

Northern Territory Government Submission to the Senate Education and Employment Committees Inquiry into the Provisions of the Building and Construction Industry (Improving Productivity) Bill 2013 and the Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013

Introduction

This is a submission made on behalf of the Northern Territory Government to the inquiry by the Senate Education and Employment Legislation Committee ('the Committee') into Building and Construction Industry (Improving Productivity) Bill 2013 and the Building and Construction Industry (Consequential and Transitional Provisions) ('the bills'). The bills reinstate the former Australian Building and Construction Commission, introduced following the Royal Commission into the building and construction industry handed down a final report.

Position of the Northern Territory

The Northern Territory Government supports the re-establishment of the Australian Building and Construction Commission (ABCC).

The bill states that it's main object is:

“.....to provide an improved workplace relations framework for building work to ensure that building work is carried out fairly, efficiently and productively for the benefit of all building industry participants and for the benefit of the Australian economy as a whole.”

The previous incarnation of the ABCC proved effective in addressing issues in the building and construction sector. It's purposes was achieved in 2 ways:

- By educating industry participants about what is and is not appropriate conduct
- By investigating suspected contraventions of workplace laws, federal agreements and orders and awards of Fair Work Australia.

Where appropriate the ABCC would institute or intervene in proceedings that related to building industry participants and building work.

The introduction of the ABCC led to an increase in productivity in the sector across the nation. With a significant number of construction jobs coming online over the next few years, the Northern Territory Government sees the reintroduction of the ABCC as having a stabilising and positive influence on the sector, both in terms of

providing a solid framework for employers and employees, but also for representative groups.

A vital part of the legislation is enabling the minister to issue a Building Code. This will be a code of practice that all participants in the building and construction industry, employer, employee, union and the Commonwealth must comply with in respect of building work. This will further standardise work practices across the country, thereby allowing employees to move seamlessly from jurisdiction to jurisdiction, and allowing employers to be able to attract potential employees from across the country.

Another important aspect of the legislation includes providing for the appointment and functions of the Federal Safety Commissioner who will have 2 main functions; one in relation to work health and safety in the building industry, and the other in relation to the accreditation scheme. This scheme will be administered by the Federal Safety Commissioner and will regulate any person who wishes to carry our work funded by the Commonwealth or a Commonwealth authority.

Other areas dealt with by the legislation include prohibiting certain unlawful industrial action, prohibiting coercion, discrimination and unenforceable agreements, providing the ABC Commissioner with powers to obtain information, provides for orders for contraventions of civil remedy provisions and other enforcement powers and makes miscellaneous amendments dealing with: self-incrimination; protection of liability against officials; admissible records and documents, protection and disclosure of information; powers of the Commissioner in certain proceedings, and jurisdiction of courts.

Conclusion

Construction in the Northern Territory is growing at an exponential rate. The Territory's economy is set to grow and 5% in 2013-14 and 7.5% in 2014-15. Productivity improvements are what will continue to drive growth levels, not only in the Northern Territory, but across the country. With the new Federal Government's ambition infrastructure agenda, and the Territory's own infrastructure requirements pressing, providing a solid and stable foundation on which the building industry and grow and prosper. The bill provided such a stable and solid foundation. It is the view of the Northern Territory Government that we support the re-establishment of the Australian Building and Construction Commission.