



Committee Secretary
Senate Education, Employment and Workplace Relations Committees
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Parliament House
Canberra ACT 2600
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20 January 2012

Dear Secretary

**RE: Building and Construction Industry Improvement Amendment
(Transition to Fair Work) Bill 2011**

The Master Plumbers' and Mechanical Services Association of Australia (MPMSAA) welcomes the opportunity to provide feedback on the *Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2011* (Bill).

The MPMSAA strongly supports the retention of the existing *Building and Construction Industry Improvement Act 2005* (Act) and the Australian Building and Construction Commission without change.

The Act was introduced following the recommendations of the Royal Commission into the Building and Construction Industry 2001-2003. Its purpose was to address previously unsuccessful attempts to regulate the conduct of industrial relations in the industry.

MPMSAA, along with other employer groups supported the introduction of:

- an independent specialist division with wide powers of investigation; and
- targeted laws and higher penalties for industrial action.

It is MPMSAA opinion that the current legislation has significantly contributed to stability, productivity and industrial harmony in the construction industry.

It is our understanding that the Bill will have the following effects:

- changes to coercive powers (including third party intervention to apply to "suspend" the coercive powers) which will negatively impact on the capacity to investigate unlawful conduct;
- repeal targeted and effective penalties to both organisations and employees who take unlawful industrial action; and
- complicate and delay the investigation and resolution of industrial disputes.

It is our considered opinion that:

- the culture and behaviours indicative of the building and construction industry have not changed sufficiently to justify changes to laws and regulation industry;

- recent changes to workplace relations legislation, specifically enterprise agreement making and general protections, have further complicated the industrial environment and have resulted in an increase in the level of industrial action;
- the industry continues to require a credible, properly resourced, independent agency with specialist investigative powers;
- any reduction in the specialist investigative powers will have a negative impact on the Industry; and
- any reduction in the penalties for industrial action will have a negative impact on the Industry.

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In addition to the above, MPMSAA supports the submissions made by the Australian Chamber of Commerce and Industry in relation to this matter.

Please contact me on _____ should
you have any queries regarding the above.

~~Yours faithfully~~

Ken Gardner
Secretary
Master Plumbers' and Mechanical Services Association of Australia