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Date: 9 April 2015

Committee Secretariat
Senate Education and Employment Committees
PO BOX 6100
Parliament House
Canberra ACT 2600

By E-MAIL eec.sen@aph.gov.au

**Australian
Services
Union**

Dear Committee Secretary

**National Office
Melbourne**

**Re: Inquiry into the Construction Industry Amendment (Protecting
Witnesses) Bill 2015**

All correspondence to:

Ground Floor
116 Queensberry St
Carlton South VIC 3053

The Australian Municipal, Administrative, Clerical and Services Union (ASU) wishes to thank the Senate for the opportunity to participate in this Inquiry.

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The ASU is one of Australia's largest unions, representing approximately 120,000 members.

National Secretary
David Smith

The Union understands that the Senate referred the current inquiry to the Committee on 25 March 2015 and set the 10 April 2015 as the closing date for submission. Due to the very short time-frame we submit this brief letter and wish to indicate our desire to expand on our points at a public hearing should the opportunity arise.

Assistant National Secretaries
Greg McLean - Sydney
Linda White

We understand that the *Construction Industry Amendment (Protecting Witnesses) Bill 2015* (the Bill) amends the existing *Fair Work (Building Industry) Act 2012* to extend the period during which the Director of the Fair Work Building Industry Inspectorate can apply to a nominated Administrative Appeals Tribunal presidential member for an examination notice by a further two years.

**National Office
Sydney**

Level 8
321 Pitt St
Sydney NSW 2000

The Australian Services Union is aware that this bill is part of a suite of bills to be considered by the Senate - this includes the Building and Construction Industry (Improving Productivity) Bill 2013 and the Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013.

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The Union has significant concerns about special laws and a special inspectorate for the building and construction industry which may work unfairly against workers. The Union would be concerned about any arrangements which allow for excessive coercive powers which include removing people's right to remain silent. Consistent with this concern, the ASU opposes the re-establishment of the Australian Building and Construction Commission (ABCC) as proposed by the current Federal Government.

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The Government's apparent focus on the removal of workers' rights is of great concern. Whilst it is important to deal with corrupt behaviour (including that which is conducted by employers and other players within the building industry) we are of the view that all workers deserve the right to a fair go.

Workers in the building and construction industry should be subject to the same industrial laws as apply to other workers. This is consistent with the fundamental principle of equality of all persons before the law. There are already established laws to deal with criminal behaviour. To subject any group of workers or industry to special more punitive laws is unnecessary and discriminatory. The ASU is opposed to coercive powers that impinge upon the civil liberties and rights of workers.

However, we understand that the current Inquiry is limited in its scope to the *Construction Industry Amendment (Protecting Witnesses) Bill 2015* and as such we take this opportunity to register our opposition.

As an alternative, the Union is of the view that the Australian Government should focus more on improving safety outcomes for workers in the construction industry. The high rate of deaths and accidents in this industry is unacceptable and a cause of tremendous heartbreak for many families across Australia.

The Union also notes that the Definitions provided in the *Fair Work (Building Industry) Act 2012* appear to be sufficiently broad to capture local government and other authorities. We would therefore seek clarification of this matter.

A large proportion of ASU members are employed in local government, as well as in State Owned Corporations (SOCs) - particularly in the energy and water industries. As such, they already operate within a strong regulatory framework. Some of these workers are directly involved in building and construction, such as the building and construction of utilities, roads, bridges, amenities and various building works. We are concerned that the Act may cover these workers, who are directly employed by councils and SOCs, because it would result in unnecessary wastage, duplication and place onerous burdens on the workers directly employed by councils and SOCs.

As already indicated, we would be pleased to expand on these views at a public hearing.

Yours faithfully

Greg McLean
ASSISTANT NATIONAL SECRETARY