

27 August 2025

Queensland Productivity Commission
Queensland Treasury
[REDACTED]

Via E: enquiry@qpc.qld.gov.au

RE: Opportunities To Improve Productivity Of The Construction Sector

In this, our supplementary submission to the Commission following the Interim Report,

Again, we encourage the Commission to actively recommend a new Code for building works of over one hundred million dollars, which are private or public projects of significant community economic value to the people of Queensland.

The Code could establish a standard imposed by legislation, regulation, or under contract by public or private projects, to prohibit restrictive practices, and specific clauses in enterprise agreements, such as those restricting management rights, discriminating against employees, or mandating specific pay rates through side deals between head contractors and Unions.

A Code would require businesses to ensure their enterprise agreements complied with the Code and reporting of industrial action and secondary boycotts. Compulsory reporting to a government cloud of Union visits and lost productivity from safety stoppages or other disruptions will provide accurate reporting for an industry watchdog.

A Code could require projects to have turnstiles with a tap-on, tap-off system using a credit card, ID card, or smart device, such as a mobile phone, to enable an industry watchdog to monitor, regulate, and exclude industry participants on significant projects.

A Code could exclude enterprise agreements that contain clauses that:

- Limit the right of the code-covered entity to manage its business or improve productivity.
- Discriminate against certain persons, classes of employees, or subcontractors.
- Are inconsistent with freedom of association.
- Are inconsistent with the law.
- Limit employee choice to entitlement funds, training or insurance providers.
- Provide for site working calendars, site shutdown days (Monday to Friday) or systems that limit productivity on a five to six-day work cycle, Monday to Saturday.
- Restricts the employment or engagement of persons to a type of full-time employment.
- Mandates pay and conditions for other workers on a site not covered by the Enterprise Agreement.
- Discriminates against a person's lawful right to work in Australia.
- Requires a code covered entity to consult with, or seek the approval of, a Union or an officer, delegate or other representative of the Union in relation to the source or number of employees to be engaged, or type of employment offered to employees.
- Requires a code covered entity to consult with, or seek the approval of, a Union or an officer, delegate or other representative of the Union in relation to the engagement of subcontractors.
- Prescribe the terms and conditions on which subcontractors are engaged (including the terms and conditions of employees of a subcontractor);
- Prescribe the scope of work or tasks that may be performed by employees or subcontractors;
- Limit or have the effect of limiting the right of an employer to make decisions about redundancy, demobilisation or redeployment of employees based on operational requirements.

- Prohibit the payment of a loaded rate of pay (whether or not expressed as an annual amount) as permitted by law.
- Requires the payment of an expense-related allowance when no expense is incurred. (eg fares and travel allowances on RDOs).
- Do not harmonise the payment of penalty rate percentages with the Award.
- Requires the payment of site or productivity allowances when the project is more than six months behind schedule.
- Require, or have the effect of requiring, the allocation of particular work to individual employees only if that allocation is extended to all other employees in the class of employees to which the individual employee belongs;
- Provide for monitoring agreements by persons other than the employer and employees to whom the agreement applies.
- Include requirements to apply Union logos, mottos or indicia to company-supplied property, site or equipment.
- Directly or indirectly require a person to encourage, or discourage, a person from becoming, or remaining, a member of a Union.
- Directly or indirectly require a person to indicate support, or lack of support, for persons being members of a Union or any other measure that suggests that membership is anything other than a matter for individual choice.
- Limit the ability of an employer to determine with its employees when and where work can be performed to meet operational requirements or limit an employer's ability to determine by whom such work is to be performed.
- Provide for the rights of an official of a Union to enter premises other than in compliance with Part 3-4 of the FW Act.
- Provide for the establishment or maintenance of an area which is intended to be designated to be used by members, officers, delegates or other representatives of a Union in that capacity.
- Require employers to provide full-time delegates/HSRs.
- Require employers to provide employees with paid time to attend Union meetings, or release employees to attend to Union business or industrial activity on paid time other than as provided under the Award.

A Code can provide a reasonable safety-driven approach to the on-site management of Heat and Inclement Weather issues. This will only impact work areas if no measures can be taken, including considering all options to continue the work of operators in air-conditioned machines.

A Code can ensure that Delegates/HSRs should be working HSRs only and represent only the company workers they are working with, elected by each subcontractor's workers, with a cap of one per trade or working group, no site or super HSR.

The introduction of such a Code can be quick and straightforward, and is a well-established option, building upon the past Commonwealth Building Code 2016. We recommend a short transitional period not exceeding six months, and no exclusion for existing Enterprise Agreements, as a vote can vary these. History has proven time and time again that employees will vote to endorse such changes in our industry.

A substantial database of assessed 1625 clauses already exists.

Queensland Government

We continue to push for change and industry reforms:

We need productivity, a cost reset, workforce leadership and change management.

- a) A new State Procurement Code;

- b) A new Major Projects Umpire or Watchdog;
- c) An enforcement taskforce, or contracted industry support service by Workforce Advisory as costed for five years with supporting service delivery partners;
- d) Review WHS entry processes with weekly or monthly limitations;
- e) Introduce Police and WHS Inspector powers to 'move on' permit holders;
- f) Review licensing, and apprenticeships;
- g) Introduce individual industry licensing and entry controls on large commercial projects over \$100 million. Industry behaviours will only change with personal responsibility and accountability to achieve productivity outcomes.

We acknowledge that all suggestions are open for debate and that the ultimate goal is to find a way forward that benefits all parties involved in the construction industry.

Subcontractor Compliance and Fragility:

We encourage large government projects, builders, and developers to utilise our subcontractor compliance checks (from \$1,700.00 + GST), which support contract managers with a comprehensive report that includes industrial relations, Fair Work, and credit reports, aiming to smooth out the current troubled waters.

Builders, Developers, and the Government must invest in compliance checks and support for subcontractors.

We look forward to the final QPC Report.

Regards



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