

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

Our Ref 18077

Mr C Dearling
Workplace Relations Adviser
Master Builders Queensland
417 Wickham Terrace
BRISBANE QLD 4000

Dear Mr Dearling

I refer to your submission of 22 January 2010 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).

A new set of Guidelines came into effect on 1 August 2009 which apply to all projects that were the subject of an expression of interest or tender let for the first time on or after 1 August 2009.

You have provided advice to the Department that Insitu Geotech Services Pty Ltd is not covered by any State or Federal awards or other industrial instruments. On this basis, I consider your arrangements are compliant with the requirements of the Code and Guidelines.

Qualifications on the assessment

It is important to note, this assessment is based on your advice that there is no specific state or federal award applicable to Insitu Geotech Services Pty Ltd. If your advice changes, or is subsequently found to be inaccurate, your position in respect of compliance with the Code and Guidelines may be affected, and you may be required to seek further assessment of your industrial arrangements to ensure they comply with the requirements of the Code and Guidelines.

The Code and Guidelines require compliance with applicable legislation, court and tribunal orders, directions and decisions, and industrial instruments.

Under the Guidelines, contractors are required to ensure compliance with the Code and Guidelines from all subcontractors and for all related entities. You would need to consider how you would ensure your subcontractors and your related entities, if any, comply with the Code and Guidelines.

On site behaviours

The Code and Guidelines also apply to on-site behaviours. The Office of the Australian Building and Construction Commissioner monitors behaviour on sites to which the Code and Guidelines apply, and investigates any instances of non compliance with the Code and Guidelines. I would advise you that you will need to monitor the practical on-site application of your industrial arrangements, in the event that on-site behaviours were in any way non compliant with the Code and Guidelines, the non compliance would be subject to the sanctions available under the Code and Guidelines.



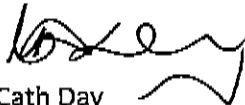
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As mentioned, this assessment relates to the Guidelines, reissued June 2006. You may obtain a copy of the Guidelines from www.deewr.gov.au/building.

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 National Code Assessment Hotline on 1300 731 293 or email: building@deewr.gov.au.

Yours sincerely



Cath Day
Director
Building Industry Branch
Workplace Relations Implementation Group

22 January 2010



29 January 2010

Insitu Geotech Services Pty Ltd
20 Jensen Road
BANYO QLD 4014

RE: INDUSTRIAL ARRANGEMENTS

Allan,

We wish to confirm that the work performed by your business, namely in situ geotechnical testing services, is not covered by a Modern Award and as a result your employees are Award free and not covered by a Federal or State industrial instrument.

Regards,

A handwritten signature in dark ink, appearing to read 'C. Dearling', with a long, sweeping tail.

Craig Dearling
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