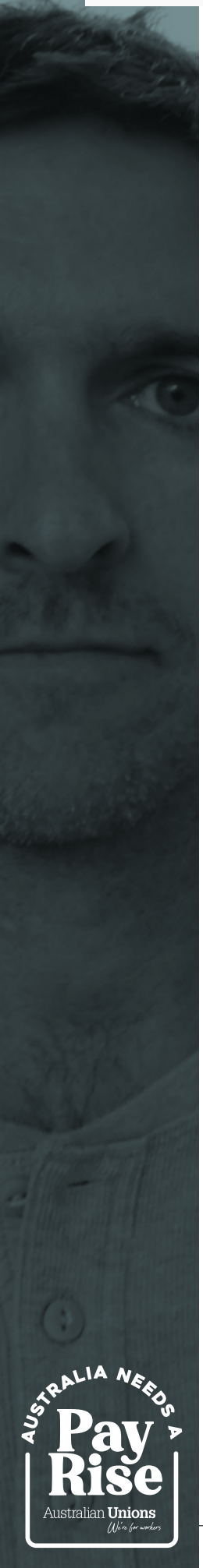
Operative date:
Transitional period commenced 7 Dec 2022.
ABCC abolished 6 Feb 2023.
National Industry Construction Forum (NICF) from 1 July 2023.
Click ***here*** for full briefing notes



ABOLITION OF THE ABCC & ESTABLISHMENT OF THE NATIONAL INDUSTRY CONSTRUCTION FORUM

What is it, and what is new?

The ABCC will be abolished and its functions undertaken by the Fair Work Ombudsman (FWO). A National Industry Construction Forum is established.

What are the key rights and requirements?

Abolition of the ABCC

- The FWO is responsible for any legal or Fair Work Commission (FWC) proceedings that the ABCC had underway prior to 7 December 2022. The FWO has the option of discontinuing any proceedings.
- Compliance notices issued by the ABCC prior to 7 December 2022 will continue to have effect as if they were issued by a Fair Work Inspector, as will rights to review such notices. Records will be transferred from the ABCC to the FWO.
- Investigations into suspected contraventions of the *Fair Work Act* or a Commonwealth industrial instrument may be continued by the FWO. However, investigations based on contraventions of the *Building and Construction Industry (Improving Productivity) Act*, the *Independent Contractors Act* or the former ABCC Building Code will be discontinued.
- New proceedings cannot be brought in respect of contraventions of the Building and *Construction Industry (Improving Productivity) Act 2016.*

National Industry Construction Forum

- The Forum will advise the government in relation to the building and construction industry including matters such as workplace relations, skills and training, safety, productivity, diversity and gender equity and industry culture.
- The Forum will be chaired by the Minister for Employment and Workplace Relations. It will also include other ministers, and an equal number of union and employer representatives. Other persons may also be appointed.

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Strategic considerations

Coordinate:

» How can relevant unions provide a united front at the NICF to win common goals?

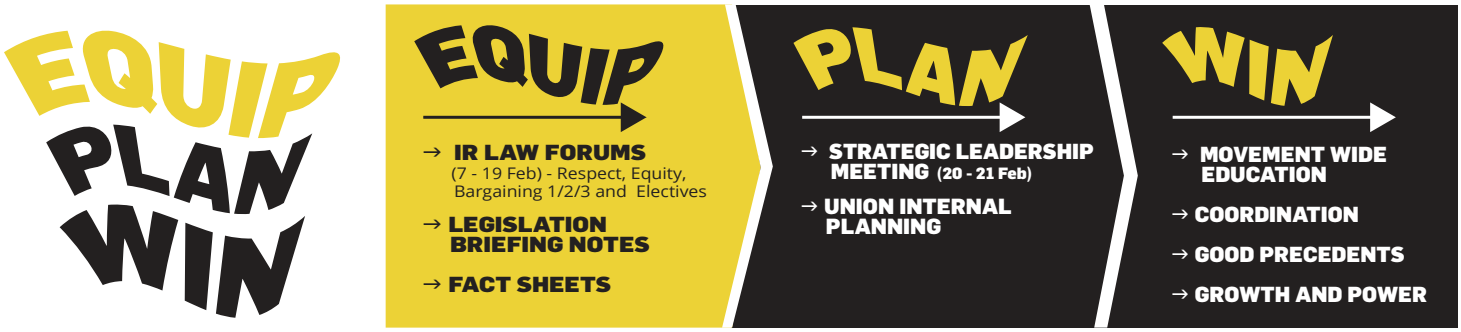
» How will the NICF operate, and how can unions best utilise the Forum to win better conditions for working people?

Growth:

» The abolition of the ABCC can be seen as a win for building and construction unions, showing the movement is able to deliver tangible results. How do we connect this to growth?

Precedent:

» We should communicate and coordinate on how the FWO undertakes the roles transferred to it from the ABCC and any impact this has on the manner of its conduct and investigation.



The information in this document does not constitute legal advice and should not be taken to include all requirements or obligations relevant to the changed legislation. For greater information, please review the detailed briefing note.

ACTU
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