



4 Byfield Street  
Macquarie Park NSW 2113  
PO Box 884  
North Ryde BC NSW 1670  
t (02) 9978 3333  
f (02) 9978 3375  
hia.com.au

22 January 2018

DP Gostencnik  
Fair Work Commission  
80 William Street  
East Sydney

Dear Deputy President

#### **4 Yearly Review of Modern Awards - Construction Awards - AM2016/23**

HIA refers to the Conference held on 19 December 2017 and the materials filed on 22 December 2017 by the CFMEU entitled *Draft Allowances Clause*.

During the Conference employer parties were invited to respond to the materials filed by the CFMEU by 19 January 2018<sup>1</sup>. HIA takes this opportunity to make some brief comments in response.

Broadly speaking, HIA is not opposed to the approach taken in the Draft Allowances Clause document, we would however make the following observations:

- Some categories are worthy of further refinement, noting the Commissions desire to combine allowances based on possible categorisation<sup>2</sup>.
- In HIA's view the Special Allowance (Clause 21.1) is not an expense related allowance.
- In HIA's view both the Living Away from Home Allowance and the Fares and Travel Allowances should remain stand-alone allowances and not form part of the proposed categorisation.
- HIA does not oppose the proposal to deal with the Refractory, Furnace or Acid Work allowances in one provision, however the characterisation of 'Furnace Work' and 'Acid Work' must be maintained.
- The characterisation of three allowances remains in dispute and will be determined by the Commission<sup>3</sup>. As such, the insertion of the words '*for all purposes of the award*' at proposed clause 21.3(b) In charge of plant, 21.4 Mobile cranes capacity adjustment formula and 23.5 Air conditioning and refrigeration industry allowance is opposed.

We look forward to discussing these matters further at the Conference listed for 25 January.

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<sup>1</sup> See Transcript PN 338  
<sup>2</sup> See Transcript PN 303-305  
<sup>3</sup> See Transcript PN 192

Yours sincerely  
HOUSING INDUSTRY ASSOCIATION LIMITED

A handwritten signature in black ink, appearing to read 'M. Adler', written in a cursive style.

Melissa Adler  
Executive Director - Industrial Relations and Legal Services