BROADLEY REES HOGAN | NEWS

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.

Broadley Rees Hogan (BRH Lawyers) is an independent boutique firm, specialising in corporate, commercial, property, construction and litigation. Based in Brisbane, we act for clients across the country and internationally – **for an unassuming firm, we know how to deal big**.

For more information, please visit **www.brhlawyers.com.au** or **contact us** on (07) 3223 9100.