



## Enforcement of Industrial Relations Laws and the Building and Construction Industry

### Policy Background

- The Australian Building and Construction Commission (ABCC) was set up in 2005 as a specialist construction industry enforcement body. It followed on from the findings of the Cole Royal Commission and contained a number of coercive powers and industry specific fines and penalties.
- In 2012 the government abolished the ABCC, replacing it with a watered down division of the Fair Work Ombudsman (Fair Work Building and Construction).
- Evidence provided by Independent Economics has shown that during the Fair Work Building and Construction Commission era there have been significant losses in productivity and that consumers will be better off by \$7.5 billion on an annual basis if the ABCC is reinstated.

### HIA's Policy Position on the Enforcement of Industrial Relations Laws and the Building and Construction Industry

1. HIA continues to publicly support the principles established by the Cole Royal Commission in so far as they deal with industrial lawlessness.
2. The systemic lawlessness, including illegal strikes, pattern bargaining, right of entry infringements and coercion of non-unionised contractors and workers detailed in the Gyles Royal Commission and 2002 Cole Royal Commission and as continues, demonstrates that the building industry needs an effective deterrent and enforcer of the rule of law.
3. HIA supports the Australian Building and Construction Commission (ABCC) as a specialist statutory agency for the building industry. The commercial construction industry requires access to an independent body, which is able to quickly and effectively respond to unlawful activity on site.
4. HIA supports the ABCC's ability to enforce the rule of law by the use of coercive information gathering powers including the provision of information, production of documents and attendance to answer questions in order to carry out effective investigations into unlawful behaviour.
5. The ABCC's compliance powers should be supported by serious industry specific penalty provisions to adequately deter unlawful and inappropriate behaviour from occurring or recurring.
6. HIA supports the use of the Commonwealth's purchasing power including the Commonwealth Building Code to promote genuine industry reform and unravel unproductive and anti-independent contracting pattern bargaining agreements.