

Master Builders Australia

Submission to the Fair Work Commission

on

*4 Yearly Review of Modern Awards –*

*Construction Awards (AM2016/23)*

15 September 2017



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## CONTENTS

1	Introduction .....	3
2	Tool and employee protection allowance – clause 20.1 .....	4
3	Allowances – clauses 21 and 22 .....	5
4	Living away from home – distant work entitlement – clauses 24.1 – 24.3.....	7
5	Hours of work – clause 33.....	9

## 1 Introduction

- 1.1 Master Builders Australia (Master Builders) is the nation’s peak building and construction industry association which was federated on a national basis in 1890. Master Builders’ membership consists of over 32,000 businesses nationwide, including the top 100 construction companies. Master Builders is the only industry association that represents all three sectors, residential, commercial and engineering construction.
- 1.2 Master Builders maintains an interest in the *Building and Construction General On-Site Award 2010* (‘On-Site Award’) and the *Joinery and Building Trades Award 2010* (‘Joinery Award’).
- 1.3 This submission is made pursuant to paragraph [1] of the Commission’s statement dated 17 August 2017 (‘the Statement’)<sup>1</sup> relating to the 4 yearly review of modern awards – Construction Awards (AM2016/23).
- 1.4 In addition to those submissions made hereunder, we confirm that we would seek to make related oral submissions on Friday 17 November 2017, as per the Statement.
- 1.5 The Commission has advanced a number of provisional views and proposed draft clauses in response to applications of the parties to vary clauses 20.1, 21-22, 24.1-24.3 and 33 of the On-Site Award.
- 1.6 Those proposals are not a settled view and Master Builders acknowledges the provisional nature thereof. The submissions we outline below are therefore made with reference to those views and are done so without prejudice to overall submissions made during the formal hearings earlier in 2017.
- 1.7 In particular, we note that the Statement deals with certain allowances that are the subject of a broader claim by Master Builders regarding clauses that would

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<sup>1</sup> [2017] FWCFB 4457

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otherwise be covered by relevant Work, Health and Safety ('WHS') laws<sup>2</sup> which is a position maintained by Master Builders.

## 2 Tool and employee protection allowance – clause 20.1

- 2.1 Overall, Master Builders acknowledges that the structure of this particular redrafted clause is less complex than existing the provision. Notwithstanding this, there are a number of issues with the redrafted clause that we submit ought to be addressed to ensure it operates in an appropriate manner that is consistent with the Modern Awards Objective and the intent of the current related Award provisions.
- 2.2 Redrafted clause 20.1(b) has the effect of extending the existing allowance provision to a wider category of worker than currently applies (which is limited to the list in clause 20.1(a)). This occurs via the inclusion of the words '*any other employee*' whereas the existing provision is limited in its operation so as to only be applicable to tradespeople. The reference to '*all employees*' (see current clause 20.1(b)[vii]) or '*all employees other than refractory bricklayers*' (see current clause 20.1(b)[viii]) has historically been taken to read "all tradespeople" or "all employees" set out in the list at 20.1(a).
- 2.3 The effect of the current award provision is to acknowledge the common practice of tradespeople being in possession of, and supplying, their own tools commonly necessary for the performance of their trade. The specific sub-clauses (current clauses 20.1(b)[i] to [vi] inclusive) deal with particular types of tools and equipment that might be required by a particular type of trade listed at 20.1(a) but are not covered by the tool allowance. The current award references to '*all employees*' (at 20.1(b)[vii]) intends to operate so as to make it clear that '*power tools*' and '*steel tapes over 6m in length*' only (along with a list of particular safety equipment) are not included in the list of tools covered by the tool allowance for tradespeople, nor are safety boots (see existing clause 20.1(b)[viii]) (other than refractory bricklayers).

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<sup>2</sup> See submission of Master Builders Australia – 4 Yearly Review of Modern Awards - Construction Awards (AM2016/23), dated 16 December 2016.

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- 2.4 To ensure the provisional redraft is better akin to the current award provisions, Master Builders submits that under clause 20.1(b) remove the words '*any other employee*' and insert the words '*conventionally or commonly associated with the performance of work*' so that the provision reads as follows per **attachment A**.
- 2.5 Similarly, we submit that the provisional clause 20.1(c) be redrafted so as to reflect that there are common types of equipment usually supplied by tradespeople so that it reads as per **attachment A**.
- 2.6 The provisional redrafted clause 20.1(d) should also include a notation that the allowance is not payable in circumstances where the employer supplies the safety boots, to reflect current provisions and apprehend circumstances where they are provided. This would also make the clause consistent with the clause 20.1(e).

### 3 Allowances – clauses 21 and 22

- 3.1 The Statement proposes a number of changes to the provisions at clause 21 and 22. These are:
- 3.1.1 that a number of allowances (within clauses 21 and 22) be abolished and that the industry allowance (under clause 21.2) should be increased to compensate for the removal of those allowances;
- 3.1.2 that the allowances be categorised with reference to type (e.g. skill, disability and expense); and
- 3.1.3 that new definitions of sub-sectors within the building and construction industry be set and that an industry allowance specific to those sectors be established.
- 3.2 We deal with each of these changes separately below.

#### Abolition of allowances compensated by increased industry allowance

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- 3.3 Master Builders strongly opposes this proposal. Many of the existing disability allowances are not always applicable or commonly payable. This is because the disability for which they compensate is not always or commonly present.
- 3.4 The existing industry allowance already compensates employees for the general disabilities commonly associated with construction work and there is no utility in increasing this amount to compensate for disabilities not otherwise consistently experienced.
- 3.5 Of the range of allowances currently available under the award, only the special allowance and industry allowance can be said to be always applicable. The multistorey allowance and height allowance are the next most commonly payable allowances, however, these are subject to the site or project meeting the relevant definition to trigger those allowances.
- 3.6 Of the remaining allowances, it cannot be said that they will always be applicable or have application to such an extent that it is generally or commonly applicable so as to justify any increase in the general industry allowance.
- 3.7 Nor is it the case that the existing allowances are always restricted, only applicable, or common to particular sub-sectors of building and construction work, given the diversity of work undertaken.
- 3.8 In addition, it is common that Master Builders' members are engaged on numerous different projects at any given point and not uncommon for this to involve more than one sub-sector within the industry. For example, an excavation company may perform work on a residential site, commercial site and civil engineering site and this work can be undertaken concurrently.

Grouping by reference to allowance type

- 3.9 The Statement also provides for the grouping of allowances by skill, disability and expense and for them to be re-ordered in accordance with the sectors to which those allowances apply.

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- 3.10 Master Builders supports the grouping by skill, disability and expense, but does not support the creation of sub-industry or sector specific groupings. Previous Master Builders submissions in this matter proposed that allowance grouping occur (by skill, disability and expense) and then that they be further identified as either cumulative or composite in nature (to clarify when allowances are payable in addition to others, or payable once). It is our view that this is the simplest and most appropriate improvement that could be made to improve the operation of allowance provisions (save for the deletion of those that are WHS related and/or outmoded per earlier Master Builders' previous submissions).
- 3.11 A list of allowances and how they might be considered adopting the above approach is attached hereto marked **attachment C**.

Establishment of industry allowance by sub-sector

- 3.12 For the reasons noted above, Master Builders would not support the establishment of an industry allowance that differs by way of sub-sector.

## 4 Living away from home – distant work entitlement – clauses

### 24.1 – 24.3

- 4.1 Clauses 24.1 to 24.3 have been redrafted to clarify the entitlements and obligations associated with the undertaking of distant work.
- 4.2 Overall, Master Builders acknowledges that the structure of this particular redrafted clause is less complex than existing the provision. Notwithstanding this, there are a number of issues with the redrafted clause that we submit ought to be addressed to ensure it operates in an appropriate manner that is consistent with the Modern Awards Objective and the intent of the current related Award provisions.

24.2 False address

- 4.3 The redrafted provision creates a situation where the onus is on the employee to provide an address, with no obligation to demonstrate that the information they provide is true and correct. Instead, the onus is on the employer to take

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reasonable steps to verify that the address is true and correct but this capacity is limited and explicitly prohibits questioning the veracity of any document provided by the employee at the request of the employer as proof of address supplied.

- 4.4 The only circumstances in which the entitlement under clause 24.1 would not be payable to an employee is where any document provided by an employee at the request of the employer is found to be fraudulent. However, due to clause 24.2(b) prohibiting the employer from investigating the validity of any document provided as proof of the address supplied, there would be no situation in which the fraudulent or otherwise nature of any document supplied could be established.
- 4.5 Master Builders also does not support the deletion of existing Award clause 24.2(b). The clause currently states that an employee is not entitled to the allowance if there is a subsequent change to their address without agreement. This clause should be retained so as to prevent any endeavours to 'game' the provision by altering an address to trigger the entitlement.
- 4.6 Master Builders also contends that new clause 24.2(c) should be amended to impose a positive obligation upon employees to provide evidence of their address to the employer in order for them to be eligible to receive living away from home entitlements.
- 4.7 The existing Award provision is based upon clause 37.2 of the NBCIA. The clause was considered by a Full Bench of the then Fair Work Australia.<sup>3</sup> It was held that the preference of a company to employ local residents was legitimate and borne out by the terms of the provision, which indicate that:

*....an employee is bound by the address stated to the employer at the time of engagement... and no entitlement to the allowance arises if the employee wilfully provided a false address. The only possible rationale for this proviso must be to discourage employees from providing an*

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<sup>3</sup> *Abigroup Contractors Pty Ltd v Construction, Forestry, Mining and Energy Union* [2011] FWAFB 24 (unreported, Kaufman, Richards SDPP, Cribb C, 5 January 2011).

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*address that would not trigger entitlement to the allowance in order to secure employment, and then claiming the allowance on the basis that the address given at the time of employment is not in fact the correct address. Inherent in that proposition lies the notion that an employer will obviously prefer to engage people who live close enough to the job that it need not pay the allowance.<sup>4</sup>*

- 4.8 An employer is entitled to rely on the address which an employee provided upon engagement. If the employee changes their address such that they cannot reasonably return home after work, an employer is not obliged to pay the employee the entitlements under this clause (subclause 24.2(b)).

#### 24.3 - Entitlement

- 4.9 The provisionally amended clause 24.3 now provides that an employee is entitled to the amount of \$68.45 per day or an amount which fully reimburses the employee for all reasonable expenses incurred while living away from home. This wording is substantively different to the existing and more reasonable equivalent provision which states that the amount may be increased if the employee satisfies the employer that the additional amount has been reasonably incurred.
- 4.10 Further, the draft provision removes the word "or" from the various forms of entitlement so provided (except for at the end of subclause 24.3(a)[iii]).
- 4.11 Master Builders has redrafted an alternative set of clauses, accommodating the above noted concerns, attached hereto marked **attachment B**.

## 5 Hours of work – clause 33

- 5.1 A number of amendments have been proposed at paragraph [7] of the Statement to clause 33 - Rostered Days Off ('RDOs').
- 5.2 Overall, Master Builders acknowledges that the structure of this particular redrafted clause is less complex than existing the provision. Notwithstanding

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<sup>4</sup> Ibid at para 9

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this, there are a number of issues with the redrafted clause that we submit ought to be addressed to improve its operation.

48 hours' notice to work a RDO

- 5.3 The proposed clause introduces a requirement under new clause 33(a)(v) that an employer must provide 48 hours' notice if an employee is required to work on a day that is a RDO. This requirement contradicts the notion in that same clause that work on an RDO may be necessary due to 'unforeseen delays', or other reasons arising from 'unforeseen or emergency' circumstances.
- 5.4 An unforeseen or emergency circumstance will not, by definition, exist if it is known 48 hours in advance. In addition, such requirement for 48 hours' notice is not prescribed under existing clause 33.1(a)(vi) which applies in akin circumstances.
- 5.5 It is Master Builders view that the 48 hours' notice requirement not be included in the proposed provision. Only in the event the Commission is minded to retain such a provision, it should include a caveat that the 48 hours' notice is not required for circumstances described at proposed subclause 33(a)(v)(A)(3) & (4) where it would not be practicable to provide such notice.

Other - RDO

- 5.6 Master Builders submits that there is also amenity in any revision of the RDO clause to provide employees with the flexibility to cash-out RDOs if they so choose, a position advanced during earlier stages of proceedings.

Other – Payment of Wages

- 5.7 It should also be noted that the proposed new provisions under clause 33(a)(vii) are matters that are currently being dealt with before a separate 4 Yearly Common Issue proceeding in AM2016/8 - Payment of Wages. The drafting of this provision is linked to matters being considered before those other proceedings.

33 (d) (iii) – Compressed air

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- 5.8 Clause 33.d (iii) relates to the working hours and conditions for working in compressed air. During earlier stages of proceedings before the Full Bench in Melbourne, Master Builders and the Australian Workers Union advanced wording which was understood to have been agreed by both parties that resolved some of the ambiguity about the current provision. Those words were as follows:

*‘The employment conditions and associated entitlements set by this award shall apply. Limitations on time spent working in compressed air and the physical conditions under which such work is performed shall be subject to the applicable Australian Standard’.*

- 5.9 Notwithstanding our primary position regarding WHS and industrial matters remains, the above wording would be an improvement as the current reference to an Australian Standard that is out-moded would be removed.

33 (d) (iv) – Underground Work

- 5.10 Master Builders retains its view that the hours for underground work currently prescribed as 30 have been drafted in error and should be 38.
- 5.11 We also note that part B of the above clause includes the phrase *"begin at the whistle"*. While this was not raised (to the best of our recollection) during proceedings proper, we draw it to the Commissions attention as terminology that is likely to be outmoded or inconsistent with the Modern Awards objective.

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## **ATTACHMENT A**

### **Clause 20.1**

- (b) *Where any other tools not conventionally or commonly associated with the performance of work by a tradesperson covered by paragraph (a) are required, the employer shall:*

  - (i) provide the tools; or*
  - (ii) reimburse the employee for provision of the tools.*
  
- (c) *Where any protective clothing or equipment (other than safety boots) not conventionally or commonly associated with the safe performance of work by a tradesperson covered by paragraph (a) is required, the employer shall:*

  - (i) provide the clothing or equipment; or*
  - (ii) reimburse the employee for provision of the clothing or equipment.*
  
- (d) *Where employees other than refractory bricklayers are required either by the employer or by legislation to wear steel toe capped safety boots the employer will reimburse employees for the cost of purchasing such boots on commencement of work. Subject to fair wear and tear, boots will be replaced each six months if required and sooner if agreed. No reimbursement is required where the employer provides boots.*

## **ATTACHMENT B**

### **Clause 24**

#### **24.1 Qualification**

*The entitlements under this clause apply when an employee is employed on construction work at such a distance from the employee's usual place of residence or any separately maintained residence that the employee cannot reasonably return to that place each night, provided that:*

- (a) the employee is not in receipt of relocation benefits;*
- (b) the employee is maintaining a separate place of residence to which it is not reasonable to expect the employee to return each night; and*
- (c) the employee has provided the correct details of their usual place of residence, or any separately maintained address, to the employer.*

#### **24.2 Employee's address**

- (a) On engagement, an employee must provide the employer with their address at the time of application and the address of any separately maintained residence. An employee must not knowingly supply false details required in clause 24.1 (c). No subsequent change of address will entitle an employee to the provisions of this clause unless an employer agrees.*
- (b) If so requested, the employee will be required to provide the employer reasonable documentary proof to verify the address details, such as by the provision of a driver's licence or other form of conventionally acceptable documentation.*
- (c) Despite clause 24.1 (c), the employer will be liable to pay or provide the entitlements under this clause to an employee who satisfies clause 24.1(a) and (b) if the employee has failed to provide the correct address details and the employer has failed to take reasonable steps to verify the address details in accordance with paragraph (b).*
- (d) The employer will not be liable to pay or provide the entitlements under this clause if the employee (where so requested by the employer) has failed to provide reasonably documentary proof or that documentary proof is false.*

#### **24.3 Entitlement**

- (a) Where an employee qualifies under clause 24.1 the employer will:*
  - (i) pay the employee the greater of \$68.45 per day or, where so requested by the employee, an amount which reimburses the employee for all reasonable accommodation and meal expenses reasonably incurred; or*
  - (ii) provide the worker with accommodation and three adequate meals each day; or*
  - (iii) provide the worker with accommodation and reimburse the employee for all reasonable meal expenses; or*

- (iv) *where employees are required to live in camp, provide all board and accommodation free of charge.*
- (b) *Any accommodation provided under paragraph (a) must be of reasonable quality and must include reasonable ablution, laundry, recreational, kitchen, external lighting, communications and fire protection facilities in accordance with contemporary community living standards having regard to the location in which the work is performed.*

**Attachment C – suggested changes to allowances under the *On-Site Award***

<b>Table A: Allowances under the <i>On-Site Award</i> and suggested consolidation</b>					
<b>Type</b>	<b><i>On-Site Award</i> clause</b>	<b>Pre-modern clause</b>	<b>Category</b>	<b>Rate</b>	<b>Recommended action</b>
Leading hand (1 person)	19.2	18.4.1 NBCIA	Skill	2.4% x weekly base rate per week for highest classification supervised, subject to follow the job loading and / 38 for daily hire employees	Retain as cumulative allowance
Leading hand (2-5 persons)	19.2	18.4.1 NBCIA	Skill	5.3% x weekly base rate per week for highest classification supervised, or x hourly base rate subject to follow the job for daily hire employees	Retain as cumulative allowance
Leading hand (6-10 persons)	19.2	18.4.1 NBCIA	Skill	6.7% x weekly base rate per week for highest classification supervised, or x hourly base rate	Retain as cumulative allowance



				subject to follow the job for daily hire employees	
Leading hand (more than 10 persons)	19.2	18.4.1 NBCIA	Skill	9% x weekly base rate per week for highest classification supervised, or x hourly base rate subject to follow the job for daily hire employees	Retain as cumulative allowance
Follow-the-job	19.3(a)	18.3.1 NBCIA	Disability	Factor of 52/50.4 x (weekly base rates + tool + industry allowances) + special allowance / 38 - for daily hire employees, part of wage for all purposes	Retain as cumulative allowance
Mobile cranes adjustment formula	19.5	18.1.3(a) NBCIA	Disability	2.4% x weekly standard rate for CW5 and above for every 40 tonnes over 100 tonnes	Retain as cumulative allowance
Tool allowance – carpenter etc.	20.1(a)	24.3.1 NBCIA	Expense	\$27.69 per week, part of wage for all purposes	Retain as cumulative allowance
Tool allowance – plasterer etc.	20.1(a)	24.3.1 NBCIA	Expense	\$22.87 per week, part of wage for all purposes	Retain as cumulative allowance

Tool allowance – bricklayer etc.	20.1(a)	24.3.1 NBCIA	Expense	\$19.64 per week, part of wage for all purposes	Retain as cumulative allowance
Tool allowance – tiler etc.	20.1(a)	24.3.1 NBCIA	Expense	\$14.49 per week, part of wage for all purposes	Retain as cumulative allowance
Tool allowance – painter etc.	20.1(a)	24.3.1 NBCIA	Expense	\$6.65 per week, part of wage for all purposes	Retain as cumulative allowance
Refractory bricklayers boot allowance	20.1(d)	24.3.4 NBCIA	Expense	\$78.25 every 6 months	Retain as cumulative allowance
Meal allowance	20.2(a)	24.9.1 NBCIA	Expense	\$13.03 per shift if 1.5 hours of overtime	Retain as single cumulative allowance for all occupations
Meal allowance - operators	20.2(c)	24.9.3 NBCIA	Expense	\$13.03 per shift if 4 hours of overtime	Retain
Compensation for clothes and tools	20.3	24.10 NBCIA	Expense	\$1,605 per duration of employment for if lost in certain circumstances	Retain as cumulative allowance
Special allowance	21.1	18.2 NBCIA	Disability	\$7.70 per week, part of wage for all purposes	Retain as cumulative allowance in the alternative (or move the classification structure)
Industry allowance	21.2	24.1 NBCIA	Disability	\$3.7% x weekly standard rate per	Retain as is in the

				week, part of wage for all purposes	alternative
Underground allowance	21.3	24.2 NBCIA	Disability	1.8% x weekly standard rate per week, part of wage for all purposes	Retain as cumulative allowance
Multi-storey allowance - commencement to 15 <sup>th</sup> floor	21.4	24.4 NBCIA	Disability	2.6% x hourly standard rate per hour	Convert to composite disability allowance
Multi-storey allowance - 16 <sup>th</sup> to 30 <sup>th</sup> floor	21.4	24.4 NBCIA	Disability	3.1% x hourly standard rate per hour	Convert to composite disability allowance
Multi-storey allowance - 31 <sup>st</sup> to 45 <sup>th</sup> floor	21.4	24.4 NBCIA	Disability	4.8% x hourly standard rate per hour	Convert to composite disability allowance
Multi-storey allowance - 46 <sup>th</sup> to 60 <sup>th</sup> floor	21.4	24.4 NBCIA	Disability	6.2% x hourly standard rate per hour	Convert to composite disability allowance
Multi-storey allowance - 61 <sup>st</sup> floor and above	21.4	24.4 NBCIA	Disability	7.6% x hourly standard rate per hour	Convert to composite disability allowance
Irregular structure height allowance - above 15 meters	21.4(d), 22.3	24.4.2(c), 25.1.8 NBCIA	Disability	Either multi-storey allowance or towers allowance under 22.3(a): 3.2% x hourly standard rate per hour for work	Retain as is – or also convert to composite disability allowance

				above 15 metres, 3.2% for each additional 15 metres	
Service core allowance – more than 15 metres above multi-storey building	21.4(g), 22.3	21.4.4(a), 25.1.8 NBCIA	Disability	Towers allowance under 22.3(a): 3.2% x hourly standard rate per hour for work above 15 metres, 3.2% for each additional 15 metres	Retain as is – or also convert to composite disability allowance
Laser safety officer allowance	21.6	24.8.3 NBCIA	Skill	13.4% x hourly standard rate per day	Retain as is
Carpenter-diver allowance	21.7	18.14 NBCIA	Skill	4.5% x standard rate, part of wage for all purposes	Incorporate into classification structure
Refractory bricklaying allowance	21.8	18.10.2 NBCIA	Skill	10% x hourly standard rate per hour, paid instead of special rates, part of wage for all purposes	Retain as cumulative allowance
Refractory bricklaying assistant allowance	21.8	18.10.2 NBCIA	Skill	8.5% x hourly standard rate per hour, paid instead of special rates (except hot and cold work) part of wage for all purposes	Retain as cumulative allowance
Coffer dam worker - not under air	21.9(a)	23.2 AWU Award	Disability	1.7% weekly standard rate per	Retain as cumulative

pressure				week	allowance
Coffer dam worker - under air pressure	21.9(b)	23.1 AWU Award	Disability	As agreed	Retain as cumulative allowance
First aid allowance - minimum qualification	21.10(a)(vi)	24.7 NBCIA	Skill	0.36% x standard weekly rate per day	Retain as cumulative allowance
First aid allowance - higher qualification	21.10(a)(vii)	24.7 NBCIA	Skill	0.57% x standard weekly rate per day	Retain as cumulative allowance
Air-conditioning industry allowance	21.11	18.6 NMECA	Skill	7.9% x weekly standard rate per week	Retain as is
Electrician's licence allowance	21.12	18.8 NMECA	Skill	3.2 x weekly standard rate per week, part of wage for all purposes for weekly hire – see clause 19.3(b)?	Retain as is
In charge of plant allowance	21.13	18.7 NBCIA	Skill	4.7% x weekly standard rate per week	Retain as is
Insulation	22.2(a)	25.1.4(a) NBCIA, 24.14 AWU Award	Disability	4% x hourly standard rate per hour	Retain as cumulative allowance
Hot work – artificially between 46 degrees and 54 degrees	22.2(b)	25.1.4(b) NBCIA, 24.12 AWU Award	Disability	3.2% x hourly standard rate per hour	Retain as cumulative allowance

Hot work – artificially above 54 degrees	22.2(b)	25.1.4(b) NBCIA, 24.12 AWU Award	Disability	4% x hourly standard rate per hour	Retain as cumulative allowance
Cold work – artificially lower than 0 degrees	22.2(c)	25.1.4(c) NBCIA	Disability	3.2% x hourly standard per hour	Retain as cumulative allowance
Confined space	22.2(d)	25.1.4(d) NBCIA, 24.3 AWU Award	Disability	4% x hourly standard rate per hour	Retain as cumulative allowance, amend reference to lack of sufficient ventilation as in breach of OHS requirements
Swing scaffold – 0-15 storeys (first four hours)	22.2(e)	25.1.4(e) NBCIA, 24.21 AWU Award	Disability	23.3% x hourly standard rate per hour	Convert to composite disability allowance
Swing scaffold – 0-15 storeys (each additional hour)	22.2(e)	25.1.4(e) NBCIA, 24.21 AWU Award	Disability	4.8 % x hourly standard rate per hour	Convert to composite disability allowance
Swing scaffold – 16-30 storeys (first four hours)	22.2(e)	25.1.4(e) NBCIA, 24.21 AWU Award	Disability	30.1% x hourly standard rate per hour	Convert to composite disability allowance
Swing scaffold – 16-30 storeys (each additional hour)	22.2(e)	25.1.4(e) NBCIA, 24.21 AWU Award	Disability	6.3% x hourly standard rate per hour	Convert to composite disability allowance
Swing scaffold – 31-45 storeys (first four hours)	22.2(e)	25.1.4(e) NBCIA, 24.21 AWU Award	Disability	35.6% x hourly standard rate per hour	Convert to composite disability allowance
Swing scaffold – 31-45 storeys (each	22.2(e)	25.1.4(e) NBCIA,	Disability	7.2% x hourly standard rate per	Convert to composite disability

additional hour)		24.21 AWU Award		hour	allowance
Swing scaffold – 46-60 storeys (first four hours)	22.2(e)	25.1.4(e) NBCIA, 24.21 AWU Award	Disability	58.3% x hourly standard rate per hour	Convert to composite disability allowance
Swing scaffold – 46-60 storeys (each additional hour)	22.2(e)	25.1.4(e) NBCIA, 24.21 AWU Award	Disability	12% x hourly standard rate per hour	Convert to composite disability allowance
Swing scaffold – more than 60 storeys (first four hours)	22.2(e)	25.1.4(e) NBCIA, 24.21 AWU Award	Disability	74.3% x hourly standard rate per hour	Convert to composite disability allowance
Swing scaffold – more than 60 storeys (each additional hour)	22.2(e)	25.1.4(e) NBCIA, 24.21 AWU Award	Disability	15.4% x hourly standard rate per hour	Convert to composite disability allowance
Explosive power tools	22.2(f)	25.1.5 NBCIA, 24.7 AWU Award	Skill	7.6% x hourly standard rate per day	Retain as cumulative allowance
Wet work	22.2(g)	25.1.6 NBCIA, 24.23 AWU Award	Disability	3.2% x hourly standard rate per hour	Convert to composite disability allowance
Dirty work	22.2(h)	25.1.7 NBCIA, 24.5 AWU Award	Disability	3.2% of hourly standard rate per hour	Convert to composite disability allowance
Toxic substances – directly engaged	22.2(i)	25.1.9 NBCIA, 24.22 AWU Award	Disability	4.0% of hourly standard rate per hour	Convert to composite disability allowance
Toxic substances – engaged nearby	22.2(i)	25.1.9 NBCIA, 24.22 AWU Award	Disability	3.2% of hourly standard rate per	Convert to composite disability

				hour	allowance
Fumes	22.2(j)	25.1.10 NBCIA, 24.8 AWU Award	Disability	As agreed	Convert to composite allowance or delete
Asbestos (where required to wear protective clothing)	22.2(k)	25.1.11 NBCIA	Disability	4% x hourly standard rate per hour	Convert to composite disability allowance
Asbestos eradication	22.2(l)	25.1.12 NBCIA, 24.15 AWU Award	Disability	10.8% x hourly standard rate per hour, applies instead of other special rates apart from hot, cold, swing scaffold, plaster spray, second hand timber and acid work rates.	Convert to composite disability allowance
Furnace work	22.2(m)	25.1.13 NBCIA, 24.9 AWU Award	Disability	8.5% x hourly standard rate per hour	Convert to composite disability allowance
Acid work	22.2(n)	25.1.14 NBCIA, 24.1 AWU Award	Disability	8.5% x hourly standard rate per hour	Convert to composite disability allowance
Heavy blocks (other than bricks) – over 5.5 kg and under 9 kg	22.2(o)	25.1.15 NBCIA, 24.10 AWU Award	Disability	3.2% x hourly standard rate per hour	Convert to composite disability allowance
Heavy blocks (other than bricks) – 9 kg to 18 kg	22.2(o)	25.1.15 NBCIA, 24.10 AWU Award	Disability	5.8% x hourly standard rate per hour	Convert to composite disability allowance



Heavy blocks (other than bricks) – over 18 kg	22.2(o)	25.1.15 NBCIA, 24.10 AWU Award	Disability	8.2% x hourly standard rate per hour	Convert to composite disability allowance
Bitumen work	22.2(p)	25.1.18 NBCIA, 24.13 AWU Award	Disability	4% x hourly standard rate per hour	Convert to composite disability allowance
Height work	22.2(q)	25.1.26 NBCIA	Disability	2.9% x hourly standard rate per hour	Convert to composite disability allowance, restrict to painting trades as per NBCIA
Suspended perimeter work platform	22.2(r)	25.1.30 NBCIA	Disability	4.9% x hourly standard rate per hour	Convert to composite disability allowance
Carrying fuels, oils and grease in employee vehicle	22.2(s)	25.1.36 NBCIA, 24.2 AWU Award	Disability	1.4% x weekly standard rate per day	Convert to composite disability allowance
Pile driving	22.2(t)	25.1.37 NBCIA, 24.16 AWU Award	Skill	2% x weekly standard rate per day or part thereof	Retain as cumulative allowance
Dual lift allowance	22.2(u)	25.1.38 NBCIA, 24.6 AWU Award	Skill	16.2% x hourly standard rate per day or part thereof	Retain as cumulative allowance
Stonemasons – cutting tools not provided	22.2(v)	25.1.40 NBCIA	Disability	0.2% x hourly standard rate per hour	Convert to composite disability allowance or delete as redundant nothing that if amounts to 3 cents an hour

Towers allowance (general building and construction sector only) – for work more than 15 meters high	22.3(a)(i)	25.1.8 NBCIA	Disability	3.2% of hourly standard rate per hour	Convert to composite disability allowance
Towers allowance (general building and construction sector only) – for each additional 15 meters	22.3(a)(i)	25.1.8 NBCIA	Disability	3.2% of hourly standard rate per hour	Convert to composite disability allowance
Cleaning brickwork using acids (general building and construction sector only)	22.3(b)	25.1.16 NBCIA	Disability	2.9% x hourly standard rate per hour	Retain as cumulative allowance
Bagging (general building and construction sector only)	22.3(c)	25.1.17 NBCIA	Disability	2.9% x hourly standard rate per hour	Retain as cumulative allowance
Plaster or composition spray (general building and construction sector only)	22.3(d)	25.1.19 NBCIA	Disability	3.2% x hourly standard rate per hour	Convert to composite disability allowance
Slushing (general building and construction sector only)	22.3(e)	25.1.20 NBCIA	Disability	3.2% x hourly standard rate per hour	Convert to composite disability allowance
Dry polishing of tiles (general building	22.3(f)	25.1.21 NBCIA	Disability	3.2% x hourly standard rate per	Convert to composite disability

and construction sector only)				hour	allowance
Cutting tiles with electric saw (general building and construction sector only)	22.3(g)	25.1.22 NBCIA	Disability	4.0% x hourly standard rate per hour	Convert to composite disability allowance
Second-hand timber damaging tools (general building and construction sector only)	22.3(h)	25.1.23 NBCIA	Disability	12.6% x hourly standard rate per day	Convert to composite disability allowance
Roof repairs (general building and construction sector only) employees generally	22.3(i)(i)	25.1.24 NBCIA	Disability	4% x hourly standard rate per hour	Convert to composite disability allowance
Roof repairs (general building and construction sector only) – 15 metres high (roof slaters and tilers only)	22.3(i)(i)	25.1.24(a) NBCIA	Disability	2.9% x hourly standard rate per hour	Convert to composite disability allowance
Roof repairs (general building and construction sector only) – more than 15 metres high and pitch over 35 degrees in angle (roof slaters and	22.3(i)(ii)	25.2.24(b) NBCIA	Disability	4% x hourly standard rate per hour	Convert to composite disability allowance

tilers only)					
Roof repairs (general building and construction sector only) – more than 15 metres high and pitch over 40 degrees in angle (roof slaters and tilers only)	22.3(i)(ii)	25.2.24(b) NBCIA	Disability	5.8% x hourly standard rate per hour	Convert to composite disability allowance
Computing quantities (general building and construction sector only)	22.3(j)	25.1.25 NBCIA	Skill	23.3% x hourly standard rate per day	Retain as cumulative allowance
Grindstone allowance – grindstone or wheel not available (general building and construction sector only)	22.3(k)	25.1.28 NBCIA	Disability	0.9% x weekly standard rate per week	Convert to composite disability allowance
Brewery cylinders – painters (general building and construction sector only)	22.3(l)	25.1.29 NBCIA	Disability	50% x ordinary rates	Retain as composite allowance
Brewery cylinders – painters (general building and construction sector only) – overtime	22.3(l)	25.1.29 NBCIA	Disability	Overtime rates + 50% x ordinary rates	Retain as composite allowance

Certificate allowance (general building and construction sector only)	22.3(m)	25.1.31 NBCIA	Skill	3.2% x hourly standard rate per hour	Retain as cumulative allowance
Spray application – painters without booth (general building and construction sector only)	22.3(n)	25.1.32 NBCIA	Disability	3.2% x hourly standard rate per hour	Convert to composite disability allowance
Pneumatic tool operation – tool 2.75 kgs or more (general building and construction sector only)	22.3(o)	25.1.33 NBCIA	Disability	17.5% x hourly standard rate per day	Convert to composite disability allowance
Bricklayer operating cutting machine (general building and construction sector only)	22.3(p)	25.1.34 NBCIA	Disability	4% x hourly standard rate per hour or part thereof	Convert to composite disability allowance
Hydraulic hammer (general building and construction sector only)	22.3(q)	25.1.35 NBCIA	Disability	5.4% x standard rate per hour for all purposes	Convert to composite disability allowance
Waste disposal (general building and construction sector only)	22.3(r)	25.1.39 NBCIA	Disability	6.7% x hourly standard rate per hour, minimum 3 hours payment	Delete as applied in NSW only
Pipe enamelling	22.4(a)	24.17 AWU Award	Disability	0.9% x weekly	Convert to

(civil construction sector only)				standard rate per day or part thereof	composite disability allowance
Powdered lime dust (civil construction sector only)	22.4(b)	24.18 AWU Award	Disability	3.5% x hourly standard rate per hour	Convert to composite disability allowance
Sand blasting (civil construction sector only)	22.4(c)	24.19 AWU Award	Disability	0.4% x hourly standard rate per hour or part thereof	Convert to composite disability allowance
Live sewer work (civil construction sector only)	22.4(d)	24.20.2 AWU Award	Disability	2.9% x hourly standard rate per hour	Convert to composite disability allowance
Timbering (civil construction sector only)	22.4(e)	24.20.3 AWU Award	Disability	3.6% x hourly standard rate per hour or part thereof	Convert to composite disability allowance
Special work (civil construction sector only)	22.4(f)	20.20.4 AWU Award	Disability	0.4% x hourly standard rate per hour	Convert to composite disability allowance
Compressed air work (civil construction sector only) – 0 to 35 kPa	22.4(g)	24.24 AWU Award	Disability	6.9% x hourly standard rate per hour	Convert to composite disability allowance
Compressed air work (civil construction sector only) – 35 to 65 kPa	22.4(g)	24.24 AWU Award	Disability	8.7% x hourly standard rate per hour	Convert to composite disability allowance
Compressed air work (civil construction sector only) – 65 to 100 kPa	22.4(g)	24.24 AWU Award	Disability	17.6% x hourly standard rate per hour	Convert to composite disability allowance

Compressed air work (civil construction sector only) – 100 to 170 kPa	22.4(g)	24.24 AWU Award	Disability	35% x hourly standard rate per hour	Convert to composite disability allowance
Compressed air work (civil construction sector only) – 170 to 225 kPa	22.4(g)	24.24 AWU Award	Disability	58.3% x hourly standard rate per hour	Convert to composite disability allowance
Compressed air work (civil construction sector only) – 225 to 275 kPa	22.4(g)	24.24 AWU Award	Disability	111.7% x hourly standard rate per hour	Convert to composite disability allowance
Cutting stone (civil construction sector only)	22.4(h)	24.4 AWU Award	Disability	4% x hourly standard rate per hour or part thereof	Convert to composite disability allowance
Distant work allowance	24.3	37.3.1 NBCIA	Expense	\$413.78 per week or \$59.20 per day	Retain as cumulative allowance
Camping allowance	24.5	37.3.2 NBCIA	Expense	\$179.16 per week or \$25.57 per day	Retain as cumulative allowance
Travelling expenses –meal allowance	24.7(a), 24.7(b)	37.4.1(c), 37.4.2(a) NBCIA	Expense	\$13.03 per meal	Retain as cumulative allowance
Travelling expenses – return journey tool transportation	24.7(b)	37.4.2(a) NBCIA	Expense	\$19.70 per occasion	Retain as cumulative allowance

allowance					
Travelling expenses - return home for the weekend	24.7(e)	37.6.1 NBCIA	Expense	\$33.40 per occasion	Retain as cumulative allowance
Fares and travel patterns allowance	25.2-25.4	38 NBCIA	Expense	\$16.50 per day	Retain as is, with suggested amendments regarding use of vehicle free of charge
Fares and travel patterns expenses – travel outside or between radial areas	25.5, 25.7	38.4, 38.5 NBCIA	Expense	\$0.44 per km for use of employee vehicle	Retain as cumulative allowance
Fares and travel patterns expenses – transfer between work sites	25.9	38.9 NBCIA	Expense	\$0.74 per km for use of employee vehicle	Retain as cumulative allowance
District allowances - NT	26	24.5 NBCIA	Expense	As per pre-modern award	Retain as cumulative allowance on transitional basis
District allowances - WA	26	24.5 NBCIA	Expense	As per pre-modern award	Retain as cumulative allowance on transitional basis
District allowances - Christmas Is.	26	24.5 NBCIA	Expense	As per pre-modern award	Retain as cumulative allowance on transitional basis