



## Workplace relations institutions

### Abolition of the Australian Building and Construction Commission

These amendments form part of an Australian Government commitment to provide a balanced and effective workplace relations framework for all workers and employers.

#### What has changed?

The *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022* will abolish the Australian Building and Construction Commission and repeal the *Code for the Tendering and Performance of Building Work 2016* (the Building Code).

The amendments:

- repeal parts of the *Building and Construction Industry (Improving Productivity) Act 2016* (BCIIP Act) that established the Australian Building and Construction Commission and the Building Code (including abolishing the position of the Australian Building and Construction Commissioner and Deputy Commissioners)
- remove provisions providing higher penalties for building industry participants and the broader circumstances under which penalties may apply
- provide transitional arrangements for the abolition of the Australian Building and Construction Commission, including transferring investigations and pending court proceedings to the Fair Work Ombudsman
- make consequential amendments required as a result of the amendments to the BCIIP Act, and
- retain provisions relating to the Work Health and Safety Accreditation Scheme and Office of the Federal Safety Commissioner in a renamed Act, the *Federal Safety Commissioner Act 2022*.

The Government has allocated the Fair Work Ombudsman \$69.9 million over four years in the 2022-23 Budget to regulate workplace laws in the commercial building and construction industry, noting that the Fair Work Ombudsman already regulates the remainder of the building industry.

## **What do these changes mean?**

The amendments will mean there is a single regulator to undertake compliance and enforcement of the Fair Work Act in the building and construction industry. All building and construction industry employees and employers will be subject to the same regulation and penalties and able to seek workplace relations assistance, advice and guidance from the Fair Work Ombudsman.

## **When will these changes come into effect?**

The *Code for the Tendering and Performance of Building Work 2016* (the Building Code) has been repealed. The abolition of the Australian Building and Construction Commission will occur no later than two months after the Act received Royal Assent (6 February 2023).

**For more information on the Secure Jobs, Better Pay package visit:**

**[www.dewr.gov.au/workplace-relations](http://www.dewr.gov.au/workplace-relations)**.