



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

National Office

GPO Box 9879 CANBERRA ACT 2601

3434/08

Mr N Javni
Business Owner
Alfa-Pak Supplies
Po Box 633
HEALESVILLE VIC 3777

Dear Mr Javni

I refer to your submission of 21 May 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.

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.

Qualification on this Assessment

You have provided advice to the Department that you are not covered by any other State or Federal awards or other industrial instruments. It is important to note that the Department provides this assessment on the basis of that advice. If that 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 compliance with the requirements of the Code and Guidelines.

The Employment Contract

I have examined the Employment Contract 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.

You should be aware that under the WR Act, your conditions of employment must meet or exceed the Australian Fair Pay and Conditions Standard. Further information can be found at www.workplace.gov.au or by contacting the Workplace Infoline on 1300 363 264.

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 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@deewr.gov.au).

Yours sincerely



 Cath Day
Director
Building Industry Branch

22 May 2008