



4 Byfield St  
Macquarie Park  
NSW 2113  
Tel: (02) 9978 3333  
Fax: (02) 9888 7555

24 August 2016

Fair Work Commission  
Terrace Tower, 80 William Street  
East Sydney, NSW, 2011

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

## 4 Yearly Review of Modern Awards Group 4C Awards – Construction Awards

HIA refers to the Statement dated 15 August (**Statement**)<sup>1</sup> and the Report to the President in relation to Group 4 Awards (**Report**) dated 5 August 2016.

HIA also notes the mention listed at 1pm today the purpose of which is to provide an opportunity for any interested person to raise any issue with the matters outlined in the Statement. HIA will appear at this mention.

In order to assist the Commission HIA provides this correspondence in order to clarify:

- The 'grouping' of claims in the *Building and Construction General Onsite Award 2010 (Onsite Award)*, the *Joinery and Building Trades Award 2010 (Joinery Award)*, and the *Mobile Crane Hiring Award 2010 (Mobile Crane Award)*.
- A number of matters that arise from the Report.

### 1. Grouping of claims

Attachment A to this correspondence sets out HIA's understanding of the interaction between:

- the claims currently on foot;
- those claims as outlined within the Report; and
- the process outlined at paragraph 3 of the Statement.

Of note is that based on Attachment A Items (1) and (2) and (9) and (10) do not seem to have been allocated to a Full Bench for consideration.

---

<sup>1</sup> [2016] FWC 5694

## 2. Matters arising from the Report

HIA notes that paragraph 17 of the Report sets out a table grouping claims in relation to the Onsite Award, Joinery Award, Mobile Crane Award and the *Plumbing and Fire Sprinklers Awards 2010*.

HIA seeks to clarify the following matters identified within that table:

- Item 1 indicates that the Mobile Crane Award is subject to a claim in relation to the Industry Specific Redundancy Scheme. This is not the case.
- Item 4(j) relates to annual leave and notes claims by CCF, MBA and HIA. In relation to the CCF claim HIA understands that this has been determined in accordance with [2015] FWCFB 5771. In relation to the HIA claim it is of note that this relates only to annual leave loading.

A further matter of clarification relates to Item 8 of the table which outlines the process undertaken during conciliation in relation to allowances under the Onsite Award.

On the basis that parties held the view that it would be of benefit to have allowances under the Onsite Award categorised HIA, on a without prejudice basis, participated in the development of a schedule of allowances categorised by type, for example, height-related allowances or qualification related allowances. HIA also, on a without prejudice basis, participated in the development of a table of all-purpose allowances.

Whilst these materials may be of some use at the conclusion of a number of arbitrated claims, with respect, it is HIA's view that it cannot be said that parties reached an 'agreement' in relation to the tables of allowances developed during the conciliation process.

Yours sincerely

HOUSING INDUSTRY ASSOCIATION LIMITED



Melissa Adler  
Executive Director – Workplace Relations

## ATTACHMENT A

**Proposed Groupings of Claims relating to the Building and Construction General  
Onsite Award 2010, Joinery and Building Trades Award 2010 and Mobile Crane Hiring  
Award 2010**

	<b>Claim</b>	<b>Award</b>	<b>Reference in Report to Full Bench 5 August 2016</b>	<b>Reference in Statement 15 August 2016</b>
1	<b>WHS allowances claim</b>	Onsite	<ul style="list-style-type: none"> <li>• Paragraph 17 Item 3(a)(i)</li> </ul>	
2	<b>Other allowance claims</b>	Onsite	<ul style="list-style-type: none"> <li>• Paragraph 17 Item 3(a)(ii)</li> </ul>	
3	<b>Industry Specific Redundancy Scheme</b>	Onsite & Plumbing	<ul style="list-style-type: none"> <li>• Paragraph 7(i)</li> <li>• Paragraph 17 item 1</li> </ul>	Item (iii)
4	<b>TOIL</b>	Onsite & Joinery	<ul style="list-style-type: none"> <li>• Paragraph 7(ii)</li> <li>• Paragraph 17 Item 2(i)</li> </ul>	Item (i)
5	<b>Payment of wages</b>	Onsite & Joinery	<ul style="list-style-type: none"> <li>• Paragraph 7(iv)</li> <li>• Paragraph 17 Item 2(iii)</li> </ul>	Item (i)
6	<b>Coverage of Joinery</b>	Joinery	<ul style="list-style-type: none"> <li>• Paragraph 7(v)</li> <li>• Paragraph 17 Item 2(iv)</li> </ul>	Item (i)
7	<b>Living Away From Home Allowance</b>	Onsite, Mobile Crane, Joinery	<ul style="list-style-type: none"> <li>• Paragraph 7(iii)</li> <li>• Paragraph 17 Item 2(i)</li> </ul>	Item (i)
8	<b>Other Travel Claims</b>	Onsite & Joinery	<ul style="list-style-type: none"> <li>• Paragraph 8</li> <li>• Paragraph 17 Item 3(b)(i)&amp;(ii)</li> </ul>	Item (i)
9	<b>Award specific</b>	Onsite Award	<ul style="list-style-type: none"> <li>• Paragraph 17 Item 4</li> </ul>	
10	<b>Award Specific</b>	Joinery Award	<ul style="list-style-type: none"> <li>• Paragraph 17 Item 5</li> </ul>	
11	<b>Exposure drafts</b>	Group 4 C Construction Awards	<ul style="list-style-type: none"> <li>• Paragraph 15</li> </ul>	Item (ii)