



The Australian Industry Group  
51 Walker Street  
North Sydney NSW 2060  
PO Box 289  
North Sydney NSW 2059  
Australia  
ABN 76 369 958 788

22 January 2017

Deputy President Gostencnik  
Fair Work Commission  
80 William Street,  
MELBOURNE, NSW

By Email

Dear Deputy President,

**Re: AM2016/23 – Building and Construction General On-Site Award 2010**

We refer to the above matter and the AMWU's submission dated 21 December 2017 and the CFMEU draft of Allowance Clauses dated 22 December 2017.

**Air-conditioning Industry and Refrigeration Industry Allowances**

We refer to the comments made by the writer during conciliation and wish to clarify that such comments should not be taken as consenting to the AMWU's position.

AiGroup notes that the words in section 21.11 of the Building and Construction General On- Site Award 2010 does not describe the allowance as an all - purpose allowance. There is no indication from text of the award more broadly that this clause constitutes an all-purpose payment.

Clause 19.3(b) does provide for the hourly rate of weekly hire employees to be calculated to include this among other allowances. We note that Clause 19 does provide for the allowance to be included as part of the calculation of the hourly rate for weekly employees only. A similar approach is not adopted for other categories of employees.

There is no indication from text of the award more broadly that this clause constitutes an all-purpose payment.

For the above-mentioned reasons, we are concerned to characterise this allowance as an all -purpose allowance would extend the payments to those employees who would have no entitlement to it currently. This would increase costs to employers in the industry.

We submit that AMWU has not made out an adequate case for a substantive variation of this nature.



The Australian Industry Group  
51 Walker Street  
North Sydney NSW 2060  
Australia  
ABN 76 369 958 788

## **CFMEU draft of Allowance Clauses**

Ai Group broadly has no objection to the allowances being categorised in the following groups as proposed by the CFMEU:

- ) Expense Related Allowances,
- ) All Purpose Skill Related Allowances
- ) Other Skill Related Allowances
- ) All Purpose Disability Allowances
- ) Other Disability Allowances.

Yours Sincerely

A handwritten signature in cursive script, appearing to read 'P. Vasuki'.

Vasuki Paul  
National Manager – Construction Utilities and Resources