



Australian Government

Department of Education, Employment and Workplace Relations

Our Ref 41508

Mr I Ferguson
Bdm
Mechanical Project Services Pty Ltd
P O Box 230
OSBORNE PARK WA 6917

Dear Mr Ferguson

I refer to your submission of 22 May 2012 in which you request the Department's advice about whether the industrial arrangements, as noted in your request, are compliant with the *National Code of Practice for the Construction Industry* (the Code) and the *Australian Government Implementation Guidelines* (the Guidelines).

The Modern Awards that apply to Mechanical Project Services Pty Ltd have been assessed against the Guidelines and are Code Compliant.

The Clerks - Private Sector Award 2010

I consider the Award to be compliant with all versions of the Guidelines.

The Manufacturing And Associated Industries And Occupations Award 2010

I consider the Award to be compliant with all versions of the Guidelines.

The Building And Construction General On-Site Award 2010

I consider the Award to be compliant with all versions of the Guidelines.

The Professional Employees Award 2010

I consider the Award to be compliant with all versions of the Guidelines.

In assessing modern awards under the Guidelines, primacy is given to the section of the Guidelines that requires compliance with, amongst other things, relevant legislation and industrial instruments (section 8.1.1 of the 2006 Guidelines and section 6.1.1 of the 2009 Guidelines and section 6.1.1 of the 2012 Guidelines).

On this basis, in relation to modern awards, to be considered compliant with the Guidelines parties must comply with their modern award and with any elements of the relevant Guidelines that do not conflict with the award, including in relation to the practical on-site application of these.

Please note this assessment only applies to the awards detailed above. Should the workplace arrangements vary (for example because of new agreements or by the making of any unregistered written agreements) a further assessment will be required.

The Office of the Australian Building and Construction Commissioner monitors behaviour on sites to which the Code and Guidelines apply, and investigates any alleged breaches of them.

You may obtain a copy of the Guidelines from www.deewr.gov.au/building.

For general information regarding the implications of the workplace reforms for your industrial arrangements you can contact the Fair Work Infoline on 13 13 94.

If you have any further questions please feel free to contact the National Code Assessment Hotline on 1300 731 293 or email: (building@deewr.gov.au).

Yours sincerely



Breana Monaghan
Assessor
Building Industry Safety and Policy Branch
Workplace Relations Implementation and Safety Group

29 May 2012