



Australian Government

Department of Education, Employment and Workplace Relations

Our Ref 38241

Mrs N Meredith
Group Human Resources Officer/Business Support
Mirage Industries Pty Ltd
Po Box 143
SUMNER PARK QLD 4074

Dear Mrs Meredith

I refer to your submission of 25 January 2012 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*, August 2009 (the Guidelines).

The Industrial Instruments of Mirage Industries Pty Ltd have been assessed under the 2009 Guidelines and are Code Compliant.

The Mirage Industries Pty Ltd And The Cfmeu Building And Construction Industry Enterprise Agreement 2005-2008

I have examined the Mirage Industries Pty Ltd And The Cfmeu Building And Construction Industry Enterprise Agreement 2005-2008 and consider it to be compliant with the requirements of the 2009 Code and Guidelines.

The Manufacturing And Associated Industries And Occupations 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 6.1.1 of the 2009 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.

This Assessment applies 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.

The 2009 Guidelines do not apply to projects where expressions of interest or tenders were called for before 1 August 2009. The Code and Guidelines as at the date of commencement of those projects will continue to apply for the life of the project.

If you are tendering for a project to which a previous version of the Guidelines applies, you will require an assessment against the relevant version of the Guidelines.

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

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 consistent 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.

As mentioned, this assessment relates to the Guidelines, August 2009. 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



Brad Bretland
Assistant Director
Building Industry Safety and Policy Branch
Workplace Relations Implementation and Safety Group

/ February 2012