

NEW RULES; NEW ISSUES

To Build...or not to Build

Summary of presentation

Précis

My experience of working for participants in the construction industry in Victoria over the last 10 years is that there was a lot of conduct that took place in respect of construction work which, whilst it was not liked, was accepted by construction employers.

My strong impression was that, pragmatically, the alternative was industrial unrest across a range of sites in respect to a range of issues. Employers did not consider that the enforcement mechanisms available were sufficiently effective to deal with conduct that occurred from time to time, or across the industry as an industry issue.

A number of examples of conduct can be provided (of the type identified by the Cole Royal Commission) which employers felt they had to accept.

In my opinion, a combination of a more stringent application of the Commonwealth Code and the Guidelines and the existence of the ABCC and the *Building and Construction Industry Improvement Act 2005*, and Workchoices have significantly dealt with issues of compliance which have been prevalent in the industry.

That has occurred because, in the case of the Code and the Guidelines, it has focused employers on their commercial interests.

As a result, employers realise that acquiescence to certain behaviour can have both legal and commercial consequence to them. Once that leads them to fear the regulator and the law more than they do the construction unions, those behaviours identified by the Cole Royal Commission are able to be better controlled.

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