



MASTER BUILDERS
A U S T R A L I A

22 March 2017

The Associate to
Vice President Hatcher
Fair Work Commission
Level 8, 80 William Street
EAST SYDNEY NSW 2011

Email: chambers.hatcher.vp@fwc.gov.au
cc. amod@fwc.gov.au

4 Yearly Review of Modern Awards – Group 4 Awards – Construction Awards (AM2016/23)

Dear Associate,

Master Builders Australia ('MBA') refers to the above matter and the recent directions dated 17 March 2017.

Commission's Issues Document

In response to paragraph 2 of the directions pertaining to the Commission's Issues Document we make the following comments with reference to the *Building and Construction General On-Site Award 2010* ('On-Site Award') and the *Joinery and Building Trades Award 2010* ('Joinery Award'):

1. Clause 17 – Industry Specific Redundancy Scheme – On-Site Award

- The clause reference for the claim to amend the definition should be 17.2 (not 17).
- The clause reference for the claim to amend the terms upon which redundancy payments are calculated should be 17.3 (not 17.4(a) & 17.4(b)).
- We confirm the proposed amended wording for the above 2 claims is at pages 30 and 31 respectively of our Submission.
- The proposed amendments to clause 17.3(c) of our Submission (at page 31) are not extended to clause 17 of the Joinery Award.

2. Clause 24.3 – Living away from home – distant work – Entitlement- On-Site Award

- The clause reference for this claim should be 24.3(a)(ii) (not 24.3(ii)).

3. Clause 31 – Payment of wages – On-Site and Joinery Awards

- With the exception of our claim to delete clause 31.2 of the On-Site Award, we have made submissions to amend clauses 31 of the On-Site Award and 26 of the Joinery Award in AM2016/8 and seek that those claims be referred to the common issue proceedings. We also note the correspondence from the Commission to the parties, dated 22 March 2016, with regard to these matters.

4. Clause 28 – On-Site Award/ Clause 15 – Joinery Award – National Training wage

- MBA has made submissions in the common issues proceedings (AM2016/17)¹ and seek that the parties' claims with regard to clause 28 (Schedule C) of the On-Site Award and clause 15 (Schedule D) of the Joinery Award be dealt with it in the common issue proceedings.

Witnesses

In response to paragraph 3 of the directions, MBA envisages we will require those CFMEU witnesses listed hereunder for cross-examination. It should also be noted that we intend to have discussions with the CFMEU directly regarding the below list with a view to minimising numbers required.

1. Frank O'Grady
2. David Kelly
3. Graham Pallot
4. Paul Ferreira
5. Dean Reilly
6. Kris Woodward
7. Danny Callaghan
8. Dr Gerard Ayers
9. Liam O'Hearn

In the event other parties call witnesses in addition to those listed above, we seek leave to cross-examine those witnesses if matters pertinent to our claims arise.

Please contact the undersigned should any additional information be required.

Yours sincerely,

Rebecca Sostarko
Lawyer

¹ Master Builders submission – 4 yearly review of Modern Awards – National Training Wage (AM2016/17) 17 March 2017.