



**MEDIA RELEASE**

**Wednesday 13 February 2013**

**LEADING CONSTRUCTION INDUSTRY ASSOCIATION SUPPORTS DISALLOWANCE  
OF BUILDING CODE 2013**

**Statement by Lindsay Le Compte, Executive Director**

**Australian Constructors Association**

The industry association representing Australia's leading construction contractors today supported the disallowance motion of the new Building Code currently before the Senate.

Executive Director of the Australian Constructors Association, Lindsay Le Compte, said that it was unfortunate that the Government had not consulted with industry prior to making the legislative instrument that gave legal effect to the new Building Code 2013.

"The Code was not discussed with industry before it was made and a subsequent analysis of it discloses a number of potentially major implementation issues that could create significant confusion within the industry", Mr Le Compte said.

The Legislative Instruments Act 2003, requires the Government to consult before a legislative instrument is made where the instrument will have a substantial effect on industry. The Code gives legislative effect to the existing administrative guidelines issued pursuant to the former National Code of Practice for the Construction Industry which dates back to 1997.

"Giving legal effect to a set of administrative guidelines without apparent regard for the legal and operational impact that consultation would have identified makes no rational sense. In addition, the apparent attempt, through the making of the Code, to override the construction industry industrial relations guidelines operating in Victoria, and proposed for NSW, only adds further to the potential confusion for contractors tendering for important government infrastructure projects.

The potential impact of the Code on State guidelines should have been a trigger for effective consultation because the State guidelines address flaws in the former National Implementation Guidelines that had been progressively watered down by the Government but are now enshrined in the new Code", Mr Le Compte said.

"The last thing industry needs at this time is the introduction of constraints on business with subsequent potential impact on the community without any consultation. The Government should withdraw the new Code to allow a proper consultative process to be undertaken that results in the operational problems being rectified, or the Code should be disallowed".

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