Dear Secretary


Thank you for the opportunity to make this submission. We do so in our capacity as members of the Gilbert + Tobin Centre of Public Law and staff of the Faculty of Law at the University of New South Wales. We are solely responsible for its contents.

We have previously published an academic article on the Australian Building and Construction Commission established by the Building and Construction Industry Improvement Act 2005 (Cth). The Commission was abolished by the Fair Work (Building Industry) Act 2012 (Cth), however, the Bills currently under consideration by the Committee propose that it be re-established. Our article – published as ‘The Investigatory Powers of the Australian Building and Construction Commission’ (2008) 21 Australian Journal of Labour Law 244 – is attached. We expressed a range of concerns therein about the nature and scope of the powers conferred upon the Commission in its original form.

If there are any queries in relation to this submission, please do not hesitate to contact Nicola McGarrity at n.mcgarrity@unsw.edu.au or on (02) 9385 3445.

Yours sincerely,

Ms Nicola McGarrity

Professor George Williams AO