



E-Alert: Tendering for Commonwealth funded building work? Do you have a letter of compliance with the Building Code 2016?

On 2 December 2016, the Minister for Employment, issued a new building code (**Building Code 2016**). Building Code 2016 applies as and from 2 December 2016.

Enterprise agreements made from 2 December 2016 must comply with Building Code 2016 in order to be eligible to be awarded Commonwealth funded work. Construction industry participants covered by agreements made prior 2 December 2016 have until 29 November 2018 to ensure their agreements comply with Building Code 2016.

Contractors wishing to undertake Commonwealth funded building work now require a letter of compliance (issued by the Australian Building and Construction Commission (**ABCC**)) to confirm they are eligible to tender, regardless of their workplace arrangements. This includes companies with modern award arrangements.

The ABCC will issue letters of compliance for:

- Enterprise agreements made on or after 2 December 2016 that meet Building Code 2016 requirements;
- Enterprise agreements made before 2 December 2016 (this is **only valid until 28 November 2018**); and
- Modern Award arrangements or other lawful workplace arrangements.

The ABCC will also provide preliminary advice on whether draft agreements meet the requirements of the Building Code 2016.

An entity can **only** obtain a letter of compliance and/or by filling out this form.

We note that the order in which letters will be issued and/or advice given will be chronological based on the order of submission to ABCC.

Given the large number of entities who will be seeking letters of compliance and/or advice, we recommend taking steps to obtain a letter of compliance and/or any advice as a matter of priority.

If you would like any assistance with obtaining a letter of compliance and/or advice from ABCC, we invite you to contact our teams:

Employment and Work Health & Safety or
Building, Engineering, Construction and Infrastructure.

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