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Dear Consultation Team

Secure Australian Jobs Code

The Chamber of Commerce and Industry of Western Australia (CCIWA) is the peak body advancing trade and commerce in Western Australia.

We are fundamentally committed to using our insights to develop, and advocate for, public policies that help realise our vision to make Western Australia the best place to live and do business.

CCIWA thanks the Department for the opportunity to provide feedback on the proposed Secure Australian Jobs Code (Proposed Code).

We have engaged directly with CCIWA members and provide the following overarching comments. Further concerns are outlined in **Appendix 1**.

Overarching Comments

CCIWA is deeply concerned with the proposal to introduce any prescriptive industrial relations requirements in any procurement guidelines.

With a total spend of over \$105 billion dollars, government procurement should be harnessed to achieve key economic outcomes, including by driving local innovation, the growth of new industries, and lifting productivity.

For these reasons, procurement policies should not be beholden to the union movement. Governments must ensure unions are not able to re-regulate the employment relationship and reject proposals for the inclusion of unproductive terms and conditions, which limits value for money for the Australian taxpayer.

In addition to our concerns about the impact on productivity, prescriptive mechanisms also limit employers from contracting to the Government if they choose to make their own employment arrangements with their employees. This unnecessarily reduces access to Government work as employers and employees decide on arrangements that work best for them.

Furthermore, the impact of a failed or ineffective procurement policy must also be considered, with the Queensland's Best Practice Industrial Conditions (BPIC) as a case in point.

The Queensland Productivity Commission found that if the BPICs were to continue to 2029-30, the following would be expected:¹

- BPICs are likely to increase project costs by between 10 and 25 per cent.
- There are likely to be effects on other parts of the construction industry, including significant impacts on the housing market. The analysis suggests a continuation of BPICs may result in up to 26,500 fewer homes being constructed and rents being 8.3 per cent higher than they otherwise would be.
- While the modelling shows there are significant benefits to construction workers (predominantly from higher wages and reduced working hours), the policy is likely to impose net costs on the community of between \$5.7 and \$20.6 billion.
- Even if wages are assumed to be unaffected by BPICs, the net costs are still significant due to lower on-site productivity from site stoppages. The modelling suggests that the net economic impacts would be between \$4.4 and \$18.4 billion.

CCIWA estimated that WA's own WA Best Practice Industrial Conditions (WABPIC), if rolled out to all State Government transport infrastructure projects in the asset investment pipeline, would result in cost increases of between \$1.2 to \$1.6 billion.

Further concerns exist over the unions' push to use redundancy and other entitlement funds, if these are mandated within procurement policies. For example, WABPIC requires the inclusion of a mutual benefit payment for each employee on a work project.

As a result, CCIWA estimated that at least \$1 million dollars of taxpayer money would be paid into the ReddiFund, which allows for any surplus funds to be utilised for the "benefit of the construction industry".² This is a similar arrangement to IncoLink in Victoria, which has been found to use surplus funds to pay large grants to its board member entities.³

Instead, given the Federal Government directly procured approximately \$105 billion in 2024-25 and the continued attention on government expenditure and the state of the Federal Budget, the Federal Government must be focused on ensuring there is a stable set of rules that guarantee compliance with all applicable laws and regulations and value for the taxpayer.

¹ Queensland Productivity Commission (2025), [Opportunities to Improve Productivity of the Construction Industry](#), (24 October 2025)

² [Employer Frequently Asked Questions | ReddiFund](#)

³ David Marin-Guzman 'How builders got captured by the CFMEU's \$1.2 billion redundancy fund' *The Australian Financial Review* (6 December 2024)

Only when employers, employees, and unions engage in a lawful and balanced way, can we ensure Australian services and infrastructure is delivered in a timely and cost-effective manner.

Thank you again for the opportunity to provide comment on this matter. Should you wish to discuss the content of this letter further, please do not hesitate to contact Dr Daniel Kiely, Chief Economist via [REDACTED]

Yours sincerely,

[REDACTED]

Matt Golds
Acting Chief Executive Officer

Appendix 1: Responses to discussion paper questions

Question in Paper	CCIWA position	CCIWA's Recommendation
<p>Issue 1: Key requirements of Secure Jobs code</p>	<p>CCIWA contends the Secure Jobs Code should be focused on ensuring that Australia's Workplace laws are adhered to, and that there is a mechanism in place to ensure contractors can dispute or raise issues with payments with sub-contractors. This existed under the previous Code for the Tendering and Performance of Building Work 2016. To date, the Federal Government is yet to revive clauses around security of payments for Commonwealth projects, despite suggesting they would work to do so.⁴</p> <p>Additional rights provided to unions and their officials/delegates within the workplace should not be included. This is inappropriate and, as seen in Victoria and Queensland, has not delivered a positive community outcome.</p> <p>Alongside this, the inclusion of mandatory terms for government work, as envisioned under such a code, would undermine the idea that there was "genuine agreement" for enterprise agreements.</p> <p>Having mandatory requirements in procurement guidelines, such as "minimum number of apprentices" or "x many individuals from CALD or other immutable characteristic" unnecessarily restricts smaller businesses from being able to tender for work. This also results in only specific businesses being set up for that work.⁵</p> <p>There is also the concern of groups being co-opted and appointed for access through specialised procurement rules.</p>	<p>Any code should include a clause to ensure the ability for a Commonwealth entity to investigate delayed underpayments to sub-contractors.</p> <p>At minimum, it should only ensure that all legal requirements are being met. It should not provide for additional or above entitlement payments or set rates in any prescriptive nature.</p> <p>The code must exclude:</p> <ul style="list-style-type: none"> • Specific payments to mutual benefits funds that are owned and operated by participants that hold a financial interest. • Any additional rights, positions and dispute powers beyond those required under the Fair Work Act, and other associated regulations. • Automatic requirement for enterprise agreements to be mandated for any government funded work.

⁴ Evidence to Senate Standing Committee on Education and Employment, Parliament of Australia, 15 February 2023, 53, (Jodi Anderson, First Assistant Secretary Safety and Industry Policy Division)

⁵ Examples include: <https://www.afr.com/work-and-careers/workplace/gatto-linked-firm-a-winner-in-andrews-building-boom-20230425-p5d2zv>; [Supply-Nation-what-is-black-cladding-2020.pdf](#)

<p>Issue 2: Application of Secure Jobs Code</p>	<p>Specific requirements should be put forward on the building and construction sector, with respect to appropriate reporting mechanisms for alleged misconduct; as the need is clearly required due to the alleged misconduct that has reported within this sector.</p> <p>In addition, the Government must ensure adequate resourcing is available for workplace regulators and agencies to investigate any examples of alleged coercion and fraud, or other misuse of taxpayer funds.</p> <p>One component any proposed code should include is an ability for sub-contractors to be covered by protections that enable security of payment investigations to be undertaken by the Commonwealth. They should not be required to comply with the significant magnitude of prescriptive rules that are above and beyond law.</p> <p>This Code should only apply to procurement, and government funded works, such as infrastructure. Grants and other items, including for research, small community groups, and small business, should not be covered by such procurement rules.</p> <p>The legislative framework should reign supreme over any “secure jobs code” and an appropriate exemption policy should be implemented as well.</p>	<p>A specialised code focused on ensuring the law is followed in the building and construction industry should be introduced, particularly, with respect to industrial relations law on freedom of association.</p> <p>The application to sub-contractors should only be so that they can gain access to provisions for investigations of security of payments and ensuring they comply with the law.</p> <p>The application of the code should only be done where it does not invalidate other legislative requirements and have appropriate exemptions for essential services and procurement.</p>
<p>Issue 3: Implementation code</p>	<p>Any implementation should occur only as a code, where relevant, in the same fashion as the Supplier code.</p> <p>A stocktake should be performed on how many Codes/Guidelines/rules are in effect before any consideration of how best to implement a new one.</p> <p>There should be a clear reflection that a specific code or example of community benefit principle under the Future Made in Australia Investment Framework should not be duplicative in nature and supersedes any proposed Secure Jobs Code.</p> <p>This should mean that where codes differ, the one directly relevant, should apply and be expressly stated that the proposed code is not operative.</p>	<p>Minimal impact on current reporting obligations for contractor holders.</p> <p>A stocktake of all potentially duplicative provisions across Government procurement Rules, guidance, codes, and regulations should be undertaken before the development of specific provisions.</p>

<p>Issue 4: Compliance and Enforcement</p>	<p>Compliance should only be required through a positive obligation to notify the procuring department or respective agency of non-compliance.</p> <p>For example, if a head contractor is forcing sub-contractors to join a union, sign an enterprise agreement with a specific union, or agree to terms that are under the influence or direction of a union, it should be referred to the Fair Work Ombudsman/Commission, and to the procuring department.</p> <p>Enforcement of the Code should only be necessary where a breach is found to have occurred. Ventilated, or other suggested claims cannot and should not be investigated without corroborating evidence.</p>	<p>A positive obligation should be imposed on code-covered entities.</p> <p>Compliance and enforcement should be handled by the department that is procuring.</p> <p>When a suspected breach of law has occurred with respect to a head contractor or sub-contractor there should be an avenue for reporting to the relevant authority.</p>
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