

From: Stuart Maxwell <smaxwell@cfmeu.org>
Sent: Monday, 24 February 2020 8:54 AM
To: AMOD <AMOD@fwc.gov.au>
Cc: Chambers - Ross J <Chambers.Ross.j@fwc.gov.au>
Subject: AM2019/17 - 4 yearly review - finalisation of exposure drafts - tranche 3 awards

Dear Associate to Justice Ross,

The CFMMEU (Construction and General Division) wishes to respond to the correspondence filed on 20th February 2020 by Master Builders Australia (MBA), and the supporting correspondence filed by the AIG and HIA, in AM2019/17 - 4 yearly review - finalisation of exposure drafts - tranche 3 awards.

In the 14th October 2019 Decision ([2019] FWCFB 6935) the Full Bench identified the concerns now re-agitated by the MBA and proposed that:

“[186] The Construction group of awards will be listed for mention at 9:00am on Wednesday 4 December 2019.”

The listed mention was however cancelled. The notice cancelling the mention (see <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/nol-041219-am201917-cancelled.pdf>) included the following note:

“NOTE: The exposure drafts in the Construction Group of awards will be finalised in Tranche 3. A conference will be scheduled when more of the outstanding issues are finalised.”

The CFMMEU notes that the exposure drafts for the Building and Construction General On-site Award, Mobile Crane Hiring Award and Joinery and Building Trades Award, released on 29th January 2020, do not incorporate the changes to the awards decided on by the Construction Awards Full Bench in the decisions issued on 31st October 2019 ([2019] FWCFB 6860) and 18th December 2019 ([2019] FWCFB 8564). As there are a large number of changes to be made to the Building and Construction General On-site Award, arising from these decisions, it would be of assistance to the parties if a revised exposure draft for this award could be released before the parties are asked to comment. The CFMMEU would therefore support a variation to the directions in regard to this award.

In regard to the Mobile Crane Hiring Award and Joinery and Building Trades Award, which have far fewer changes to be made, the CFMMEU can see no real reason why the directions in regard to these awards cannot be complied with.

Yours faithfully,

Stuart Maxwell
Senior National Industrial Officer

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