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16 November 2018

Fair Work Commission  
80 William Street  
East Sydney NSW 2011

By email: [amod@fwc.gov.au](mailto:amod@fwc.gov.au)

**Re: AM 2016/23 – 4 yearly review of Modern Awards – Construction Awards**

HIA refers to the above matter and the related directions of 8 November 2018 (**Directions**).

It was HIA's understanding that the Directions were limited to addressing the relevant paragraphs outlined in the decision of 26 September 2018 *4 yearly review of modern awards—Construction awards* [2018] FWCFB 6019 by 14 November 2018 and that this was to occur by way of written submission.

We have reviewed the materials filed by the interested union parties. Both the Australian Manufacturing Workers' Union (**AMWU**) and the Australian Workers' Union (**AWU**) have sought to file additional and new evidence (by way of witness affidavit) in addition to a written submission.

The Construction Forestry Maritime Mining and Energy Union (Construction and General Division) (**CFMMEU**) have filed materials that includes what appears to be additional evidence regarding matters already canvassed by the Full Bench, and the AWU submission [at paragraph 25] can also be read as suggesting an intention to file further submissions-in-reply to the submissions-in-reply of the employer parties.

The matters identified above appear to represent new materials and additional witness evidence which exceed what HIA understood as the scope of the Directions. We also understand that no union party has sought to vary the Directions notwithstanding being granted liberty to do so.

If the Commission is minded to accept this additional and new evidence we would seek an additional 4 weeks within which to file our reply submissions and any evidentiary materials. We would also foreshadow an intention that we or other employer parties may seek the opportunity to cross examine the Union's witnesses.

Yours sincerely

HOUSING INDUSTRY ASSOCIATION LIMITED

Melissa Adler  
Executive Director- Industrial Relations and Legal Services