

Australian Building Construction Commission

The Australian Building Construction (ABCC) is the industry workplace regulator for the building and construction industry. From 2 December 2016, the ABCC replaced the FWBC as the building industry regulator.

The ABCC's primary responsibility is to regulate workplace relations laws in the building and construction industry through education, advice and compliance activities.

The ABCC is responsible for the following workplace relations matters in the building and construction industry:

Educating and advising

- Responding to enquiries for advice and assistance
- Conducting presentations on the rights and responsibilities of building industry participants
- Producing and distributing fact sheets on legislation, regulations and industrial relations practices
- Publishing a monthly newsletter and distributing news and updates on topics affecting the industry
- Regularly updating the ABCC website with the news and legal findings

THE ABCC provide advice on, and monitor:

- Freedom of Association in the Building and Construction Industry
- Industrial Action
- Right of Entry
- Rights and Responsibilities of Subcontractors
- Strike Pay in the Building and Construction Industry
- Unlawful Coercion

Investigating and auditing

Investigating alleged contraventions of:

- the *Fair Work Act 2009* (FW Act)
- the *Independent Contractors Act 2006* (IC Act)
- *Building and Construction Industry (Improving Productivity) Act 2016*

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Disclaimer: The information contained in this information sheet is not to be construed as advice but as a general guide based on our interpretation of the law. Members should not act solely on the basis of the material contained in the information sheet as the items are general comments and cannot be considered a substitute for detailed professional advice, which would take into account your individual circumstances and needs. The information sheet is issued as a helpful guide for your private information. We recommend you seek detailed advice on any matter related to your business activities.

- monitoring compliance with the *Code for Tendering and Performing Building Work 2016* (Building Code) through site visits, site inspection and audits.

Taking legal action

Instituting proceedings for contraventions of the *Fair Work Act 2009* (FW Act), in particular in relation to:

- Coercion
- Industrial action before the nominal expiry date of an enterprise agreement
- Discrimination
- Workplace rights
- Strike pay
- Right of entry
- Intervening in relevant court proceedings that involve a building industry participant or building work
- Making submissions in relevant Fair Work Commission proceedings that involve a building industry participant or building work
- Referring to other bodies.

Independent Contractors Legislation

- Responsible for ensuring independent contractor laws are upheld in the building and construction industry
- Seek penalties against an individual or body corporate that has contravened the sham contract provisions set out by the legislation
- The ABCC may publish details of non-compliance with the Independent Contractors legislation by a building industry participant, including releasing the name of the participant.

Monitoring Compliance with the Building Code

The ABCC has the responsibility to ensure compliance with the Building Code. The ABCC achieves this through:

- Providing education – such as via this website, providing information materials or conducting presentations.
- Visiting sites that are subject to the Building Code to ensure that building industry participants are aware of their rights and obligations.

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- Auditing building industry participants to ensure that they are complying with the Building Code.
- Conducting investigations of alleged breaches of the Building Code.

Under the Building Code, Inspectors may exercise any of their compliance powers under the *Fair Work Act 2009* (FW Act) when undertaking these activities.

If a Fair Work Building Industry Inspector identifies a breach of the Building Code, a report may be provided to the Code Monitoring Group, who are responsible for imposing any resulting sanctions.

In addition, where the Inspector identifies a breach of the FW Act, other appropriate compliance actions may be taken, such as litigation.

Notifying THE ABCC

If you are required to notify the ABCC for any issue, please call the ABCC hotline on 1800 003 338. You can also contact the hotline for any enquiries.

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