



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



THE SENATE

BILLS

**Building and Construction Industry
(Improving Productivity) Amendment Bill 2017**

In Committee

SPEECH

Wednesday, 15 February 2017

BY AUTHORITY OF THE SENATE

SPEECH

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Questioner	Responder
Speaker Cash, Sen Michaelia	Question No.

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (21:39): Thank you, Senator Xenophon, for those questions. As I have already stated, and as I believe you are aware, section 6A of the building code specifically provides for exemptions for essential service providers. In particular, it states at paragraph (1)(a) that the ABC commissioner may exempt a building contractor or a building industry participant if they are satisfied that building work performed by the building contractor or building industry participant involves the provision of essential services related to, inter alia, the supply of electricity.

The provisions are very clear, and I expect that any decision on exemptions would be swiftly dealt with by the commissioner in accordance with this section. I would not hesitate to communicate this advice to the commissioner. Of course, in relation to safeguards, in the event that one was not provided—and, Senator Xenophon, I think that is highly unlikely—you will be aware that last year one of the further amendments that the crossbench moved related to judicial review of the commissioner's decisions. Sorry, Senator Xenophon—that amendment was at your behest. So the decision would be subject to judicial review.