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1.0 Introduction

1.1 Master Builders Association of New South Wales (MBA) is the primary employer Association representing the interests of all sectors of the State's building and construction industry with some 8,000 members.

1.2 MBA has been representing the interests of its members since 1873.

1.3 The building and construction industry is a major contributor to the economic wellbeing and progress of New South Wales. MBA members provide the homes in which we live, the places in which most of us work and play, our schools and hospitals, and the construction of infrastructure such as roads, water and electricity supply essential to the State's citizen's day to day living.

1.4 MBA is a statutory member of the State Government's Industrial Relations Advisory Council.

2.0 Purpose of Submission

2.1 The Workplace Surveillance Act 2005 (WS Act) repealed and replaced the former Workplace Video Surveillance Act 1998 to create a new framework for regulating all contemporary forms of workplace surveillance undertaken by employers in New South Wales, including computer surveillance and tracking devices.

2.2 MBA understands that the Attorney General is conducting a review into the operation of the WS Act.

2.3 MBA also understands that the review will determine whether the objects of the WS Act remain valid and whether the terms of the legislation remain appropriate for securing those objectives.

3.0 MBA Response

- 3.1 Since the introduction of the WS Act, MBA has received very few enquires or comments from its members in relation to workplace surveillance.
- 3.2 MBA submits that the practical application of the WS Act has been reasonably limited in the Building and Construction Industry. Where surveillance of the types regulated by the WS Act is used in the industry, such surveillance has been overt rather than covert.
- 3.3 Accordingly, where the WS Act is relevant to the Building and Construction Industry, MBA submits that the WS Act appears to be meeting its objective in terms of providing a reasonable balance between employees' reasonable expectations to privacy and an employer's right to monitor the workplace.

4.0 Conclusion

- 4.1 MBA submits that the WS Act be retained in its current terms. Industry participants are accustomed to the provisions of the WS Act regulating surveillance in its various forms whilst in the workplace.
- 4.2 Please do not hesitate to contact MBA should you wish to discuss any matters raised by us in this submission.



Peter Glover
Director Construction

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