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Rule of law v rule of the jungle

The Rule of Law Institute of Australia's letter was disappointing ("Un-Australian powers of ABCC", September 24) on a number of levels.

First, because the accusations made are inaccurate. Powers that reside in the Australian Building and Construction Commissioner are similar to those held by other investigative bodies such as the Australian Securities and Investments Commission, the Australian Competition and Consumer Commission and the Australian Taxation Office. While the letter focuses on the fact that right of an individual to remain silent is taken away by laws that underpin the building and construction industry workplace reform, it ignores that a person placed under examination is provided with the right of legal representation and immunity from prosecution. The work of the ABCC is not unfair and does not undermine liberty.

The Cole royal commission in 2003 recommended establishment of a special regulatory authority to

oversee restoration of the rule of law in the industry. That task is still under way and attacks on the ABCC detract from maintenance of the rule of law.

Workplace relations reform is not an end in itself but a catalyst for creating economic efficiencies, particularly at the enterprise level, for the benefit of building industry participants but also in the creation of community infrastructure.

The specific reforms for the building and construction industry permit parties to negotiate in a system governed by the rule of law rather than the rule of the jungle. The reforms are essential to proper regulation of the workplace and essential to proper interaction of building industry participants. Master Builders believes retention of a well empowered building industry watchdog is essential for the prosperity of the sector and of the nation. Focusing on a minutia and labels such as "un-Australian" in relation to the industry watchdog ignore the harsh realities of the sector. It is violence and thuggery that are un-Australian.

Wilhelm Harnisch
Chief executive,
Master Builders Australia
Yarralumla ACT