



Australian Government
**Department of Employment and
Workplace Relations**

National Office

GPO Box 9879 CANBERRA ACT 2601

2196/08

Mr M Carter
Employee Relations Advisor
CCI WA
CCIWA Level 3 180 Hay Street
PERTH WA 6004

Dear Mr Carter

I refer to your submission of 13 February 2008 in which you requested 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, reissued June 2006 (the Guidelines). The following letter is based on your industrial instruments being covered by the *Workplace Relations Act 1996 (the WR Act)*.

Your Industrial Instruments as detailed below are Code Compliant.

Please refer to the individual assessment of each instrument below.

Please note that some agreements may now contain terms and conditions which are prohibited content under the WR Act. Similarly, some federal awards may contain terms and conditions which are now non-allowable matters. Clauses containing prohibited content or non-allowable matters are void and unenforceable. It is important you note the on-site application of clauses containing prohibited content is not permitted under the WR Act and is non-compliant with the Code and Guidelines. I have not examined your industrial instruments for all void and unenforceable terms. You may therefore wish to seek legal advice, contact your industry association, or to ensure your agreement does not contain prohibited content, the Workplace Authority Workplace Agreements Information Service on 1300 366 632 or their website at www.workplace.gov.au/building.

Although it is important agreements and awards comply with the Code and Guidelines, it is equally important the practical, on-site application of any award or agreement also be compliant with the Code and Guidelines. 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.

The Vision Cabling Systems 2008 To 2013

I have examined the Vision Cabling Systems 2008 To 2013 and consider it to be compliant with the requirements of the Code and Guidelines.

I would advise you that the practical on-site application of the agreement should also be compliant with the Code and Guidelines.

Please note this assessment may not apply should the workplace arrangements vary from those set out above.

As mentioned, this assessment relates to the Guidelines, reissued June 2006. You may obtain a copy of the Guidelines from www.workplace.gov.au/building.

For information on the agreement making options available to you if your industrial instruments are not compliant with the requirements of the Code and Guidelines, please contact the Workplace Authority (Office of the Employment Advocate) Workplace Agreements Information Service on 1300 366 632.

For general information regarding the implications of the workplace reforms for your industrial arrangements you can contact the Workplace Infoline on 1300 363 264.

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

Yours sincerely



Cath Day
Director
Building Industry Branch

14 February 2008

Handwritten notes:
14 Feb 2008
Not compliant
Employee to take
like Code
...
CC - Code can provide
...
2196/08