

**From:** Rebecca Sostarko [mailto:rebecca@masterbuilders.com.au]  
**Sent:** Wednesday, 28 March 2018 4:56 PM  
**To:** Chambers - Gostencnik DP; Stuart Maxwell; Adler, Melissa; Vasuki Paul; Michael Nguyen; Stephen Crawford - AWU (stephen@crawforddecarne.com.au); marc@cdclawyers.com.au; chrismelham@civilcontractors.com; Sam McGregor; Shaun Schmitke; 'stephen.crawford@nat.awu.net.au'  
**Cc:** AMOD  
**Subject:** RE: AM2016/23 - 4 yearly review of modern awards - construction awards

Dear Associate,

We refer to your email below.

The document to which the CFMEU correspondence refers was filed by Master Builders on 14<sup>th</sup> March 2018.

It followed a request from the Deputy President seeking one document containing the parties positions with respect to allowance categorisation and related all-purpose status. The document was intended to illustrate those areas agreed and those which remain in dispute, to assist the Commission with its considerations.

MBA and the CFMEU exchanged several iterations of the document with the intention of settling an initial draft for distribution amongst the other parties. Regrettably, agreement was not reached on an initial draft causing the CFMEU to send the correspondence to which your email refers. This occurred before wider circulation of the initial draft amongst the other parties had taken place, as originally intended.

To assist the Commission, MBA subsequently circulated the initial draft amongst all of the parties with the employer parties confirming it reflected their respective views. In its correspondence to the Commission, the CFMEU advanced an alternate position on those matters which it believed to be in dispute. In that same correspondence, however, it concluded that to expedite the proceedings, it would not object to MBA filing the document and MBA did so on that basis.

MBA does not believe further directions are necessary in relation to the Deputy President's initial request. The document as filed represents the respective views of the employer parties in terms of those areas agreed. Those remaining should be considered to be in dispute.

Kind regards,

**Rebecca Sostarko**  
Senior Adviser – Safety, Contracts, Workplace Relations



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**From:** Chambers - Gostencnik DP [<mailto:Chambers.Gostencnik.DP@fwc.gov.au>]  
**Sent:** Wednesday, 28 March 2018 1:09 PM  
**To:** Stuart Maxwell; Rebecca Sostarko; Adler, Melissa; Vasuki Paul; Michael Nguyen; Stephen Crawford - AWU ([stephen@crawforddecarne.com.au](mailto:stephen@crawforddecarne.com.au)); [marc@cdclawyers.com.au](mailto:marc@cdclawyers.com.au); [chrismelham@civilcontractors.com](mailto:chrismelham@civilcontractors.com); Sam McGregor; Shaun Schmitke  
**Cc:** AMOD  
**Subject:** RE: AM2016/23 - 4 yearly review of modern awards - construction awards

Dear Parties,

I refer to the above matter.

Further to the attached, the Deputy President seeks the views of the parties in respect of Mr Maxwell's correspondence.

Please kindly provide your response as soon as practicable.

Kind regards,

**Caitlin Goldie**

Associate to Deputy President Gostencnik

**Fair Work Commission**

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**From:** Stuart Maxwell [<mailto:smaxwell@cfmeu.org>]  
**Sent:** Monday, 5 March 2018 11:32 AM  
**To:** AMOD; Chambers - Gostencnik DP  
**Cc:** Rebecca Sostarko; Adler, Melissa; Vasuki Paul; Michael Nguyen; Stephen Crawford - AWU ([stephen@crawforddecarne.com.au](mailto:stephen@crawforddecarne.com.au)); [marc@cdclawyers.com.au](mailto:marc@cdclawyers.com.au); [chrismelham@civilcontractors.com](mailto:chrismelham@civilcontractors.com); Sam McGregor; Shaun Schmitke ([shaun.schmitke@masterbuilders.com.au](mailto:shaun.schmitke@masterbuilders.com.au))  
**Subject:** AM2016/23 - 4 yearly review of modern awards - construction awards

Dear Deputy President Gostencnik,

Please find correspondence from the CFMEU regarding the classification of allowances.

Yours faithfully,

**Stuart Maxwell**  
Senior National Industrial Officer

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**CFMEU**

**Construction & General Division, National Office**  
Level 9, 215-217 Clarence St, Sydney NSW 2000  
T: 02 8524 5800 F: 02 8524 5801

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