

## **EXPLANATORY STATEMENT**

Issued by the authority of the Minister for Employment and Workplace Relations

*Building and Construction Industry Improvement Amendment  
(Transition to Fair Work) Act 2012*

*Building and Construction Industry Improvement Amendment  
(Transition to Fair Work) Proclamation 2012*

The *Building and Construction Industry Improvement Amendment (Transition to Fair Work) Act 2012* (the Act) amends the *Building and Construction Industry Improvement Act 2005* to abolish the Office of the Australian Building and Construction Commissioner and create the Office of the Fair Work Building Industry Inspectorate, remove existing building industry specific laws, introduce safeguards in relation to the use of powers to compulsorily obtain information or documents and create the office of the Independent Assessor. The Act received Royal Assent on 15 April 2012.

Section 2 of the Act provides that Schedule 1 of the Act will commence on a day to be fixed by Proclamation.

Schedule 1 of the Act contains the amendments to be made to the *Building and Construction Industry Improvement Act 2005*.

For the purposes of section 2 of the Act, the *Building and Construction Industry Improvement Amendment (Transition to Fair Work) Proclamation 2012* (the Proclamation) provides that Schedule 1 of the Act will commence on 1 June 2012.

The commencement of Schedule 1 of the Act has been delayed until 1 June 2012 to facilitate a smooth transition to the new building and construction industry legislation and to provide sufficient time for the Office of the Fair Work Building Industry Inspectorate to be established.

The Proclamation has been drafted by the Office of Legislative Drafting and Publishing. No consultation was required given the administrative nature of this instrument.

The Act does not impose any conditions that need to be satisfied before the power to make the Proclamation may be exercised.

The Proclamation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Office of Best Practice Regulation advised that a Regulation Impact Statement was not required.

The Proclamation commences the day after it is registered on the Federal Register of Legislative Instruments.