

Submission

to

Senate Employment, Workplace Relations and Education
Legislation Committee

Building and Construction Industry Improvement Bill 2005 and Building and Construction Industry Improvement (Consequential and Transitional) Bill 2005

Submission no: 2

Received: 12/04/2005

Submitter: Mr Peter Tighe
National Secretary

Organisation: CEPU

Address: Suite 701, Level 7
1 Rosebery Avenue
ROSEBERY NSW 2018

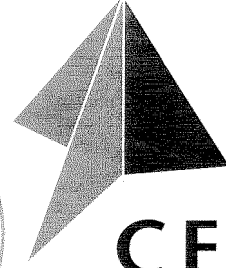
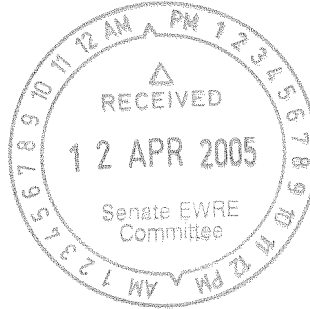
Phone: 02 9663 3699

Fax: 02 9663 5599

Email: Lindsay@nat.cepunet.au

8th April 2005

The Secretary
Senate Employment, Workplace Relations
and Education References Committee
Suite SG - 52
Parliament House
Canberra ACT 2600



CEPU

**COMMUNICATIONS
ELECTRICAL
PLUMBING
UNION**

Dear Sir/Madam,

**Re: CEPU Submission to Inquiry into the Building and
Construction Industry Improvement Bill (2005)**

Please find attached a copy of the Communications Electrical and Plumbing Union (CEPU) submission to the abovementioned inquiry.

The union wishes to nominate Mr. Lindsay Benfell (Senior National Industrial Officer) as the contact person from this office. It would be appreciated if you could direct any correspondence or queries in relation this submission to Mr Benfell. His contact details are as follows:

e-mail: lindsay@nat.cepu.asn.au
Phone: (02) 9663 3699
Fax: (02) 9663 5599
Mobile: 0419 498 127

Yours Faithfully,

A handwritten signature in black ink, appearing to read "Peter Tighe".

Peter Tighe
National Secretary

Cc: M. Bissett – ACTU
Tom Roberts – CFMEU
AMWU

NATIONAL
OFFICE

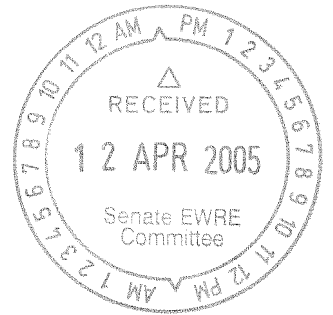
Peter Tighe
National Secretary

Brian Baulk
National President

Suite 701, Level 7
1 Rosebery Avenue
Rosebery
NSW 2018

Ph: (02) 9663 3699
Fax: (02) 9663 5599

Email:
edno@nat.cepu.asn.au



CEPU Submission to the

SENATE EMPLOYMENT, WORKPLACE RELATIONS & EDUCATION REFERENCES COMMITTEE

Re:

Building and Construction Industry Improvement Bill 2005

Introduction

The CEPU welcomes the opportunity to make a submission to this inquiry into the Building and Construction Industry Improvement Bill 2005 (the Bill)

A substantial proportion of CEPU members will be affected by the provisions of the Bill if it becomes a law as they are engaged on 'building work' (as defined).

CEPU is opposed to the Bill

The CEPU is opposed to the provisions of the Bill. The Bill proposes a law that is designed to make it difficult for employees, via their union, to fairly bargain to improve their wages and conditions.

The Bill protects employers who through their own mismanagement create industrial disputes by allowing a third party to prosecute unions for breaches of the Bill (if it became law).

The Bill defines the scope of 'building work' very widely and well beyond what is usually considered to be the building and construction industry. This will cause many employers and employees who do not consider themselves to be in the building and construction industry to be caught up in the legislation. These citizens may find themselves to be in breach of the law without realizing it as they do not consider themselves to be part of the building and construction industry.

CEPU relies upon the CEPU submissional evidence made to the Senate Inquiry into the Building and Contractor Industry Improvement Bill (2003)

The CEPU made a detailed submission and provided substantial evidence to the Senate Inquiry into the Building and Construction Industry Improvement Bill 2003. We rely upon that part of 2003 submission which deals with the issues raised by the 2005 Bill. A copy of the 2003 Bill is attached.

We note that the Senate rejected the key provisions of the 2003 Bill. As there has been no actual change in the industry since then, the Senate should reject the 2005 Bill.

CEPU relies upon ACTU submission to BCII Bill 2005

The CEPU adopts and endorses the submission made in relation to the Bill by the ACTU.

In particular, many members of the CEPU are members of a state registered organization, working under a state award and state registered enterprise agreements.

The Bill is intended to apply to these employees as well as members of federally registered organizations working under federal awards and enterprise agreements. This constitutes a major intrusion of federal regulation into state regulated employment without consultation or agreement with the stake holders.

The CEPU urges the Committee to reject the Bill and urges the government to prepare more balanced legislation which will assist all parties in the industry rather than simply assisting employers as this Bill does. A balanced approach would include provisions for an effective and accessible system of ensuring that:

- employees are paid their entitlements under an award/agreement
- cash in hand contracting and other tax minimization arrangement are policed
- employers superannuation contributions are paid in accordance with the law, and if not paid the employee has an accessible and effective remedy for non payment.
- a safe workplace and safe work practices are provided to all employees.