

From: Lilian Zhou [mailto:Lilian.Zhou@ablawyers.com.au]
Sent: Tuesday, 27 November 2018 11:19 AM
To: AMOD; Chambers - Hatcher VP
Cc: 'Shaun.Schmitke@masterbuilders.com.au'; 'm.adler@hia.com.au'; 'chrismelham@civilcontractors.com'; 'l.regan@hia.com.au'; 'sam@masterbuilders.com.au'; 'smaxwell@cfmeu.org'; 'michael.nguyen@amwu.org.au'; 'stephen.crawford@nat.awu.net.au'; 'Ashvini@etuaustralia.org.au'; 'gabriel.miller@amwu.org.au'; 'rebecca@masterbuilders.com.au'; Louise Hogg; 'Vasuki.Paul@aigroup.com.au'
Subject: AM2016/23 - 4 Yearly review of Modern Awards - Construction Awards [ABLAW-ImanageDocs.FID135863]

Dear Associate to Vice President Hatcher

Re: AM2016/23 – 4 Yearly Review of Modern Awards – Construction Awards

We act on behalf of Australian Business Industrial (**ABI**) and the New South Wales Business Chamber Ltd (**NSWBC**).

We refer to the above matter and the related correspondence from the Housing Industry Association (**HIA**) dated 16 November 2018. We advise that our clients agree with the concerns outlined by the HIA.

ABI and NSWBC's understanding of the Directions issued on 8 November 2018 was that it was limited to addressing the relevant paragraphs outlined in the decision of 26 September 2018 *4 yearly review of modern awards – Construction Awards* [2018] FWCFB 6019 and that it was not open for additional and new evidence to be filed by the parties.

As this is outside the scope of the Directions, ABI and NSWBC believe that the Commission should not consider any new evidence filed by the Unions. If the Commission is minded to consider the additional and new evidence, we agree with the position of HIA that the other interested parties should be given an opportunity to cross examine the Union's witnesses.

Kind regards,

Lilian Zhou

Associate
Australian Business Lawyers & Advisors

Level 2, 10 Felix Street Brisbane QLD 4000
Dir: 07 3218 0901 | Fax: +612 9954 5029 | Mob: 0428 649 680
Tel: +612 9458 7005 | Web: www.ablawyers.com.au | [LinkedIn](#)



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