

NATIONAL CONSTRUCTION INDUSTRY FORUM

Terms of Reference

Purpose and outline (s 789GZD)

Establishing the National Construction Industry Forum (Forum) was an Australian Government commitment, made at the 2022 Jobs and Skills Summit, to constructively address issues within the building and construction industry. This commitment forms part of a broader outcome of the Summit to boost job security and wages, and create safe, fair and productive workplaces.

The *Fair Work Act 2009* (Cth) establishes the Forum as a statutory advisory body from 1 July 2023, to provide advice to the Government in relation to work in the building and construction industry.

The matters in relation to which the Forum may provide advice may be raised by the Government or agreed between Forum members. These matters include, but are not limited to, workplace relations, skills and training, safety, productivity, diversity and gender equity and industry culture.

By advising the Government on these issues, the Forum's work will have a positive social and economic impact on the building and construction industry in Australia.

This work is crucial, noting that:

- as at August 2023, the construction industry was the third largest employer by industry in Australia, employing over 1.3 million people¹
- as at June 2023, the construction industry contributed to 7.2% of Australia's Gross Domestic Product²
- the industry faces a range of challenges including low representation from women³ and ongoing safety concerns⁴

To address these matters, the Forum will deliver evidence-based advice to Government underpinned by member research and stakeholder engagement.

To direct the work of the Forum, members will establish and update a forward work plan which will outline the Forum's collaborative approach to advising Government on the key issues within its remit.

¹ ABS, Labour Force, Australia, Detailed, August 2023.

² ABS, National Accounts: Income, Expenditure and Product, June 2023.

³ Women comprise 12.4% of employment in the construction industry (ABS, Labour Force, Detailed, August 2023).

⁴ Safe Work Australia data shows that the construction industry continues to be one of the most dangerous in Australia, with the third highest fatalities in 2021 (SWA Work-related traumatic injury fatalities, November 2022).

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| Chair (s 789GZG) | <p>The Minister for Employment and Workplace Relations (the Minister) is the Chair of the Forum.</p> <p>If the Minister is unable to preside at a meeting, or considers it appropriate for any other reason, the Minister may nominate another Minister to preside at the meeting.</p> |
| Membership (ss 789GZE, 789GZF, 789GZK, 789GZM and 789GZL) | <p>The following Ministers are members of the Forum:</p> <ul style="list-style-type: none">• Minister for Infrastructure, Transport, Regional Development and Local Government, and• Minister for Industry and Science. <p>Appointments by the Minister:</p> <ul style="list-style-type: none">• The Minister must appoint:<ul style="list-style-type: none">○ one or more members with experience in representing employees in the building and construction industry, and○ an equal number of members who have experience representing employers in the building and construction industry, including at least one member who has experience representing contractors in the building and construction industry and one member with experience in small to medium sized enterprises in the residential building sector.• The Minister has discretion to appoint other members, which may include, for example, relevant statutory appointees, representatives of community groups or other persons with experience relevant to the functions of the Forum.• Members appointed by the Minister hold office on a part-time basis for the period specified in the instrument of appointment, which must not exceed 3 years. A member would be eligible for reappointment at the end of their term.• Members of the Forum are not entitled to be paid remuneration or allowances, other than travel allowance in accordance with rule 6.07CA of the <i>Fair Work Regulations 2009</i>. The Department of Employment and Workplace Relations will provide guidance to members about agreed travel arrangements. <p>Substitute Members and Invited Participants:</p> <ul style="list-style-type: none">• If a member of the Forum is unable to be present at a meeting, the member may nominate a person to attend the meeting in the member's place. If the Chair agrees, the person may attend the meeting in the place of the member.<ul style="list-style-type: none">○ A person attending a meeting in the place of a member has all the rights and responsibilities of the member at, and in relation to, the meeting.○ <u>Timeframes</u>: a member that is unable to attend a meeting of the Forum should advise the Chair, by writing to the Secretariat at WR.Building@DEWR.gov.au, ideally 5 or more working days before a meeting to ensure arrangements for substitutes can be settled.• The Chair may invite a person, body, or organisation to participate in a meeting without becoming a member, after consultation with members of the Forum.<ul style="list-style-type: none">○ The Chair may terminate the invitation at any time, including during a meeting, and the invited participant must comply with the Forum's terms of confidentiality. |

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| Frequency and location of meetings (s 789GZH) | <ul style="list-style-type: none"> • The Chair will convene at least 2 meetings of the Forum in each calendar year, with one meeting held in the first 6 months of the year and another meeting held in the second 6 months of the year. <ul style="list-style-type: none"> ○ The Chair will work with members to settle dates and timeframes for meetings. • Unless notified otherwise, the location of Forum meetings will be at Australian Parliament House, Canberra. |
| Secretariat support | <ul style="list-style-type: none"> • General secretariat support will be provided by the Department of Employment and Workplace Relations, noting members may lead their own engagement and research activities as part of their work on the Forum. • The Secretariat will consult with members, on behalf of the Chair, about agenda items before Forum meetings (if not already agreed previously). • Generally, agenda papers (if required) should be provided to the Secretariat no later than 20 working days before each meeting. The Secretariat will aim to distribute agenda papers no later than 10 working days before each meeting. • The Secretariat will coordinate updates to the Forum’s Forward Work Plan, website content and action register. • Secretariat staff may attend meetings to support the operation of the Forum (e.g. note taking). |
| Linkages to other forums | <p>The Forum will avoid unnecessary duplication with other bodies, where possible, by:</p> <ul style="list-style-type: none"> • drawing on the relationships, expertise, and work of relevant bodies, including the National Workplace Relations Consultative Council, Building Ministers’ Meeting, the Infrastructure and Transport Ministers Meeting and the Jobs and Skills Councils. • collaborating on areas of mutual interest, where applicable. |
| Non-member engagement and working groups | <ul style="list-style-type: none"> • Forum members may engage broadly with the building and construction industry and build on the relationships and expertise of non-members to inform the advice it provides to the Government, which may include: <ul style="list-style-type: none"> ○ engagement and consultation with stakeholders ○ the establishment of working groups. • Working group participants are not members of the Forum simply by virtue of their participation. • Engagement, consultation, or other meetings with non-members are not Forum meetings, and participants are not required to comply with legislative requirements that apply to members, and are not entitled to travel allowance. |
| Decision-making | <ul style="list-style-type: none"> • The Forum is an advisory forum that works collaboratively to provide advice to Government by a majority of members present at each meeting. • If a consensus is not reached, members can decide to include any dissenting views in the advice provided to Government and in the text of information published by, or on behalf of, the Forum (for example, communiques). |

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| Meeting quorum | <ul style="list-style-type: none"> The Fair Work Act does not prescribe the minimum number of members for a meeting of the Forum to be quorate. The Chair will work with members to ensure each meeting has a balance of members with experience representing employers and employees. |
| Meeting outputs (s 789GZJ) | <ul style="list-style-type: none"> The Forum will publish a public communique on the Department of Employment and Workplace Relations' website within 14 working days of a meeting. |
| Confidentiality (s 789GZJ) | <ul style="list-style-type: none"> All views expressed at Forum meetings are to be kept confidential. However, this does not prevent members from reporting to entities they represent or making announcements the members agree are in the public interest. |
| Disclosure of Interests (s 789GZP) | <ul style="list-style-type: none"> A Forum member who has a material personal interest that relates to a matter being considered by the Forum must disclose the interest to the Chair and not participate in any part of a meeting during which the matter is dealt with. |
| Resignation and Termination of Appointment (ss 789GZN and 789GZQ) | <ul style="list-style-type: none"> A member of the Forum appointed by the Minister may resign the appointment by giving the Minister a written resignation, with effect from the date of receipt or, if specified, a later date. The Minister may terminate the appointment of a member of the Forum appointed by the Minister, on the grounds of misbehaviour, incapacity, bankruptcy, loss of position or qualification that formed the basis of the reason for their appointment, failure to comply with the confidentiality or interest disclosure obligations without reasonable excuse or absence from 3 consecutive meetings of the Forum without the approval of the Chair. |