



myview

with Stuart Traill



ABCC builds up resentment

ON June 15, 16 and 18 a South Australian construction worker will face up to six months in prison for failing to attend an interrogation by the Australian Building and Construction Commission.

This is the fifth time he will attend court after his refusal to attend the interrogation that was requested following a number of safety issues on the construction site he was working on were reported to the construction company.

The office of the ABCC was created by the Howard Government in 2005 to enforce its laws and "criminalise" much union-related activity on construction sites.

Its predecessor, the Building Industry Taskforce, was set up in the wake of the politically driven Cole Royal Commission into the building and construction industry.

Even if a worker is killed on site, his colleagues must be able to prove they had a reasonable concern about an imminent risk to themselves to legally stop work and assess the safety situation.

One worker a week on average

still dies on an Australian construction site.

Passersby can also be interrogated by the ABCC for witnessing activities on a building site.

The ABCC has the power to seek fines against individual workers of up to \$22,000 and gag interviewees.

Anyone who refuses to co-operate fully faces a potential six-month jail term.

Construction workers do not possess the right to silence.

More than 92 construction workers have been secretly interrogated by the ABCC. Construction companies also have to comply with the laws or else they can also be dealt with by the ABCC.

The construction sites that I visit in this region have to record my visit, provide me with a written response to my right of entry notification, take a copy of my right of entry permits and escort me to the smoko shed to talk to the workers.

These records all have to be kept and produced when the ABCC arrives for its random audits.

I have a reasonable relationship

with the construction companies in this region and any issue that we have on site is always dealt with in a reasonable manner on site where the issues should remain.

These project managers are willing to deal with construction unions raising safety issues and generally don't see the need for the far-reaching powers of the ABCC and its inspectors.

It places a burden on the companies that they don't necessarily need, especially when the nature of the industry is as competitive as it has ever been.

There are workplace health and safety standards that should always be complied with, there is industrial relations legislation to deal with, industrial issues and there is the criminal justice system to address criminal behaviour.

Taxpayers, workers and the construction companies are all paying for a bureaucratic department that is unnecessary and unfair.

One law for all.

▶▶ **Stuart Traill, Electrical Trades Union Far North state organiser.**



Burden: Australian construction workers – and companies – don't need a "bureaucratic, unnecessary and unfair" department