

## Senate Standing Committee on Education and Employment

### QUESTIONS ON NOTICE Additional Estimates 2016 - 2017

**Agency – Australian Building and Construction Commission**

**Department of Employment Question No. EMSQ17-001503**

**Senator Cameron asked on 02 March 2017 on proof Hansard page 66**

#### **Question**

#### **ABCC - Coverage of the Act**

Senator CAMERON: So a builder who normally does residential work signs off on the code because that company might be doing a small bit of work on a construction site. They go back and build 300 homes. All of those residential homes are covered by the ABCC?

Ms Cato: It would depend on whether or not all of those homes come within the definition of building work. I would have to get advice. On a case by case basis you would have to look at whether or not the particular project was one project that took it to three or more—is it two or three more?

#### **Answer**

The application of the *Building and Construction Industry (Improving Productivity) Act 2016* (BCIIP Act) and the Building Code 2016 is based on whether work meets the definition of building work in section 6 of the BCIIP Act (see section 3(4) of the Building Code 2016).

The definition of building work generally excludes work in relation to a single dwelling house, except where that work is part of a multi-dwelling development at least 5 single dwelling houses. See section 6(1)(h) and 6(3).

The Explanatory Memorandum to the Building and Construction Industry (Improving Productivity) Bill 2013 provides further guidance on the definition of “building work” and whether it applies to the domestic housing sector. Paragraph 17 of the Explanatory Memorandum provides:

*Paragraph (h) excludes activities associated with domestic building. The Bill intends, as far as possible, to exclude the domestic housing sector from the coverage of the Bill. Any work that is part of a project for the construction, repair or restoration of a single-dwelling house or a building, structure or work associated with a single-dwelling house is excluded from the definition of building work (subparagraphs (1)(h)(i) and(ii)).*