



Australian Government

Office of the Australian Building and
Construction Commissioner

Commercial in Confidence

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Melbourne VIC 3001

Operations Telephone: 03 8509 3010
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[INSERT DATE]

[INSERT NAME]
[INSERT ADDRESS]

[INSERT ABCC REFERENCE]

Dear [INSERT NAME]

**National Code of Practice for the Construction Industry (National Code)
Implementation Guidelines [INSERT GUIDELINES REFERENCE]
Audit – [INSERT PROJECT NAME] (Project)**

I refer to the above Audit conducted at your premises on [INSERT DATE] and the subsequent record of conversation and document review.

The ABCC would like to thank you for your co-operation during the process and offers the following assistance to you in respect to documentation and information collected whilst conducting our inspection.

[EXAMPLES OF PREVIOUS SUBCONTRACTOR ISSUES IDENTIFIED DURING AUDITS]

A matter which was apparent on the day of the audit was that subcontractors were not passing on the requirements of the National Code through the contractual chain. Refer: Section 4.3 of the Implementation Guidelines for the National Code [INSERT GUIDELINE REFERENCE].

When working on a National Code project, you must ensure that any purchases made, or subcontractors engaged, are also contractually bound to the principles of the National Code. You have an obligation to ensure that at each stage of the contract chain, be it minor works contracts or purchase orders to the value of \$25 000 or less it is clearly stated that:

“The National Code of Practice for the Construction Industry (the Code) and the Australian Government Implementation Guidelines for the National Code of Practice for the Construction Industry, [INSERT DATE] (the Guidelines), apply to this project. By agreeing to undertake the works, you will be taken to have read and agreed to comply with the Code and Guidelines.”

A review of payslips indicates that employee details relating to job title/classification and the award/agreement that applies was not included on the pay slips. This information is required if an employee or employee representative wishes to independently assess if their pay and entitlements are correct. Lack of that information is a breach of the Fair Work Act and it should be included on every pay slip issued.

The ABCC has concerns that the workplace arrangements your company has in place with its employees does not comply with the National Code. Please note that the ABCC does not assess workplace arrangements for compliance with the National Code. This function is undertaken by the Department of Education, Employment and Workplace Relations (DEEWR). A review of assessments undertaken by DEEWR and subsequent enquiries with that agency have been unable to establish to our satisfaction that your workplace arrangements enable you to be eligible to undertake work on Australian Government Funded projects subject to Section 2.1 of the *Australian Government Implementation Guidelines for the National Code of Practice for the Construction Industry Reissued June 2006 (Guidelines)*. As a consequence we urge you to consider making further approaches to that department to ensure your arrangements comply with the National Code before tendering for work on projects subject to these and earlier Guidelines.

Please note that as a material supplier, projects subject to later Guidelines released in August 2009 would not be subject to the above limitations and you are eligible to tender on those latter projects.
[DELETE/AMEND ABOVE EXAMPLES APPLICABLE TO GUIDELINES & FINDINGS]

Please note that the ABCC does not assess workplace arrangements for compliance with the National Code. If you have not already done so, the ABCC would strongly suggest having any applicable workplace arrangements assessed by the Department of Education, Employment and Workplace Relations, Industry Compliance Team who can be contacted on 1300 731 293. Workplace arrangements which are not compliant with the National Code may result in your company being unable to tender for jobs where the National Code applies.

Further information on the National Code and Implementation Guidelines can be obtained at www.abcc.gov.au

Should you wish to discuss any aspect of either this correspondence or the audit process please do not hesitate to contact either [INVESTIGATOR NAME] on [INSERT TELEPHONE NUMBER] or [INVESTIGATOR NAME] on [INSERT TELEPHONE NUMBER].

Yours sincerely

Mrs Helen Evenden
Executive Director
National Code Operations