Practices Designed to Avoid Compliance

CCF QLD agrees with all the mentioned prohibitions for practices designed to avoid compliance with legal obligations. We do believe as noted above that there must be clear demonstration of registration of industrial agreements.

We note the suggested principles of site practices for tenderers. We agree fully with the principles for site practices as outlined.

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Unregistered Written Agreements.

CCF QLD agree with the intent of this part of the Guidelines, however, would argue that proactive demonstration of a written agreement or compliance with the relevant award framework, rather than a ban on unregistered agreements, may be the best method to achieve the intended outcomes. We support a ban on unregistered written agreements to be included in the guidelines, however, think proactive requirements to demonstrate registration of agreements, as outlined above may be a more efficient way of achieving the same intent.

Independent Contractors

CCF QLD strongly supports a ban on discrimination against independent contractors.

Workplace Arrangements

CCF QLD notes the draft Guidelines state "The Queensland Code stipulates that workforce management will ensure workplace health and safety; industrial relations; training and skill development are integrated within the organisational procedures, practices and performance standards of the organisation."

CCF QLD agrees with this underlying principle statement of sorts and believes that how the Code manages workplace arrangements as they are defined in the Guidelines are crucial.

We will respond to the prohibitions proposed in the Guidelines in the order they are outlined.

a) Coercion in all its forms should be explicitly banned under the Code, and this should extend to coercion around workplace arrangements.
b) CCF QLD believes agreements should not prescribe payments to funds above legislative requirements, we believe this should exclude voluntary contributions. We note the proposed prohibition specifically mentions industry superannuation funds. This should be extended to all superannuation funds, including self-managed superannuation funds.
c) CCF QLD supports a prohibition on influencing a third party's industrial arrangements in all their forms. The Code should specifically support a framework that ensures contractors are free to make workplace arrangements, with or without the influence of an employee representative with their workforce. Genuine agreement making better empowers the workforce, be it through making a union or non-union employment agreement or simply engagement under the appropriate award.
d) CCF QLD again reiterates our support for ensuring that Workplace Arrangements are made exclusively between employers and employees with or without the influence of a representative employee organisation.
e) Productivity is the tide that will lift all boats in the context of workplace relations. It will deliver higher profits for companies, higher wages for workers and better value for taxpayers. Given this, we support strongly the measures included under this heading of efficiency:
    I. A prohibition on employee ratios;
    II. A prohibition on one in all in arrangements;

III. No last on, first off clauses;
IV. No restrictions on the nature of labour (casual, full time, part time, labour hire, independent contracting);
V. No prohibition of all in payment; and
VI. No restrictions on the arrangement of RDO's.

These prohibitions enhance flexibility and productivity, allowing the efficient deployment of labour to deliver projects as efficiently as possible. Redundancy and training funds should come out of bargaining, if agreed upon, employers and employees and their representatives should be able to determine whether to self-fund or have these funded through another mechanism. We also believe that no agreement should be able to restrict sub-contractor selection, nor prescribe how WHS matters are to be dealt with. (this should be done in compliance with relevant legislation.)

f) CCF QLD supports appropriate oversight of officials of industrial organisations. The appropriate role for these officials is defined in legislation, and there should be no modification of statutory rights to preference or discriminate against a union.
g) Monitoring of an industrial instrument is best done by the appropriate entity, and therefore CCF QLD agree with this prohibition.
h) A prohibition on clauses of an industrial instrument allowing paid attendance at union activities is a sensible, pro-productivity clause. This does not restrict the right of individuals to join a union, it only serves to prevent them from using union meetings as paid time off- a thoroughly unproductive workplace practice, in the interests of no one.
i) A prohibition on contracting out of the proposed Guidelines and Code is sensible, otherwise the entire code would be rendered ineffective.
j) CCF QLD opposes project agreements in principle. We urge the Government to make a full prohibition on the idea within the Code and Guidelines. In the view of CCF QLD, project agreements are a kind of pattern bargaining arrangement which dictate across the supply chain. At law, we believe project agreements are a kind of multi-employer bargaining agreement, and construction is specifically excluded from this kind of agreement under Federal Law; specifically, s186 of the Fair Work Act 2009 states:
    i. (2A) If the agreement is a cooperative workplace agreement that is not a greenfields agreement, the FWC must be satisfied that at least some of the employees covered by the agreement were represented by an employee organisation in relation to bargaining for the agreement.
    ii. Requirement that multi - enterprise agreements (other than greenfields agreements) not cover employees in relation to general building and construction work
    iii. (2B) If the agreement is a multi - enterprise agreement that is not a greenfields agreement, the FWC must be satisfied that the **agreement does not cover employees in relation to general building and construction work .**
k) Site allowances being expressly defined in any industrial agreement is a measure to stop the administrative expansion of wages without bargaining or negotiation. We support a prohibition on this practice as outlined in the Guidelines.

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Cost, Efficiency and Productivity

CCF QLD welcome the focus on productivity. Queensland, particularly South-East Queensland has had enormous population growth in recent years. This will continue, with population projections suggesting that South-East Queensland will have 6 million people by 2046, up from approximately 4 million in the middle of 2024[1]. The economic and social hub of South-East Queensland, Brisbane, is already Australia's most congested city[2]. Population growth, driving the need for new housing and transport infrastructure and the Brisbane 2032 Olympics and Paralympic Games have created a perfect storm in the civil construction industry in Queensland.

These factors create an enormous impetus to ensure that Queensland's entire civil construction sector is as productive as possible in the coming years. The Queensland Productivity Commission has also recently released its report into productivity in the construction sector. The key finding we wish to highlight here is that productivity in the Queensland construction industry today is only 5 per cent higher than it was in 1994-95. In comparison, productivity in the market economy grew by 65 per cent[3]. Productivity; particularly in a complex and interdependent sector like civil construction is not just a function of equipping workers with better tools or better industrial relations, but also by helping and encouraging better project planning, greater logistical cohesion and supply chain management. This 60 point productivity gap highlights the need for significant change. We welcome the recent announcement by the State Government of their embrace of the vast majority of the recent QPC report and urge them to implement key recommendations as soon as practicable.

Capital infrastructure accounts for nearly a third[4] of Queensland Budget expenses. Even modest efficiency gains can save billions of dollars and bolster economic growth. Well targeted infrastructure investment boosts economic growth both during the construction phase and after by enhancing productivity of the broader economy[5]. The efficiency gains from pro-productivity industrial relations policies are critical to the delivery of important infrastructure in coming years.

Obligations in Tender or Expressions of Interest

CCF QLD supports the thresholds for a Workplace Relationship Management Plan ("WRMP") as suggested by the Guidelines.

[1] Department of State Development, Infrastructure and Planning (2024) ShapingSEQ2023, Planning. Available at: https://www.planning.qld.gov.au/planning-framework/plan-making/regional-planning/south-east-queensland-regional-plan (Accessed: 13 October 2025).
[2] Brisbane is Australia's most traffic-congested city (no date) Drive. Available at: https://www.drive.com.au/news/brisbane-australia-most-traffic-congested-city/ (Accessed: 13 October 2025).
[3] Queensland Productivity Commission (2025) *Summary Report - Opportunities to improve productivity of the construction industry*. Brisbane: Queensland Productivity Commission. Available at: https://qpc.qld.gov.au/docs/construction-productivity/Summary%20Report%20-%20Opportunities%20to%20improve%20productivity%20of%20the%20construction%20industry%201.pdf (Accessed: 5 November 2025).
[4] Queensland Treasury (2025) 2025–26 Queensland Budget: Budget Paper No. 3 – Capital Statement, Queensland Treasury, Brisbane, accessed 7 January 2026, https://budget.qld.gov.au/files/Budget-2025-26-BP3-Budget-Capital-Statement.pdf.
[5] The Conference Board (2023) Securing Growth Through Infrastructure: Investing in the Future. Available at: https://www.conference-board.org/publications/securing-growth-through-infrastructure (Accessed: 8 January 2026).

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We will address the Workplace Relationship Management Plan requirements as they are listed in the draft Guidelines. Broadly speaking we support the suggestions however want to emphasise that a balance must be struck between compliance and efficiency in the measurement of these criteria.

a. CCF QLD supports the sources of labour being broadly explained in WRMP, however cautions against requiring excessive detail. Demonstration of registered EBA, Greenfield Agreement or Compliance with the relevant Award, as well as copies of any labour hire contracts should be sufficient.
b. As outlined above, the provision of relevant workplace instruments as part of the Code is critical.
c. Head contractors should only be obliged to note that they will maintain a proactive attitude to compliance with the Code, and that all contracts with subcontractors contain an express provision noting that work conducted by subcontractors will be done in accordance with the Code and Guidelines.
d. CCF QLD supports ensuring rigour in the training requirements being attached to procurement policies, as well as appropriate employee screening and inductions.
e. CCF QLD supports a tender/ WRMP requirement to demonstrate the productive utilisation of employees.
f. Ensuring major plant and equipment is used as productively as possible is a sensible requirement, however, it should be the choice of contractors to resource how they see fit, so this requirement ought to focus on delivery rather than box-checking style metrics.
g. CCF QLD supports having a requirement for a coherent plan around employee relationships and consultation.

Matters H-L, Engagement with Employees, Labour Hire and Employee Associations

CCF QLD believes it is important employee rights like freedom of association are maintained through a WRMP. All on site workers deserve to have their rights respected. We strongly believe that the view of the contractor or the Government on union demarcation on-site is a powerful bulwark against contests and should be part of a WRMP. There is the potential for this to be managed upfront, meaning the likelihood of rancour is substantially reduced.

m. Proactive management of subcontractors compliance with the Code has the potential to become an unproductive burden on head contractors. Sub-contractors working on site should monitor their own compliance with the Code and Guidelines, they have obligations as such in order to work on Government projects.
n. A demonstrated capacity to manage costs and a plan to do so is an important factor in contracting and should be supported by the Guidelines.

Matters O-R

Measuring a civil contractor's historical cost performance under the former Best Practice Industry Conditions (BPIC) system is fundamentally unfair because it evaluates operational efficiency under two entirely incompatible economic realities. BPIC added up to 30% to project costs through mandates contractors simply couldn't control. Penalising a business for expenditure spikes caused mandates ignores their true capacity for

efficient delivery. Now that BPIC has been scrapped to restore market competition and productivity, contractors operate in an open environment where project delivery hinges on genuine efficiency. Tender documents and current capacity should be how a contractors capacity to cost manage is measured. Evaluating a contractor's current cost-management capabilities against their financial record under BPIC is like comparing apples with oranges. It is akin to judging a runner's true sprinting ability based on a race where they were required to carry a 30-kilogram weight. The runner's time reflected the weight of the pack, not their physical speed. The same logic applies here.

Contractor Obligations - Conclusion

Contractors' ought to comply with all requests by authorities to monitor compliance under any and all circumstances. Compliance with the Code and Guidelines should not be a document submitting exercise for contractors. This is counter to the goal of red-tape reduction and enhanced productivity.

Compliance monitoring should be conducted by a well-resourced, independent State Regulator of the sector.

The following pillars should be key to its operation.

1. A capacity to front end compliance documents through tendering.
2. Sufficient resources and powers to conduct audits as to compliance with the Code.
3. Protections for whistleblowers including a dedicated mechanism to raise complaints safely.
4. Powers to issue sanctions for non-compliance.
5. Sufficient resourcing to assess compliance with WRMP and other documentation required under the Code and Guidelines at the front end of a project, including providing contractors with easy to submit tender documentation similar to the former Australian Building and Construction Commission (ABCC).
6. Sufficient resourcing to conduct proactive education and provide easy to understand guidance materials on the Code to contractors.

Project Agreements

a) Project Agreements in the civil construction sector are multi-employer bargaining agreements by stealth, directly undermining the intended scope of federal industrial relations legislation. We note s186 of the Fair Work Act 2009 states:
    i. (2A) If the agreement is a cooperative workplace agreement that is not a greenfields agreement, the FWC must be satisfied that at least some of the employees covered by the agreement were represented by an employee organisation in relation to bargaining for the agreement.
    ii. Requirement that multi - enterprise agreements (other than greenfields agreements) not cover employees in relation to general building and construction work
    iii. (2B) If the agreement is a multi - enterprise agreement that is not a greenfields agreement, the FWC must be satisfied that the **agreement does not cover employees in relation to general building and construction work.**

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The Federal Government explicitly carved out the general building and civil construction sector from multi-employer bargaining under the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022 due to distinct economic and operational realities. Multi-employer bargaining was designed to kick-start wage growth in historically low-paid industries.

Beyond wage dynamics, the carve-out was essential to safeguard national productivity and major supply chains. The sector operates on a complex ecosystem of head contractors, specialised trades, and small subcontractors; imposing a rigid, one-size-fits-all agreement across competing businesses threatened the operational flexibility required to manage varying site conditions and project risks.

Project Agreements distort this balance by effectively enforcing blanket terms and conditions across every business on a project. By applying identical pay scales and restrictive working rules to unrelated employers, these agreements create multi-employer bargaining.

This top-down approach hits small and medium enterprises particularly hard. Specialty subcontractors are often forced to adopt rate structures that bear little resemblance to their actual operating costs. This forced compliance severely tightens cash flows, reduces market competition, and effectively prevents smaller local contractors from bidding on major public tenders. By ensuring project agreements are prohibited, the State Government works to fulfil recommendations from the Queensland Productivity Commission Report, including a commitment to allowing greater sub-contractor involvement, improving administrative simplicity and notably, ensuring the best value for money.

In addition to this, ensuring that small and medium business have capacity to tender and are not unnecessarily and unfairly burdened helps the Government achieve their 30% small and medium business target under the Queensland Procurement Policy.

Genuine enterprise bargaining allows individual employers and their workforce to negotiate flexible arrangements tailored to their specific operations. Blanket Project Agreements eliminate this local flexibility, replacing tailored workplace negotiation with standardized rules that drive up costs and stifle sector growth.

CCF QLD supports a **prohibition** on Project Agreements under the Code.

Dispute Resolution and Prevention – Including Demarcation

A critical part of any code would be to ensure the clear demarcation for representation of employees amongst unions where there is controversy as to coverage of workers. Whilst this may need to be litigated through the Fair Work Commission we feel it would be worth embedding in the Code clear demarcation of representation on Government work sites. Whilst such a demarcation could be subject to challenge, we are of the view that demarcation, done in consultation with unions, business, GIICA and with input from the Fair Work Commission should help ensure that the rights of all workers and stakeholders are appropriately respected. This would create a rebuttable presumption and help drive harmony and reduce disputes. This could be done by explicitly outlining the view of the State Government on where rights of representation

exist under the code or alternatively making referral to a document outside the code which could be drawn up at a later date. Public visibility and understanding of the rights of unions to represent workers on sites provides clarity on important associated rights like right of entry.

In addition, the appropriate registration of agreements gives authorities and industrial bodies like unions and employer associations oversight which agreements are registered, and by whom. This makes it easier to challenge agreements which are improperly made.

Former CFMEU Administrator Mark Irving has acknowledged that consensus over where the union's coverage would be an important step in reducing the level of industrial rancour on Government infrastructure sites. CCF QLD is of the view that building clear demarcation provisions into the Code would be a critical reform which would enhance productivity, safety and collaboration. Critically, a lack of clear demarcation has historically been the source of disruption, violence and coercion. All of this drives deleterious outcomes and lowers productivity.

Other Disputes

The best way to resolve disputes is to prevent them from happening in the first place. Disputes between contractors and clients can have significant flow on effects for an entire project. The best way to avoid this is to enhance communication between stakeholders, having the spectre of compliance audits and providing contractors with the tools and guidance to easily comply with the Code and Guidelines.

Workplace Health and Safety and Rehabilitation

Site security should include strict control over rights of entry permits for union officials. The violence, intimidation and lawlessness by certain elements of the former leadership of the CFMEU demonstrates the need for a more rigid criteria for people to be deemed fit and proper to enter Government project sites. It would also be prudent for a construction specific regulator to be created to deal with issues which emerge from time to time. It is clear based on recent history that WHSQ and the QPS do not have the training to deal with industrial rancour, and that there is a lack of clarity about when safety matters become criminal matters. The proposed regulator could have enhanced inspectorate powers to deal with this "donut hole" in enforcement. In addition, we also recommend a criterion be developed outlining what standard must be met for a person to be deemed a fit and proper person to be able to receive a permit for entry onto a state government job-site.

CCF QLD suggests the following key matters could be part of the test:

- **Criminal History:** Checks for convictions related to fraud, dishonesty, or other serious offenses.
- **Financial Standing:** Searches for histories of bankruptcy, insolvency, or outstanding debts Government agencies
- **Legal Compliance:** Reviews whether the applicant has previously had had demerits or adverse findings around workplace matters.

- **Competence:** Assesses the individual's knowledge, skills, and ability to perform the specific role safely and effectively

In addition, the documentation required by this section of the Guidelines is sensible and pragmatic in ensuring compliance with the law as it relates to workplace health and safety, as are sections around consultation with the workforce and issue resolution.

Freedom of Association and Right of Entry

CCF QLD believe every individual has the right to a safe working environment. A civil construction industry that can ensure the well-being of the workforce has a greater chance of achieving sustainability and increasing productivity. Safety on the work site is not just about avoiding incidents but ensuring the psychological safety and personal privacy of workers.

The framework set out in these guidelines is an essential and welcome standard for restoring genuine freedom of association, workplace fairness, and proper governance across Queensland construction sites.
At its core, union membership or non-membership must always remain a free individual choice. Eliminating practices like "no ticket, no start" rules, mandatory union branding, forced bargaining fees, and coerced hiring lists protects workers and contractors alike from unlawful pressure, ensuring site access and employment depend strictly on merit, safety, and capability.

Furthermore, restoring site management's direct responsibility over inductions and operational oversight is critical for maintaining professional, unbiased site leadership. Delegating core management functions or allowing unauthorised third parties to monitor workplace agreements undermines project integrity and compromises worker privacy.

Finally, strictly aligning right-of-entry rules and compliance monitoring with established Commonwealth and State legislation guarantees legal certainty and transparency. By preventing the circumvention of statutory entry laws, these guidelines safeguard sensitive records, protect delegates from discrimination, and ensure that right-of-entry provisions are exercised lawfully. Adhering to these principles creates a balanced, compliant, and productive operating environment where individual rights are respected and site management retains clear operational control.

Enforcement Guidelines

Substantial fines for noncompliance with the code for unions and workers which have the effect of genuinely dissuading inappropriate conduct must be considered. Linking fines to percentages of revenue for an organisation, or after-tax pay in the case of an individual would be a way to ensure that the notion that fines are "a cost of doing business" amongst certain elements of the construction sector is removed.

Similarly, we believe that a removal of rights to tender for companies which engage in serious breaches of this code should be considered.

In addition, all the commercial sanctions as outlined in the Draft Guidelines are worthwhile, and the enforcement body for the Code should be empowered to issue substantial sanctions.

Monitoring Compliance

We would like to again place on record here our support for an independent construction regulator being created to administer the Code with a focus on ensuring all parties; including both contractors and unions are compliant with the law. With major infrastructure projects including the Olympics, Bruce Highway Targeted Safety Program, hospitals and other projects related to the State's burgeoning population growth, the construction sector is set for an enormous twenty years, ensuring that the industrial rancour which has plagued the sector for much of the past ten years must not be allowed to take hold and promote productivity.

An appropriate body tasked with monitoring compliance large infrastructure projects for both unions and employers would be a positive step. This regulator should be tasked with ensuring productivity, safety and compliance with the law and ethical principles on State Government infrastructure projects only, including monitoring of the proposed Building Code on State Government projects.

An appropriate construction regulator should be tasked with monitoring this reform. We note the notion of A Building Construction Compliance Branch ("BCCB") of a Department is suggested as the compliance function by the submission of counsel assisting, however, believe a strong, well resourced, independent regulator for Government infrastructure sites is warranted.

Executive Summary & Final Position

CCF QLD strongly endorses the proposed Code and Guidelines, as their focus on proactive workplace relations, cost efficiency, safety, and innovation directly supports Queensland's infrastructure needs. However, compliance must move beyond a simple paperwork exercise, as heavy administrative burdens actively undermine productivity.

Operational Model for the Independent State Regulator

- Streamlined upfront vetting of compliance and Workplace Relations Management Plans during tendering, using simplified documentation models (like the former ABCC).
- Strong resourcing dedicated to providing clear, easy-to-understand guidance materials to support contractor understanding.
- Sufficient resources and legal authority to actively audit compliance with the Code across active sites.
- A dedicated, secure mechanism designed specifically to safeguard whistleblowers who report violations.
- Special powers to enforce compliance and issue binding sanctions for breaches of the Code.

Project Agreements directly undermine federal industrial relations laws (such as the *Fair Work Act 2009*) which explicitly carved out the civil construction sector to protect operational flexibility, manage supply chain complexities, and avoid rigid, blanket terms across competing businesses.

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Conclusion

CCF QLD strongly advocates for a Code and Guidelines which help ensure that the Olympics and other major infrastructure projects are delivered by the State on time and on budget in full compliance with the law. The Draft Guidelines mostly reflect what CCF QLD would like to see from a Code, though the exclusion of Project Agreements is a critical change we would like to see. We look forward to the Code being implemented to help ensure that Queensland's broader economic prosperity is safeguarded now and into the future.

Kind regards,

[redacted]

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