



Australian Government  
Office of the Australian Building and  
Construction Commissioner

# Australian Building and Construction Commission Presentation

CMIC 2006 – Crown Towers  
John Lloyd, Commissioner

Thursday, 13 October 2006



Australian Government  
Office of the Australian Building and  
Construction Commissioner

## Australian Building and Construction Commission

Workplace relations laws  
are enforced in  
building and construction industry  
workplaces



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## Cole Royal Commission

- Structural and Cultural Change Required
- Building and Construction Industry Improvement Act 2005



## Building Work

- Building work includes:
  - construction - repair
  - extension - restoration
  - alteration of buildings, structures or works that form part of land
- Roadways and access works



## Building Work

- Site clearance, earth moving, excavation , tunnelling
- Laying of foundations
- Prefabrication of made to order components to form part of any building, structure or works
  - Carried out on site or off site



## Building Industry Participants

- Building employer
- Building employee
- Building association
- Officer, delegate, representative and employee of a building association.



## Building Industry Participants

A person who contracts a building contractor to:

- Carry out building work or
- Arrange building work to be carried out



## ABCC Resources

2006/07 32.9m

Staff 120 employees



## The roles of ABCC

Investigate  
Prosecute  
Promote  
Educate & inform



## Instruments that are enforced

*Building and Construction Industry Improvement  
Act 2005*

*Workplace Relations Act 1996*

*National Code*

*Agreements*

*Awards*

*Orders of the AIRC*



## Offences – BCII Act

Unlawful industrial action

Threats and Coercion

Discrimination



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Discrimination



## Penalties

Unlawful Industrial Action / Coercion / Discrimination

\$110,000 – body corporate

\$22,000 – individuals

Paying / Claiming / Receiving Strike Pay

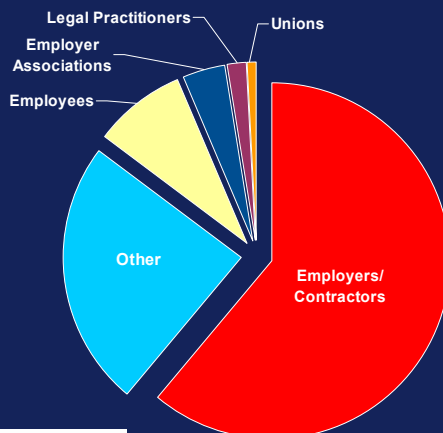
\$110,000 – body corporate

\$33,000 – individuals

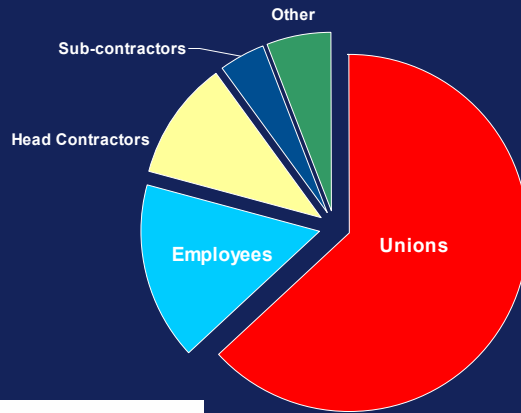
Compensation



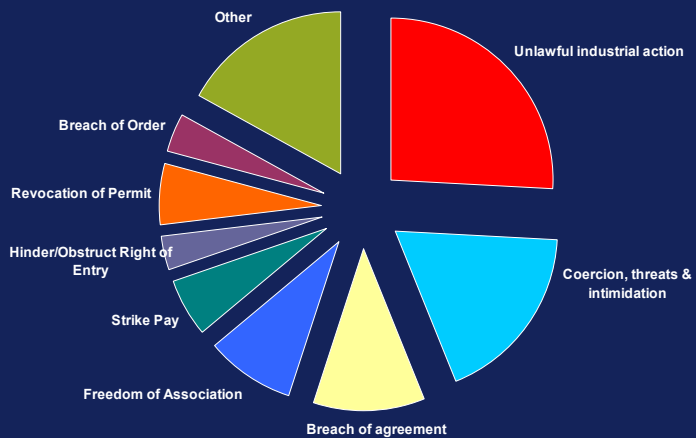
## Inquiries to ABCC



## Entities Complained Against



## Conduct on Sites and Projects





## Prosecutions

53 matters before the courts

- 23 involving unions only
- 20 involving employers only
- 5 involving both unions and employers
- 2 involving employees only
- 2 involving unions, employers and employees
- 1 involving the Victorian Government



## Compliance powers

- A person can be compelled to
  - give information;
  - produce documents; or
  - attend to answer questionsbefore Commissioner or Deputy Commissioner
- Self incrimination defence unavailable



## Compliance powers

- Evidence can not be used against a person
- Failure to attend / answer questions / provide documents take oath or affirmation:
  - 6 months imprisonment



## Interventions

ABCC has intervened in 34 AIRC and 4 court matters



## Industrial Disputation Falling

Days lost per '000 employees

|          |      |
|----------|------|
| MAR 2002 | 51.2 |
| MAR 2003 | 86.3 |
| MAR 2004 | 51.2 |
| MAR 2005 | 43.5 |
| MAR 2006 | 5.7  |



## Future Issues

- ABCC Role at project commencement
- Investigator accessibility
- Code and Guidelines
- Freedom of Association
- Right of Entry



## Future Issues

- Communicate to:
  - Sub-contractors
  - Employees
  - Union officials and site delegates
  - Industry associations



## Future Issues

- Interventions
- Regional Australia
- WorkChoices





# The Home page

