



**MASTER BUILDERS
AUSTRALIA**

8 September 2017

The Hon. Justice Ross, President
Fair Work Commission
11 Exhibition Street
MELBOURNE VIC 3000

Via email: chambers.ross.j@fwc.gov.au

Dear Justice Ross,

4 YEARLY REVIEW OF MODERN AWARDS — NATIONAL TRAINING WAGE – AM2016/17

We write with reference to the above matter pursuant the Commission's statement of 28 August 2017¹.

Specifically, we refer the proposed draft National Training Wage (NTW) schedules relevant to the *Building and Construction General On-Site Award 2010* (On-Site Award) and the *Joinery and Building Trades Award 2010* (Joinery Award) in which Master Builders maintains an interest.

Master Builders has previously expressed our support² for the Commission's proposal to delete the specific schedules attached to the On-Site and Joinery Awards and replace them with a reference to the *Miscellaneous Award 2010*. We maintain this position and submit that there is no basis to justify a deviation from the Commission's proposed model solution.

Only in the event that the Commission remains of the view that there is justification for the On-site and Joinery Awards to deviate from the approach adopted more broadly, we make the following observations with respect to the draft NTW schedule of the On-Site Award.

Referencing inconsistencies

The minimum wage rates tables within existing clause C.5 of the On-Site Award have been removed and replaced with a notation that the weekly rates payable for traineeships are to be made with reference to clause 28 of the award.

Clause A.4 of the draft schedule states that the minimum rates payable for traineeships are with reference to Wage Level A or B, dependent upon the applicable training package.

There is a conflict in the drafting of clause 28 and the proposed schedule in that clause 28.3, which outlines the rates of pay for trainees, other than those in the civil sector, refers to Skill levels A and B as opposed to Wage levels A and B as outlined in the draft schedule.

¹ [2017] FWCFB 4457

² Refer to Master Builders Australia Submission – AM2016/15, AM2016/17 – 4 Yearly Review of Modern Awards - National Training Wage, dated 17 March 2017, and;
Master Builders Australia Submission – AM2016/23 – 4 Yearly Review of Modern Awards – Construction Awards, dated 6 June 2017.

The inconsistency in nomenclature is likely to cause confusion amongst award users and any reference to clause 28 within clauses A.6.1 and A.6.2 of the draft schedule should be amended within the On-Site Award to avert this confusion.

Yours sincerely



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