

What is the Australian Building and Construction Commissioner?

The Australian Building and Construction Commissioner (ABCC) is a creature of the Howard Government and Cole Royal Commission into the building industry.

It started out life as the 'Interim Building Industry Taskforce' even before the Cole Commission was completed, to put the brakes on the CFMEU 2002/2003 enterprise bargaining campaign and the spread of the 36-hour week. That was unsuccessful, despite employers getting free legal advice from the Taskforce for dealing with disputes.

Once the Howard Government won full control of the Senate in July 2005, they brought in the most radical changes in federal industrial laws ever seen in this country and established the ABCC.

Main features of the construction laws [called: 'The Building and Construction Industry Improvement Act – BCII Act']:

1. The ABCC – funded with \$33 million taxpayers' dollars annually, a government directed agency, headed up by hand-picked political appointees of the Howard Government.

2. ABCC powers:

- can require people to appear to answer questions under oath in a secret interrogation or compel production of documents
- can direct that the details of your interrogation may not be discussed with anyone except your lawyer
- those interrogated not necessarily entitled to the assistance of the lawyer of their choice
- information supplied to ABCC may be used to prosecute others – workmates/union officials
- Failure to comply – to attend or to answer questions – can attract a six month jail term.

3. Harsh penalties for taking 'unlawful industrial action'

- Up to \$22,000 for individuals and \$110,000 for unions
- Unlimited damages and other court orders.

Note: Almost any departure from normal work patterns can be penalised under the BCII laws. Even disputes about health and safety – in an industry where, on average, one worker is killed every week – can attract fines.

4. Up to 150 government 'inspectors' now patrol worksites, intimidating workers and 'assisting' employers to settle industrial disputes. Their activities range from demanding removal of union flags, posters, stickers on

construction sites; to intimidating workers to answer questions on spot (without the required 14 days notice); to intervention in EBA negotiations.

An army of taxpayer-funded lawyers also intervenes in court cases to side with employers and pursue prosecutions arising from ABCC 'investigations' – many of which cases have been thrown out or strongly criticised by the courts.

When the laws were introduced some industrial action was **declared unlawful retrospectively back to 9 March 2005.**

From the ABCC's report to Government, March 2008:

More than 85 people have now been hauled before the ABCC interrogation squad, since the unit was set up in October 2005.

The vast majority of these – 64 – have been ordinary workers. ABCC interrogators have forced only 8 employers, 7 union officials, one government officer and one 'independent' – member of the public who had nothing to do with the construction industry – to answer questions in their state-of-the-art, high security interrogation rooms.

Most of these secret interrogations have been carried out in Victoria (52), followed by WA (19) – betraying the ABCC's tactic of targeting those States. In Queensland and Tasmania there have been 6 interrogations and just two in NSW.

International criticism:

The Building and Construction Industry Improvement Act has been criticised 5 times by the International Labour Organisation for breaching conventions that Australia has ratified.

The laws offend every principle of fairness for working people.

ABCC documents on our website:

<http://www.cfmeu.asn.au/construction/currentfocus/ConsFeardocs.html>

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