



MASTER BUILDERS
A U S T R A L I A

20 February 2020

Justice IJK Ross AO
President
Fair Work Commission
Level 4, 11 Exhibition Street
MELBOURNE VIC 3000

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

Dear President,

RE: AM2019/17 – 4 YEARLY REVIEW – FINALISATION OF EXPOSURE DRAFTS – TRANCHE 3 AWARDS

We refer to the above matter and the Decision of 29 January 2020¹ wherein interested parties were directed to file submissions on the Tranche 3 exposure drafts and draft variation determinations by 4 March 2020. As the Commission is aware, Master Builders maintains an interest in the *Building and Construction (General) On-Site Award 2010* and the *Joinery and Building Trades Award 2010* which are included in the Tranche 3 group of awards.

The purpose of this correspondence is to draw the Commission's attention to what would appear to be an oversight with respect to the directions for those awards.

History

In March 2019, Master Builders made submissions that the Construction Awards contain a significant number of references to matters which remain under consideration by both the Construction Awards Full Bench and in other common issue matters. We proposed that due dates for submissions on the exposure drafts for same should therefore be deferred until the award-stage proceedings had reached their conclusion.²

On 4 April 2019 the Commission issued a Statement³ noting that separate directions regarding the filing of submissions on the exposure drafts for the Construction Group of Awards would be issued when the award-stage proceedings had been finalised.

Apparent oversight

It is our position that the directions appear to conflict with Your Honour's view as expressed in the April 2019 Statement. Master Builders submits that the approach in the April 2019 Statement remains the most effective approach. We

¹ [2020] FWCFB 421 at para [8]

² Submission of Master Builders Australia – 4 Yearly Review of Modern Awards – AM2014/1 – 27 March 2019

³ [2019] FWC 2271 at para [14]

therefore respectfully request that the parties to the Construction Awards (Tranche 3) be exempted from complying with the directions contained within the 29 January 2020 decision.

We have flagged this correspondence with the other employer parties to the Construction Awards who we understand concur with our view. We have copied those parties into this correspondence and encourage them to relay their views to the Commission.

Should there be any further information required, please do not hesitate to contact the undersigned on 02 6202 8888.

Yours Sincerely,



MASTER BUILDERS AUSTRALIA

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