

Building and Construction Commission (ABCC)

- The ABCC bill was introduced into Parliament in 2014, before the trade union Royal Commission was announced or commissioned.
- None of the 79 recommendations from the royal commission recommended the ABCC be reintroduced.
- The ABCC would have no jurisdiction or ability to tackle corruption in the construction industry.
- Over 1 million workers would be affected due to expanded scope of the bill.

Risk to Workplace Safety

When the ABCC last operated, fatalities in the construction industry increased by 37%. Over the over 300 fatalities that occurred while the ABCC operated, the ABCC did not investigate a single fatality. Under the new bill, the ABCC could deem any workplace meeting illegal (including one related to OHS). Individual workers and WHS representatives could face fines of up to \$36,000 each, which will decrease the likelihood that workers will speak up about workplace safety or hazards.

Reduced civil liberties

The powers under the new ABCC bill have significantly more coercive powers than its Howard-era predecessor, according to University of Sydney law professor Ron McCallum suggests, are “similar to aspects of the terrorism laws”.

The ABCC would have coercive powers stronger than the police to compel workers to give evidence and be interviewed. Those subject to interviews would have no right to silence (a right even those accused of murder have) or representation by a lawyer of their choice.

Excessively wide scope of coverage

Over 1 million workers would be affected because the new version of the Bill will extend the ABCC’s reach to all workers that supply, transport or prefabricate manufactured goods, including any ship that is traveling to and from an Australian port.

.The new investigative powers mean any person (not just in the construction industry) may be compulsorily required to provide information in relation to a suspected contravention of the Bill or a building law. (Note: this does not cover criminal or corruption matters.) The ABCC will be empowered to surveil and prosecute workers in the transport, warehousing and manufacturing industries.

Failure to comply is punishable by up to six months imprisonment. Accordingly, the proposed laws dispense with “the right to silence” and render legal representation “a mere nicety”.

Micromanagement of construction sector enterprise agreements

The ABCC will police a new Building Code that prohibits a wide range of matters, including rostering on Christmas and Easter, clauses that prevent unlimited ordinary hours worked per day, and restrictions on shift allowances.

The code will prohibit any clauses that will impact on the rights of construction workers to have a safe workplace. The prohibition on agreements including safe working hours will lead to more deaths and injuries and more exploitation.

ABCC MYTH	FACT
<p>There has been an increase in workplace disputes since ABCC was abolished.</p>	<p>Since the ABCC was abolished in 2012, industrial disputes <u>fell</u> by 65% to December 2014. ABS figures for workdays lost to industrial disputes per 1,000 employees in the construction industry:</p> <p>Workdays lost to industrial disputes (ABS figures):</p> <p>2012: 85.1 (ABCC dissolved in May)</p> <p>2013: 38</p> <p>2014: 30.2</p> <p>2015: 23.3 (to September)</p>
<p>Cutting the ABCC cost the Australian economy \$6 billion</p>	<p>This discredited figure was extensively criticised by both Griffith University and federal court judge Justice Murray Wilcox, as part of an extensive review. Justice Wilcox described the data as “not accurately used”, was “deeply flawed” and stated the report “ought to be totally disregarded”.</p> <p>The independent Politifact service rated the figure of “mostly false”.</p>
<p>The ABCC boosted productivity.</p>	<p>The ABS productivity figures shows that during the existence of the ABCC, productivity in the construction industry grew at a <u>lower rate</u> than standard growth in other major industries.</p>
<p>Safety is being used as a ‘Trojan horse’ to oppose return of ABCC</p>	<p>While the ABCC was in place, fatalities in the construction industry increased by 37 percent.</p> <p>The number of serious injuries in the construction industry has declined since the ABCC was abolished, according to the Australian Workers Compensation Statistics. In fact, 2013 recorded the lowest number of fatalities in a decade – the ABCC was abolished in 2012.</p> <p>In the ACT, 42 construction workers are injured every month, making the ACT still the least safe jurisdiction in Australia.</p>
<p>ABCC will deal with corruption in the construction industry.</p>	<p>As a civil body, the ABCC does not investigate breaches under criminal law, it only deals with possible contraventions in industrial law, which are civil matters.</p> <p>If the Government is really serious about investigating corruption, a national ICAC is the right policy tool for corruption, not ABCC.</p> <p>Additionally, the ABCC got to exercise their security agency powers again people with no role or interest in the construction industry – even bystanders – so anyone is at risk.</p>
<p>The ABCC will be a “tough cop” on the beat</p>	<p>The ABCC will have no powers to investigate or prosecute criminal behaviour or serious crime. It is a civil law regulatory body.</p>
<p>The ABCC helps maintain quality control in the</p>	<p>Workplace fatalities in the construction industry rose by 37 percent under ABCC and then fell again once ABCC was abolished, according to Safe Work Australia data.</p>

<p>construction industry.</p>	
<p>The ABCC addresses union governance</p>	<p>The ABCC legislation does not cover or have jurisdiction over union governance.</p> <p>The royal commission into trade union governance made 79 recommendations, not one which recommended the restatement of the ABCC.</p>

*This fact sheet references material written by:
 Eugene Schofield-Georgeson, Macquarie University, 10 January 2014 and 30 January 2014;
 David Peetz, Griffith University, 22 February, 2016*