

Master Builders Australia backs coalition policy to restore the Australian Building and Construction Commission

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Following the re-election of the Turnbull Government at the recent federal election, the CEO of the Master Builders Australia (**MBA**), William Harnisch, has put forward the MBA's case for the re-establishment of the Australian Building and Construction Commission (**ABCC**). The rejection of the Government's Bill to re-establish the ABCC provided the basis for a double dissolution Federal election. The Bill aims to increase productivity and to ensure the rule of law in the construction sector by providing a strong regulator. It has also been the centrepiece for the clashing of political ideologies about what the relevant laws within the construction sector are; what they ought to be; and where they are heading.

The ABCC was established by the Howard Government in 2005. It monitored the construction sector and enforced civil workplace laws such as restrictions on unlawful industrial action and industrial threats. The Gillard Government overhauled the ABCC in 2012, renaming it Fair Work Building & Construction and curtailing some of its coercive powers.

Mr Harnisch believes that the reinstatement of the ABCC will lower the costs of constructing hospitals, schools and roads. He has stated:

"the community has rights and those rights can be enhanced by laws that will lower the cost of construction...laws that will reinstate the powers of the ABCC. They worked in favour of the community before and they will again in the future".

The Electrical Trades Union (**ETU**) and the Construction, Forestry, Mining and Energy Union (**CFMEU**) strongly oppose the ABCC's powers and its ability to subject construction workers to compulsory interrogations without the right to silence under threat of imprisonment. Mr Harnisch has hit back, urging Parliament to *"focus on meeting the needs of the community when they examine the ABCC Bills and not be swayed by the indefensible arguments put by the CFMEU and the ETU in particular"*.

Under the Fair Work Building & Construction regime, as it currently stands, a presidential member of the Administrative Appeals Tribunal is required to authorise the use of a coercive notice prior to it being executed. Pursuant to the ABCC's regime, this restriction will likely be alleviated, as a coercive notice may be authorised at the commission's will and as a first resort.

Mr Harnisch has stated that the MBA will work constructively with the Government and Parliament towards seeing the reinstatement of the ABCC.

It would appear that opinions are divided within the community about this issue. There are many who want to see a 'tough cop on the beat' such as the ABCC, and many who disagree. It all depends on who you ask. A close watching brief on the ABCC Bill will be required as it travels through Parliament to track any changes or any potential 'watering down' of the legislation.

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