



Australian Government

Office of the Australian Building and  
Construction Commissioner

# Australian Building and Construction Commissioner

**Manage people lawfully or risk project failure**

**Australian Institute of Project Management  
National Conference**

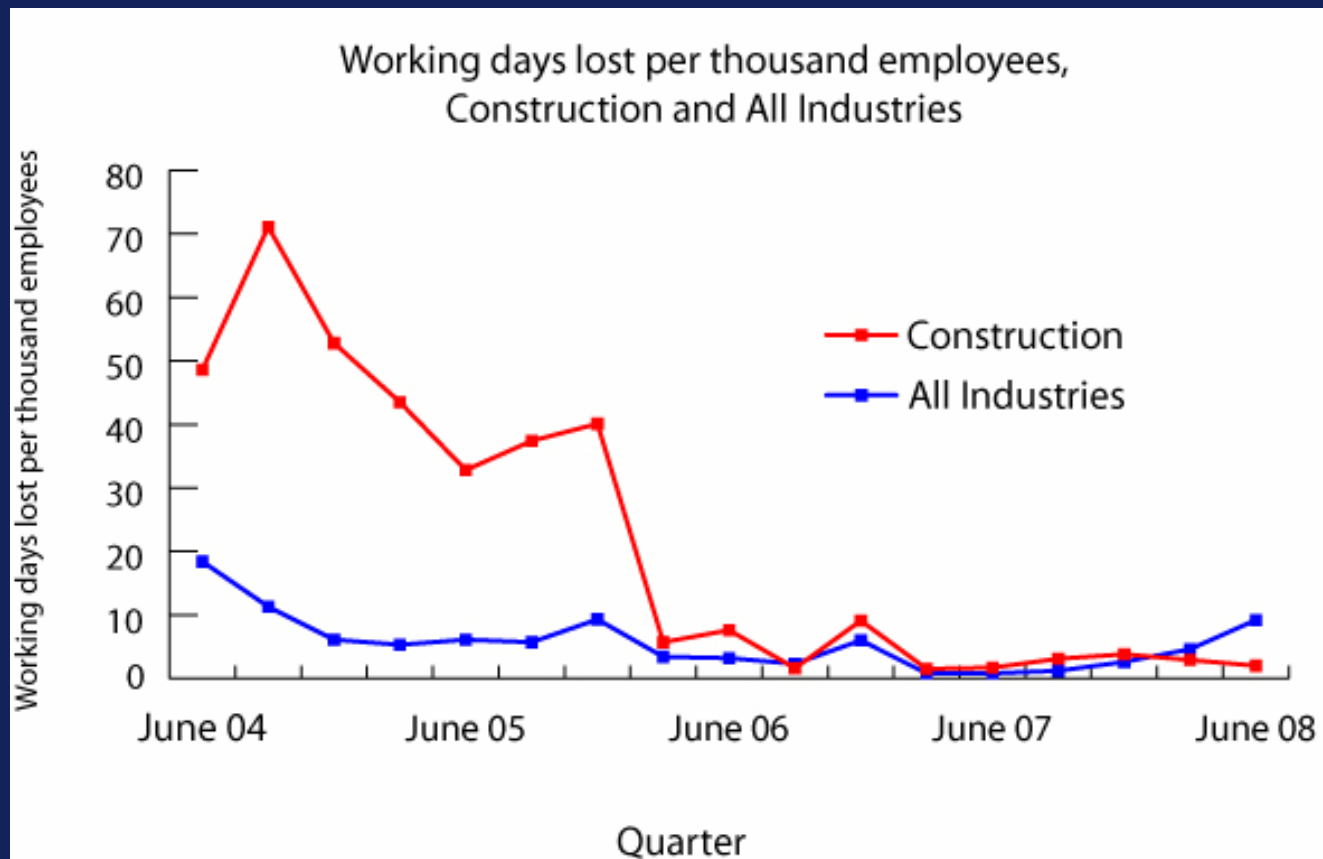
**John Lloyd**

**Commissioner**

**14 October 2008**



## Decreased levels of industrial disputation





## History of the ABCC

- Cole Royal Commission – 2003
  - Found a culture of lawlessness in the industry
- ABCC comes into operation - 2005



## ABCC's Role

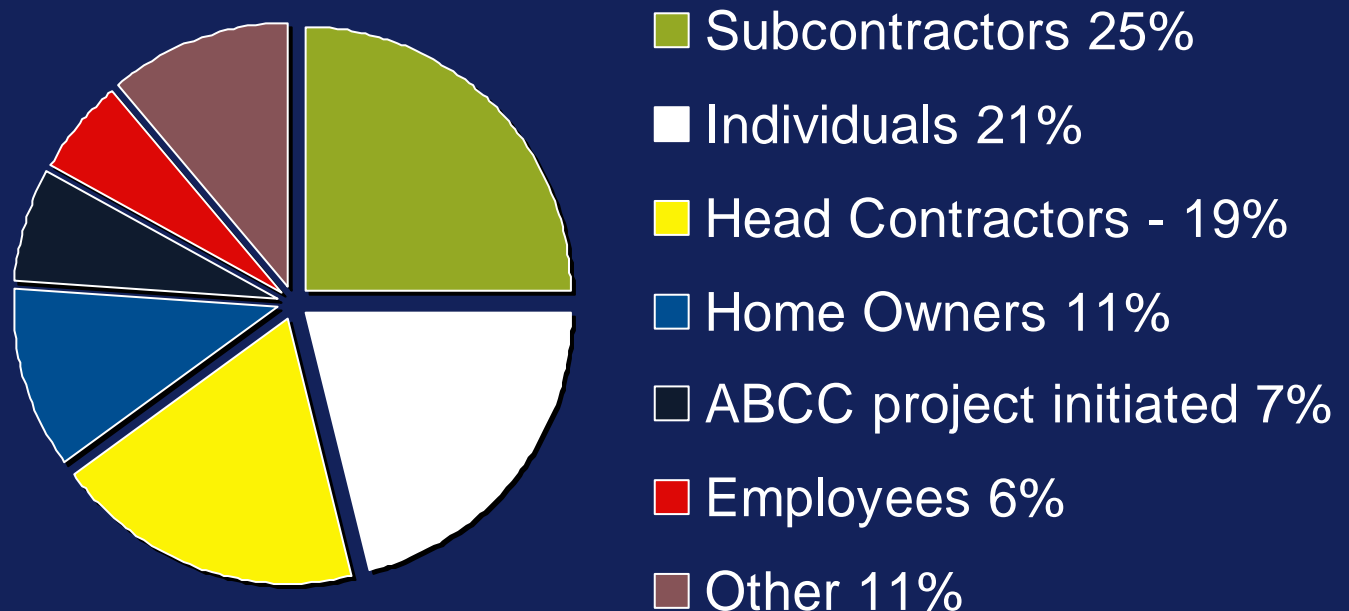
Ensure workplace relations laws are enforced in the building and construction industry

- Investigate
- Legal proceedings
- Advise, educate and inform



# Enquiries received by the ABCC

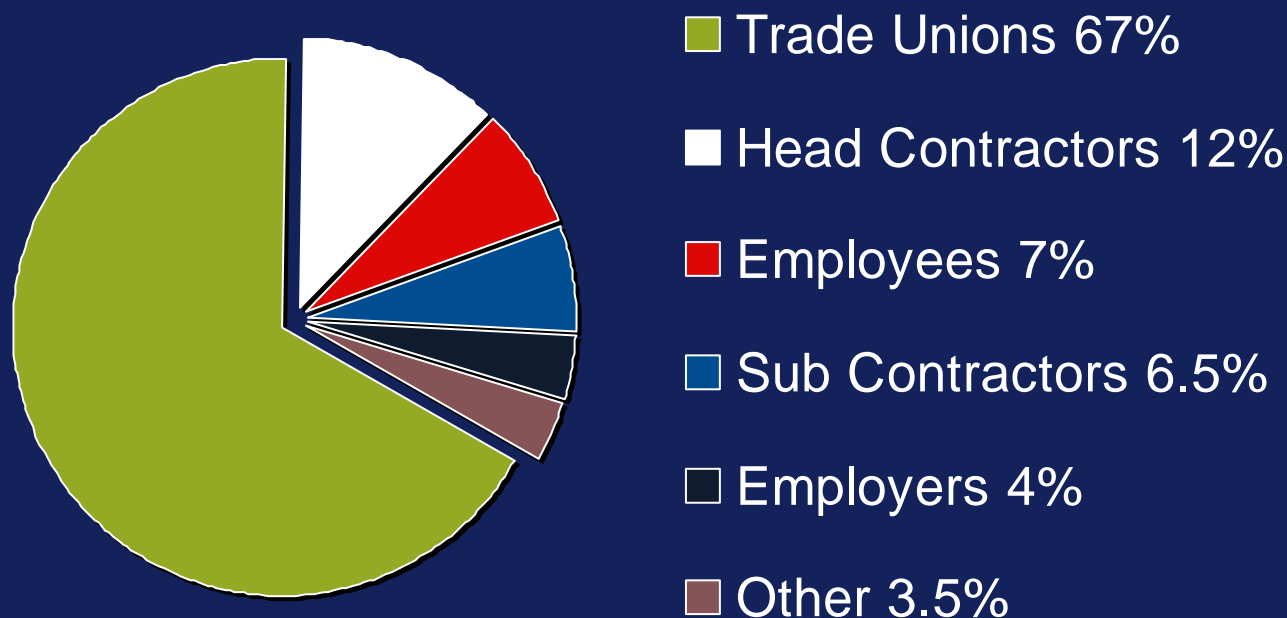
2007-2008





# Subject of ABCC Investigations

2007-2008





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## ABCC Compliance Powers

ABCC can exercise compulsory power

- Obtain Information
- Obtain documents
- Require a person to give evidence under oath.

Only exercisable by ABC Commr or Deputy ABC Commrs

Last resort after exhausting voluntary provision of  
information

Use/derivative use immunity applies



## ABCC Compliance Powers - offences

- Penalty of 6 months imprisonment for:
  - Failure to comply with notice
  - Failure to attend, or
  - Refusal to answer questions
- Penalty of 12 months imprisonment for:
  - Giving false or misleading evidence, or
  - Unauthorised disclosure of protected information
- Penalty of 2 years imprisonment for:
  - Obstruction of a Commonwealth public official



# National Code of Practice for the Construction Industry

- Must be Code compliant to work on government funded projects
- ABCC conducts code visits , inspections and audits
- Sanctions applied for non-compliance.



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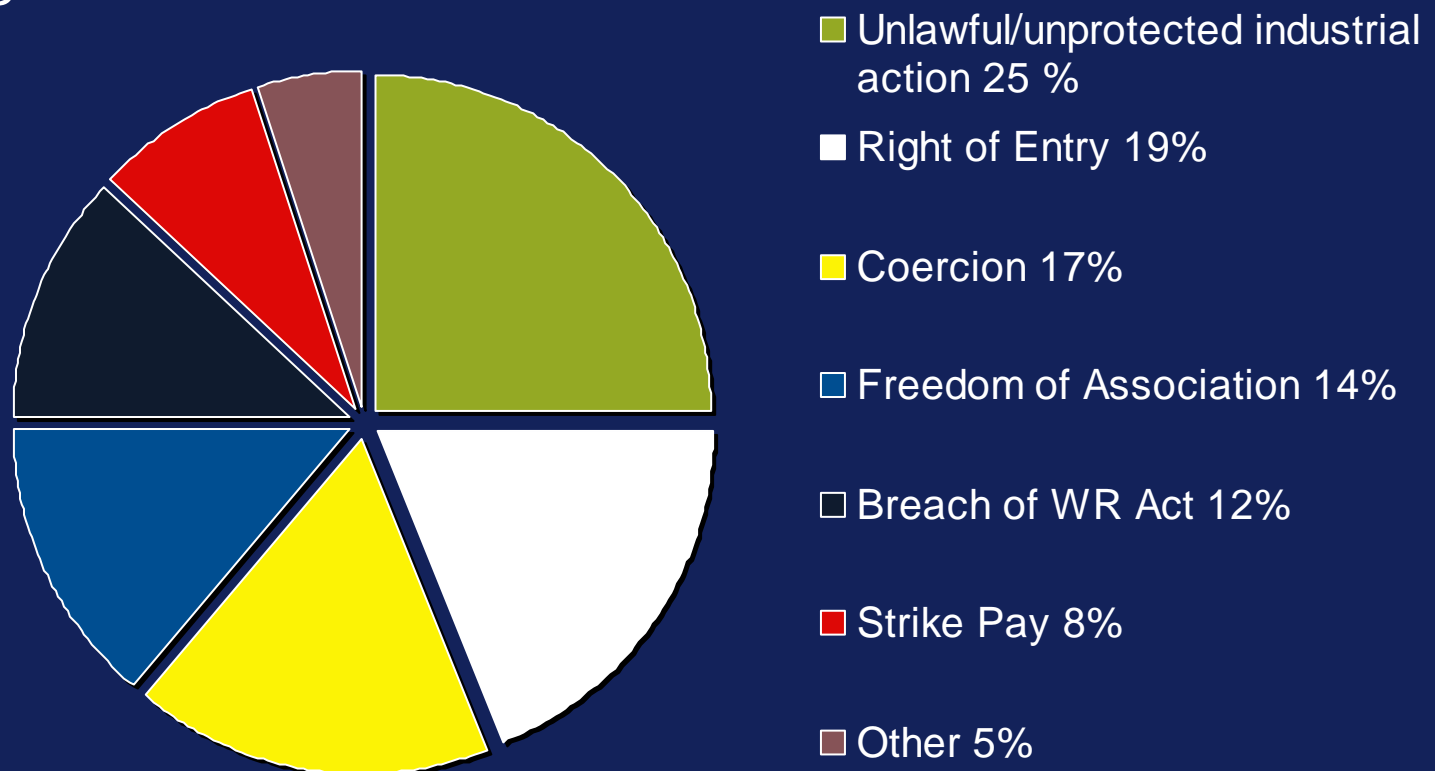
## Inform and educate – an important role

- Website
- Building site presentations and seminars
- Fact Sheets
- Industry Update publications
- Promotional material
- Advice hotline



# Contraventions investigated by the ABCC

2007-2008





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## Unlawful conduct has repercussions

- \$883,200 penalty in Perth case – employees
- \$150,000 penalty in Perth case – union
- \$150,000 penalty in ACT case – contravention
- \$120,000 penalty in Loy Yang case – employer
- \$125,000 penalty in Loy Yang case - union



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## Hadgkiss v Aldin & Ors

### Perth to Mandurah Railway Project

*Unlawful industrial action, breach of order*

- 64 employees \$10,000  
20 employees \$9000  
3 employees \$8400  
2 employees \$10,000 + costs  
2 employees \$9000 + costs
  
- Total \$883,200



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Cruse v CFMEU & Anor

Hamilton Mineral Sands Project

*Industrial action, breach of agreement*

- CFMEU \$35,000, Stewart \$7000



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Furlong v AWU and others

Hamilton Mineral Sands Project

*Unlawful industrial action*

- AWU \$40,000, AWU officials \$4,000 each
- Training of union delegates and officials



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## Further information

For more detailed information and advice visit

[www.abcc.gov.au](http://www.abcc.gov.au)

OR

contact the ABCC hotline on

1800 003 338