



**MASTER BUILDERS
AUSTRALIA**

22 March 2018

Justice IJK Ross AO
President
Fair Work Commission
Level 4, 11 Exhibition Street
MELBOURNE VIC 3000

via: chambers.ross.j@fwc.gov.au

Cc: amod@fwc.gov.au

Dear President,

RE: AM2016/15 - 4 YEARLY AWARD REVIEW – PLAIN LANGUAGE RE-DRAFTING

We refer to the above matter and the *Building and Construction (General) On-Site Award 2010* ('On-Site Award') and the *Joinery and Building Trades Award 2010* ('Joinery Award') together the ('Construction Awards') in which Master Builders Australia ('Master Builders') maintains an interest.

This correspondence is filed in response to the Commission's Statement of 28 February 2019¹ ('The Statement') and deals with the following matters as raised therein.

Plain-language review – On-Site Award

At paragraph [13] of the Statement, we note the Commission's comments that

"[13] During the Review, the Vehicle Manufacturing, Repair, Services and Retail Award and the Manufacturing and Associated Industries and Occupations Award have been substantially redrafted. Substantive changes have also been made to the Building and Construction General On-site Award. Given the limited resources of the Commission, the time constraints in relation to the finalisation of the review and the substantive changes that have been made to these awards it is our provisional view that these awards not be redrafted in plain language at this time." [Our Emphasis]

Master Builders supports the Commission's provisional view expressed at paragraph [13] of the Statement above.

Shutdown provisions – proposed model term

At paragraph [84] of the Statement, the parties were asked to make submissions on the following:

- *"Whether the modern awards that currently contain shutdown provisions should be varied to include the model term at Attachment D;*
- *Any award specific variations that should be made; and*
- *Whether unpaid leave taken during a shutdown period counts as service."*

¹ [2019] FWCFB 1255

Both the On-Site and Joinery Awards contain provisions that deal with Annual close downs.² Master Builders has received no feedback from our membership that the existing provisions are; a) not clearly understood by award users or (b) working inefficiently.

Master Builders submits that there is no material before the Commission which would necessitate any change be made to the Shut Down provisions within the Construction Awards.

Ordinary hourly rate and all purpose allowances

At paragraph [361] of the Statement, the Commission sought submissions of the parties in relation to the following proposal:

"[361] Where an award contains an all purpose allowance that applies to all employees and that allowance has been incorporated in the rates in the hourly rates tables, this will be identified by a note along the following lines:

***xOrdinary hourly rate** includes the industry allowance payable to all employees for all purposes."*

The Commission will be aware that the parties to the Construction Award-stage proceedings, AM 2016/23, have filed submissions and evidence in relation to a proposal of the Commission to consolidate a number of allowances into two sector-specific industry allowances within the On-Site Award, matters which remain yet to be determined.

Master Builders respectfully seeks that we be given the opportunity, if appropriate, to make comment on the Commission's proposal as outlined at paragraph [361] of the Statement as it relates to the Construction Awards, until the finalisation of AM2016/23.

Should there be any further information required, or if the Commission requires any additional material, please do not hesitate to contact the undersigned on 02 6202 8888.

Yours sincerely,



MASTER BUILDERS AUSTRALIA

Rebecca Sostarko

Senior Adviser Safety, Contracts, Workplace Relations

² See clause 38.3 of the Building and Construction (General) On-Site Award 2010 and clause 32.9 of the Joinery and Building Trades Award 2010.