



CIVIL CONTRACTORS FEDERATION
NATIONAL OFFICE

11 Hi-Tech Court
Eight Mile Plains QLD 4113

P: 07 3360 7933

E: ccfnat@civilcontractors.com

BUILDING AND CONSTRUCTION INDUSTRY (IMPROVING PRODUCTIVITY) BILL 2013 AND THE BUILDING AND CONSTRUCTION INDUSTRY (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2013

Since the abolishment of the Australian Building and Construction Commission (ABCC), the Civil Contractors Federation (CCF) has advocated on behalf of its members for the return of a strong and effective regulator dedicated to the building and construction industry, with rigorous enforcement powers based on tough sanctions.

CCF has been of the belief that the abolition of the ABCC was taking a backward step in the work done to achieve peaceful and productive construction sites; a key element of the Australian economy. It asserted that the ABCC was pivotal in dealing with the problems in the industry which were uncovered in the Cole Royal Commission.

Specifically, since the abolition of the ABCC, CCF has advocated for:

- ✎ specific and targeted legislation dealing with the building and construction industry particularly:
 - ✎ an expanded definition of unlawful industrial action
 - ✎ right of entry provisions appropriately targeted so as to minimise the possibility for inappropriate use as an industrial tactic or under the pretext of work health and safety
- ✎ a building code which underpins what is appropriate conduct for all parties to a construction project
- ✎ a separate regulatory body dealing with building and construction matters, properly resourced and truly independent
- ✎ strong and robust powers for such a regulator, such as the power to compel people to attend and give evidence on oath or affirmation subject to appropriate safeguards
- ✎ strong enforcement sanctions and penalties, especially for repeated contraventions.

In relation to a regulator for the building and construction industry, that CCF had recommended that the ABCC and the laws and regulations it enforced be returned in their entirety. This included the provisions dealing with an expanded definition of unlawful industrial action (including an expanded definition of unlawful industrial action); strike pay; discrimination, coercion and unfair contracts; penalties and fines.

As described by the Federal Government the intent of the Building and Construction Industry (Improving Productivity) Bill 2013 (BCIIP Bill) is to:

- ✎ regulate certain conduct of building industry participants who perform building work
- ✎ replace the Office of the Fair Work Building Industry Inspectorate and re-establish the Australian Building and Construction Commission
- ✎ govern the appointments and functions of the Office of the Federal Safety Commissioner
- ✎ provide powers to either the Minister or to the Australian Building and Construction Commissioner and staff to:
 - ✎ issue a Building Code which includes providing the Australian Building and Construction Commissioner with the power to require a person to report on his or her compliance with the Code
 - ✎ prohibit unlawful industrial action if the action has a connection to a constitutionally-covered entity
 - ✎ prohibit coercion of persons in relation to the engagement of contractors and employees or choice of superannuation fund
 - ✎ prohibit coercion or undue pressure on persons in relation to Commonwealth industrial instruments

- ✎ obtain information.
- ✎ include enforcement provisions and deals with administrative matters.

Consequently, the BCICTP Bill would repeal the Fair Work (Building Industry) Act 2012 provide administrative arrangements relating to the transition from the institutions, functions and powers contained in the Fair Work (Building Industry) Act 2012 to those proposed in the BCIP Bill and amend other acts as described.

Given the goals of the legislation and its previous position, in principle CCF is supportive of both Bills and has welcomed the move of the Government to re-establish the ABCC swiftly. However, CCF would caution that whenever a change such as this takes place there should be a complete review of the impacts it may have particularly in relation to states and territories. Since the abolition of the ABCC the landscape has changed in the industry (for example Queensland has established the Building and Construction Compliance Branch, Victoria, the Construction Code Compliance Unit and New South Wales, the Construction Compliance Unit) and a review aimed at understanding the impact of its implementation to mitigate any potential detrimental effects will ensure a productive building and construction industry Australia-wide.

On a related matter, CCF is supportive of industry best practice in work health and safety welcomes a complete review of the role of the Federal Safety Commissioner and reform in this area. It looks forward to providing feedback in order to improve the operating environment for civil contractors across Australia.

CCF appreciates ongoing dialogue with the government on issues relating to the civil construction industry and looks forward to a productive relationship in the future.

ABOUT CCF

CCF is the peak industry body representing Australia's civil construction industry. It has branches in all states and territories and has more than 2000 contractor and associate members nationally.

CCF members are responsible for the construction and maintenance of Australia's infrastructure, including roads, bridges, pipelines, drainage, ports and utilities.

Its members also play a vital role in the residential and commercial building construction industry by providing earthmoving and land development services including the provision of power, water, communications and gas.

CCF is an organisation registered under the *Fair Work (Registered Organisations) Act 2009*. It is governed by a National Board comprised of member-elected representatives from each state and territory.

A commitment to furthering its members' interests and helping them manage their businesses more effectively is at the core of CCF's operations. To that end, it offers effective business tools and management systems, as well as practical advice in areas such as taxation, industrial relations, work health and safety, human resources and environmental compliance.

CCF supports its members' businesses by providing a unified voice to all levels of government and through strong advocacy it influences government policy at local, state and federal levels.

CCF mission is to be the voice of the industry and to provide a high level of benefit to its members. In particular, CCF is focused on ensuring the industry:

- ✎ **is professionally represented** - by representing and advocating for the views of the industry to all levels of government in a timely and effective manner.
- ✎ **is informed** - by delivering to members, effective and timely information about key issues.
- ✎ **has access to tools and resources that help businesses succeed** - by identifying, developing and delivering tools and resources that assist members in their day-to-day operations.

- ✎ **has access to high quality training** - by delivering best practice, training by the industry, for the industry.
- ✎ **has access to opportunities to network, learn and celebrate their achievements** - by delivering a range of events designed to provide members with opportunities to build relationships, be informed and have access to people of influence.
- ✎ **has access to supporting partners that extend the benefits of membership** - by developing networks and relationships with organisations, that can provide additional services to members beyond those provided directly by CCF; delivering real cost savings to members.

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Disclaimer: Every effort has been made to ensure this document was accurate at the time of completion however the Civil Contractors Federation does not guarantee that the information in this submission was accurate at the date of publishing or that it will be in the future.