



**MASTER BUILDERS
AUSTRALIA**

29 March 2017

Vice President Hatcher
Fair Work Commission
Level 8, 80 William St,
EAST SYDNEY NSW 2011

Dear Vice President,

RE: AM2016/23 - 4 YEARLY REVIEW OF MODERN AWARDS – CONSTRUCTION AWARDS

We refer to the above matter and write pursuant to directions of 17 March 2017.

Witness schedule

Several discussions have taken place amongst employer parties regarding witness schedules and availability and proposals exchanged with the CFMEU and other union parties. We understand a schedule will be provided reflecting these discussions via the Housing Industry Association. Master Builders concurs with that schedule and notes some minor restrictions on our witness availability referenced therein.

We also note that Master Builders and the CFMEU are having ongoing discussions about witnesses and other matters generally relevant to this proceeding. Those discussions seek to explore options whereby the parties can better assist the Commission in ensuring this proceeding is conducted efficiently and with minimal disruption to all involved. Were these discussions to generate an agreement, we would advise the Commission accordingly and respectfully request its concurrence. It should be noted that we envisage any agreement reached would not affect the schedule in a substantive way nor undermine its intent.

Witness evidence – MBA submission Attachment F

The Commission will be aware that we have annexed to our submission of 2 December 2016 a redacted statement marked Attachment F. Discussions with the CFMEU are also underway about this document and the treatment of same. Again, the intention of these discussions is to explore whether the parties can agree on a proposal that would assist the Commission in hearing this evidence in an efficient and practical way. If discussions generate any agreement, we would notify the Commission and again respectfully seek its concurrence.

Evidentiary objections

We attach hereto a list of matters regarding evidence pursuant to directions of 17 March 2017.

This list notwithstanding, it is Master Builders' general observation that the nature of this proceeding, the parties involved, and the legislative parameters underpinning the proceeding are such that objections of this type may be counter-productive and hinder the Commission's capacity to appropriately inform itself in undertaking this review. To that end, it would be Master Builders' preference that the Commission allow evidence to be taken as planned and that appropriate weight be given to that which is the subject of any objection. This would allow the matter to be conducted efficiently while retaining the Commission's capacity to exercise discretion regarding evidence in an appropriate context.

We would be pleased to provide any additional information were it required and thank the Commission for its consideration of this correspondence.

Yours sincerely



Shaun Schmitke
National Director Industrial Relations

Witness Name	Objections	Paragraphs
Frank O'Grady	Hearsay	6, 8, 10, 12, 13, 14, 15, 16, 17
Graham Pallot	Hearsay	3, 5, 6, 7, 9, 10, 11, 12, 13
	Opinion	4, 8, 12, 13
Paul Ferreira	Hearsay	3, 4, 5, 6, 7, 8, 9, 10
	Relevance	4, 5
	Opinion	3, 4, 5, 6, 7, 9
Dean Reilly	Hearsay	8, 10, 11, 16, 17
	Relevance	4, 5, 6, 7, 8, 9, 10, 11, 14, 15
	Opinion	4, 5, 6, 8, 9, 10, 11, 13, 16, 17, 18
Danny Callaghan	Hearsay	5, 6
	Relevance	6
	Opinion	6
David Kelly	Hearsay	8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19 (with ref to Attachments 1 and 2), 20, 21
	Relevance	12, 18
	Opinion	9, 11, 15, 17, 20, 21
Kris Woodward	Hearsay	7, 8, 9, 10, 15, 16 and Attachment 1
	Relevance	11, 13, 14
	Opinion	13, 15, 17, 18
Liam O'Hearn	Hearsay	7, 12, 13
	Relevance	14
	Opinion	13
Gerard Ayers	Opinion	10, 11, 12, 13, 14, 15, 16, 17, 18, 21