

Victorian, NSW and QLD Construction Industry Industrial Relations Guidelines

Summary

The NSW Government and the Queensland Government have released Construction Industry Industrial Relations Guidelines which are **operative from 1 July 2013**. Some important amendments have been made to the draft Guidelines previously issued by the NSW and Queensland Governments.

The Victorian Government's Construction Industry Industrial Relations Guidelines came into operation on 1 July 2012. The Guidelines have been amended to exclude maintenance work from the definition of 'building and construction work'.

It is important that Members take the time to understand the requirements of the Guidelines in each State as there are major commercial risks associated with non-compliance, including potential exclusion from undertaking work on projects funded by the Victorian, NSW and Queensland Governments.

Previous advice distributed by Ai Group

There have been numerous developments relating to the Victorian, NSW and Queensland Industrial Relations (IR) Guidelines. Relevant advice distributed by Ai Group includes:

- [Member Advice Nat 011/13](#) dated 28 May 2013 regarding the Victorian IR Guidelines and the NSW IR Guidelines.
- [Member Advice Nat 009/13](#) dated 30 April 2013 regarding the Victorian IR Guidelines, the NSW IR Guidelines and the Queensland IR Guidelines.
- [Member Advice Nat 015/12](#) dated 20 June 2012 regarding the Victorian IR Guidelines.
- [Member Advice Nat 008/12](#) dated 12 April 2012 regarding the Victorian IR Guidelines.

Victorian IR Guidelines

The *Implementation Guidelines to the Victorian Code of Practice for the Building and Construction Industry* (Victorian IR Guidelines) are discussed in the above advice.

Please note that the definition of 'building and construction work' in the Victorian IR Guidelines has recently been amended to exclude maintenance work.

A copy of the Victorian IR Guidelines and other relevant information can be obtained from the [Victorian Government's website](#).

NSW IR Guidelines

The NSW Government has released *Implementation Guidelines to the New South Wales Code of Practice for Procurement: Building and Construction* (NSW IR Guidelines).

The NSW IR Guidelines apply to businesses which carry out 'building and construction work' on NSW State Government projects which are the subject of an expression of interest or request for tender after **1 July 2013**. The Guidelines also apply to privately funded construction work that these businesses carry out as well as construction work carried out by related entities of these businesses.

The definition of 'building and construction work' in the NSW IR Guidelines is identical to the definition in the Victorian IR Guidelines; maintenance work is excluded.

Businesses covered by the NSW IR Guidelines are required to ensure that their subcontractors comply with the Guidelines on publicly funded projects.

The Guidelines include detailed requirements regarding workplace arrangements, site practices, Workplace Relations Management Plans, Health and Safety Management Plans and reporting obligations to the Construction Code Unit (CCU).

The CCU is responsible for monitoring and ensuring compliance with the Guidelines.

In conjunction with issuing the NSW IR Guidelines, the NSW Government has issued a Practice Direction which deems all enterprise agreements approved under the *Fair Work Act 2009* to comply with the Guidelines. Conduct expressly permitted or required by an enterprise agreement is also deemed to comply.

A copy of the NSW IR Guidelines and the Practice Direction can be obtained from the [NSW Government's website](#).

Queensland IR Guidelines

The Queensland Government has released *Implementation Guidelines to the Queensland Code of Practice for the Building and Construction Industry* (Queensland IR Guidelines).

The Queensland IR Guidelines apply to all publicly funded 'building and construction work' exceeding \$2 million which is the subject of an expression of interest or request for tender from **1 July 2013**. The Guidelines apply to businesses and their related entities from the date that the party first expresses interest in, tenders for, or enters into a contract to perform work to which the Guidelines apply. The Guidelines also apply to privately funded construction work that these businesses carry out.

Please note that the definition of 'building and construction work' in the Queensland IR Guidelines is different to the definition in the Victorian IR Guidelines and NSW IR Guidelines (e.g. under the Queensland IR Guidelines, some maintenance work is included). Ai Group has written to the Queensland Government seeking that the definition of 'building and construction work' in the Queensland IR Guidelines is aligned with the definitions in the other two States.

Businesses covered by the Queensland IR Guidelines are required to ensure that their subcontractors comply with the Guidelines on publicly funded projects to which they apply.

The Queensland IR Guidelines include detailed requirements regarding workplace arrangements, site practices, Workplace Relations Management Plans, work health and safety systems and reporting obligations to the Building Construction Code Branch (BCCB).

The BCCB is responsible for monitoring and ensuring compliance with the Guidelines.


In conjunction with issuing the Queensland IR Guidelines, the Queensland Government has issued a Practice Direction which deems all enterprise agreements approved under the *Fair Work Act 2009* to comply with the Guidelines. Conduct expressly permitted or required by an enterprise agreement is also deemed to comply.

A copy of the Queensland IR Guidelines and the Practice Direction can be obtained from the [QLD Government's website](#).

Further information or assistance

For further information or assistance please call Ai Group's **BIZassistInfoline** on **1300 78 38 44**.

Should you require any detailed advice to assist your organisation to comply, Ai Group's team of workplace relations specialists and lawyers is well-qualified to assist.



Stephen Smith
DIRECTOR – NATIONAL WORKPLACE RELATIONS

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