

Building Industry Regulator	
Existing Laws	Impact of new Laws
<p>Building Guidelines Implementation guidelines are an important part of the regulatory framework that compels compliance with IR laws on the basis that non-compliance will exclude the employer from tendering for government work. They have also achieved immense cultural change over the past five years.</p> <p>The guidelines represent desirable behaviour in the industry, encouraging industrial harmony and effecting cultural change in the industry.</p>	<p>Reported watering down of building guidelines A move to a self-regulatory model of compliance will weaken the regulatory framework and will encourage accession to union demands in the interest of timely completion of projects at the risk of compliance with IR laws.</p> <p>Watering down the guidelines by removing prohibitions on flying union flags, supplying employee names to unions and use of unregistered side deals, for example, will undermine cultural change and promote disharmony in the industry.</p>
<p>Coercive powers Coercive powers enable the Building Commissioner to efficiently and effectively compel persons to attend interview in order to obtain pertinent information crucial to uncovering unlawful and inappropriate conduct, overcoming the culture of silence that has pervaded the industry. In many cases these laws provide protection for people who are able to rely on the powers as a reason for providing information.</p>	<p>Weakening of investigation process New procedural steps required to be taken before exercising the power will result in delay and less utilisation, which will weaken investigations and fail to address the culture of silence.</p>
<p>Independence The Building Commissioner is independent, instilling confidence in stakeholders that unlawful conduct will be addressed promptly and seriously.</p>	<p>No longer independent Reducing complete independence and creating a semi-autonomous regulator answerable to an Advisory Board creates potential for matters to be 'hijacked' by members of the Board as a means of pursuing their own agendas.</p>
<p>Penalties Significant penalties apply to building industry participants that have engaged in unlawful conduct, reflecting the considerable financial consequences of unlawful behaviour on multi-million or billion dollar projects.</p>	<p>Reduction in penalties The penalties applying to unlawful conduct will be reduced despite clear evidence that lawlessness in the industry continues, maintaining its characterisation as being unique to other industries. Reduced penalties will fail to deter unlawful behaviour and encourage unions to use employees as 'human shields'.</p>