



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



Australian Government
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Construction Commissioner

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



Offences – BCII Act

Unlawful industrial action

Threats and Coercion

Discrimination



Penalties

Unlawful Industrial Action / Coercion / Discrimination

\$110,000 – body corporate

\$22,000 – individuals

Paying / Claiming / Receiving Strike Pay

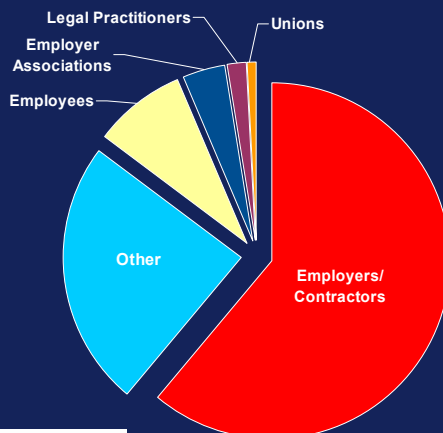
\$110,000 – body corporate

\$33,000 – individuals

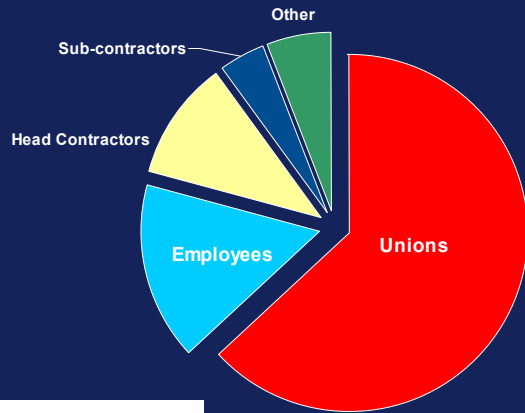
Compensation



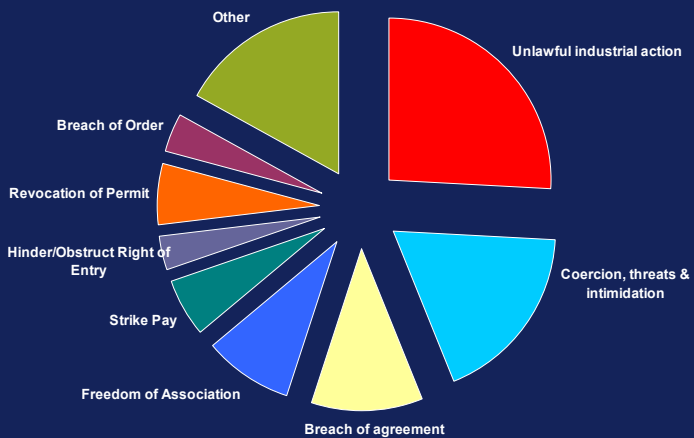
Inquiries to ABCC



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

The screenshot shows the website's home page with a navigation menu and several service tiles:

- Home** | **Contact us** | **General** | **Useful contacts**
- About us**
 - What you should know
 - Fact sheets
 - Publications
 - Legal information
 - Procedures
 - National Code of Practice
 - Media & Public affairs
 - Operational activities
 - Recruitment
- Project Owners**: You are the party who will own the building when it is completed or you act for that party. [Click here](#)
- Head Contractors**: You are the party who contracts with the owner to build the project. [Click here](#)
- Subcontractors**: You contract with the Head contractor to perform specified work on the project. [Click here](#)
- Workers**: You are an employee on site. [Click here](#)
- Unions**: Includes all organisations of employees, their State as well as Federal entities. [Click here](#)
- General**: General information about the building and construction industry. [Click here](#)

For further information please call 1800 003 336.

