Building and Construction Industry (Improving Productivity) Amendment Bill 2017

(Amendment to be moved by Senator Cameron, on behalf of the Opposition, in committee of the whole)

(1) Schedule 1, page 3 (after line 23), at the end of the Schedule, add:

4 After subsection 34(2E)

Insert:

(2F) Nothing in the Building Code prevents a building contractor or building industry participant mentioned in subsection (3) from:
(a) including a provision mentioned in subsection (2G) in a building enterprise agreement; or
(b) being covered by a building enterprise agreement that includes a provision mentioned in subsection (2G); or
(c) engaging in conduct, or implementing a procedure or practice, in respect of building work which has, or is likely to have, the same effect as a provision mentioned in subsection (2G) would if it were contained in a building enterprise agreement.

(2G) For the purposes of subsection (2F), the provisions are any that:
(a) specify a number of apprentices that may be employed or engaged at a particular building site, in a particular work area or at a particular time; or
(b) require the building industry participant to:
   (i) ensure that all employees performing work under the building enterprise agreement are lawfully entitled to work in Australia; or
   (ii) consult with the other parties to the building enterprise agreement to ensure they are satisfied as to the matter mentioned in subparagraph (i); or
   (iii) ensure that, in the event of redundancies, employees who are not Australian citizens or Australian permanent residents (within the meaning of the Migration Act 1958) are made redundant first; or
(d) require the building industry participant to use best endeavours to ensure that any clothing or footwear provided to employees is Australian made; or
(e) require the building industry participant to schedule a nationally accredited asbestos awareness training course for each employee covered by the building enterprise agreement.

[Building Code]