



**MASTER BUILDERS
AUSTRALIA**

4 August 2017

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

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

Dear Justice Ross,

RE: 4 yearly review of modern awards – Award stage – Group 3 - AM2014/217 & Ors

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

Specifically, we write pursuant to the direction at paragraph [362] in the 6 July 2017 decision¹ and note that the Construction Awards were not included in Attachment B of the decision.

It is therefore Master Builders' view that the submissions of the AMWU seeking the inclusion of Construction Awards be rejected. The basis for this view is that the allowances noted in the AMWU submission of 28 July 2017 have been the subject of award-stage proceedings that have yet to be determined. To that end, we respectfully submit that the Commission ought to not consider the Construction Awards in any related stage 3 proposals until the award-stage proceeding is finalised.

The Commission would be also aware that Master Builders filed a substantive claim during the award-stage proceeding that centred on Construction Award provisions that purport to regulate safety matters. To this end, we would similarly seek that the Construction Awards be exempt from any proposals regarding safety nomenclature noted at paragraph [380].

In general terms, it is our submission that the approach advanced above would reduce complexity and complication to both the Commission and the relevant parties while preserving the opportunity to make more considered submissions in light of the award-stage outcome.

We thank the Commission for its consideration of these matters.

Yours sincerely,

Rebecca Sostarko
MASTER BUILDERS AUSTRALIA

¹ [2017] FWCFB 3433