

From: Michael Aird [<mailto:maird@cfmew.org>]

Sent: Friday, 17 March 2017 9:07 AM

To: Chambers - Hatcher VP

Cc: michael.nguyen@amwu.asn.au; Stephen Crawford; guy@etuaustralia.org.au; Paul@pteu.asn.au; Kim.Fisher@afei.org.au; Vasuki Paul; m.adler@hia.com.au; shaun.schmitke@masterbuilders.com.au; rebecca@masterbuilders.com.au; Tom Roberts; Stuart Maxwell

Subject: RE: Modern Award Review Construction Awards AM2016/23, AM2014/260, 274 and 278

Dear Associate to Vice President Hatcher

We advise some discussions have occurred over timetabling and processes for the hearing of the above matter.

We distributed for comment the proposal below.

We have been advised by HIA that they reject the proposal and have particular concerns regarding our position re [1] below. We have also had discussions with MBA who we understand may have an alternate position.

Regards

Michael Aird

National Legal and Industrial Officer

From: Michael Aird

Sent: Friday, 17 March 2017 6:20 AM

To: 'michael.nguyen@amwu.asn.au' <michael.nguyen@amwu.asn.au>; 'Stephen Crawford' <stephen@crawforddecarne.com.au>; 'guy@etuaustralia.org.au' <guy@etuaustralia.org.au>; 'Paul@pteu.asn.au' <Paul@pteu.asn.au>; 'Kim.Fisher@afei.org.au' <Kim.Fisher@afei.org.au>; 'Vasuki Paul' <Vasuki.Paul@aigroup.com.au>; 'm.adler@hia.com.au' <m.adler@hia.com.au>; 'shaun.schmitke@masterbuilders.com.au' <shaun.schmitke@masterbuilders.com.au>; 'rebecca@masterbuilders.com.au' <rebecca@masterbuilders.com.au>; Tom Roberts <troberts@cfmew.org>; Stuart Maxwell <smaxwell@cfmew.org>

Subject: Modern Award Review Construction Awards AM2016/23, AM2014/260, 274 and 278

Importance: High

Dear Parties

Please see below the position of the CFMEU, which is supported by the Union parties, in regard to the timetabling and hearing of the matter;

1. Admissibility and weight of evidence

The CFMEU will argue that substantial evidence has been filed in witness material that is not probative and should be dealt with as submissions. Admission of this material by way of witness evidence may be prejudicial. We propose that all parties file written submissions on the admissibility of the evidence filed in the proceeding by Wednesday 22 March. We seek the Commission determine the admissibility of contested evidence prior to the full hearing.

2. Process for taking evidence

- i) Opening submissions are unnecessary and should not occur

Proposal that witness evidence be led by topic on the following basis:

- ii) WHS, Allowances and Redundancy
- iii) Fares and travel, TOIL and Junior Rates
- iv) Coverage of the BCGOA and JBTA, Other MBA matters (including JBTA Award matters), Dirty Work
- v) Payment of wages, Tool and Employee Protection Allowance, Ordinary Hours of Work, Annual Leave and Leave Loading
- vi) AWU claim, AMWU claim, National Training Wage
- vii) Living Away from Home, Other CFMEU claims

Witness evidence concludes

- viii) Closing submissions

It is proposed that we don't nominate dates at this point in time as the timetabling may need to be adjusted pending any determination by the Commission on the admissibility of evidence and the response of the parties as to whether they require witnesses to appear.

It would be appreciated if parties could respond before the mention this morning.

Regards

Michael Aird
National Legal and Industrial Officer

CFMEU


Construction & General Division, National Office

Level 9, 215-217 Clarence St, Sydney NSW 2000

T: 02 8524 5800 F: 02 8524 5801

E: maird@cfmeu.org M: 0410211758

 www.cfmeu.asn.au

 twitter.com/CFMEU_CG

 www.facebook.com/CFMEUNational