



**CIVIL CONTRACTORS
FEDERATION**

CCF NATIONAL OFFICE

ABN 41 639 349 350

Unit 13, Level 3, Engineering House

11 National Circuit

Barton ACT 2600

(02) 6273 8312

E ccfnat@civilcontractors.com

www.civilcontractors.com

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Response to objections to evidence by the CFMEU dated 29th March 2017

Civil Contractors Federation (CCF) rejects the CFMEU's arguments for objections to evidence provided by Mr. David Castledine, Mr. David O'Connor, Mr. John Hovey and Mr. Peter Middleton in relation to Redundancy and Junior Rates.

We submit that all of the CFMEU objections be rejected on the grounds that the CFMEU is attempting to prevent the Commission from gathering all possible information and industry views it requires to undertake this modern awards review. S.590 of the Fair Work Act gives the Commission the power to inform itself in relation to any matter as it considers it appropriate, and S.591 provides that the Commission is not bound by the rules of evidence. The Commission is entitled to accept this evidence.

Mr. David O'Connor, Mr. Peter Middleton and Mr. John Hovey are employers who have operated civil construction businesses for decades under the Building and Construction General On-Site Award 2010. Their evidence is not hearsay, conclusion or speculation but direct evidence about the real effects of the current redundancy provisions and lack of junior rates on employment in the industry. Given that the Commission cannot speak to every employer in the industry these witnesses offer a unique opportunity for the Commission to gather firsthand information about the industry's views about the award.

Mr. David Castledine has been the CEO of the NSW Branch of the CCF for the last six years. His input is relevant. Mr Castledine's statement, like all other CCF witnesses statements, is provided in the form of a duly witnessed and signed statutory declaration, and should be accepted by the Commission as such.

CCF also rejects the CFMEU's assertion in 10 and 11 that material provided in our submission should not be accepted. Specifically, that the evidence presented in CCF's survey is hearsay and it represents unidentified members. Those members are identified in pages 10 to 17 of our submission. Moreover, the results of the survey are contained as evidence in our written submission, not Mr. Castledine's statement. No other party has produced such a comprehensive response from industry, and this is important material the Commission should be aware of.

To conclude, we submit that the Commission should admit all the evidence provided by CCF's witnesses and that this evidence should be given the appropriate weight taking into consideration any objections raised. The rejection of the CFMEU's objection will allow the review to proceed quickly while allowing the Commission to exercise discretion regarding weight given to any evidence produced by the parties.

Yours faithfully

Chris Melham

Chief Executive Officer (National)

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