



**Australian Government**

**Department of Education, Employment and Workplace Relations**

Our Ref 43000

Mr M Kelly  
Director  
Oliver Kelly Constructions Pty Ltd  
Po Box 1172  
DEVONPORT TAS 7310

Dear Mr Kelly

I refer to your submission of 17 July 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 Oliver Kelly Constructions 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 Building And Construction General On-Site 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.

Fair Work Building and Construction 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](http://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](mailto:building@deewr.gov.au)).

Yours sincerely



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

19 July 2012