Building Code 2013

Code Assessments Online [www.employment.gov.au/code-assessments-online-1]

This page describes the online lodgement process for undertaking a code assessment for the Building Code 2013. Instructions on how to lodge online are below.

On 1 February 2013 the Building Code 2013 came into effect and replaces all previous versions of the Australian Government's Implementation Guidelines for the National Code of practice for the Construction Industry with a single set of requirements.

It is the department's view that entities with letters showing compliance with a previous version of the Guidelines will be compliant with the Building Code 2013 and will not require a new letter to show compliance with the Building Code 2013.

Enterprise agreements made prior to 1 February 2013 and approved under the Fair Work Act are considered compliant with the Building Code 2013 and a letter of compliance is not required. As an interim measure, however, a letter of compliance can be provided by the department if you request one.

Enterprise agreements **made or varied after 1 February 2013** and approved under the Fair Work Act 2009 are considered to be compliant with the Code, subject to including a dispute settlement procedure which is consistent with section 17 of the Code. You will not require a letter of compliance if this reflects your existing arrangements. As an interim measure, however, a letter can be provided by the department if you request one.

Modern Awards are considered to be compliant with the Building Code 2013. Letters of compliance are not required to demonstrate compliance with the Building Code 2013 if you are operating under a Modern Award. As an interim measure, however, letters can be provided by the department free of charge if you request one.

Where business have other arrangements in place, such as certified, registered, lodged or otherwise approved industrial instruments, or common law contracts of employment, the department will continue to assess these for compliance with the Code.

The Building Code 2013 requires businesses be compliant at the time of lodging an Expression of Interest or a tender for Australian Government funded construction activity.

To obtain a letter of compliance please follow the steps below.

Steps for lodging online:

Please ensure you have your business details ready, including:

- phone number
- postal and email addresses
- ABN

An industrial instrument contains the terms and conditions of employment that bind the employer and the employee. The most common examples are modern awards, registered collective agreements, or common law contracts. You will need to know exactly which instrument(s) apply to your business before proceeding.

If you do not have employees you can Lodge Online now.

Note: subcontractors are not classified as employees

Please be advised that Modern Awards commenced on 1 January 2010 and replaced many old Federal and State awards. If you do not know which Modern Award(s) apply to your business, please contact the Fair Work Infoline on 13 13 94 for an award determination. Once you know which Modern Award(s) apply you can Lodge Online now.

If you employ staff under a registered collective agreement, you will be asked to provide the approval number from the relevant industrial relations body:

- Fair Work Commission (e.g. AG2010/12345)
- The Work Place Authority (e.g. CAUN0912345)
- State Industrial Relations Commission

You may lodge an application for code assessment with Modern Award(s) and a registered collective agreement if both apply.

If you employ staff under a common law agreement (which is an unregistered contract between an employer and an individual employee) you are required to upload an electronic version. Please be aware that a Modern Award may also run in conjunction with a common law agreement and you will be required to include it in your submission. When you have these details you can Lodge Online.

If your business does have employees, but no collective or individual agreements in place, and the Fair Work Infoline has confirmed that no Modern Award(s) apply to your industry, you can lodge an application stating that no industrial instruments apply.

Applications are usually processed within five business days. A copy of the letter of assessment is sent to the email address supplied.

Unregistered agreements (other than common law agreements made between an employer and an individual employee) and side deeds are inconsistent with the Building Code 2013 and will not be assessed for compliance. Draft agreements will not be assessed for compliance.

Want to know more?

- National Code Hotline 1300 731 293
- Email: building@deewr.gov.au
- The Building Code 2013 and the Supporting Guidelines