



Australian Government

Department of Education, Employment and Workplace Relations

Our Ref 27418

Mr T Opie
Director
Stainless Metal Craft (Aust) Pty Ltd
6 Bromley Road
EMU PLAINS NSW 2750

Dear Mr Opie

I refer to your submission of 20 December 2010 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 Award that applies to Stainless Metal Craft (Aust) Pty Ltd has been assessed against the Guidelines and is Code Compliant.

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 8.1.1 of the 2006 Guidelines and 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.

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.

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.

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

A handwritten signature in black ink, appearing to read 'C. Marlton', with a stylized flourish extending to the right.

Christopher Marlton
A/g Assistant Director
Building Industry, Safety and Policy Branch
Workplace Relations Implementation and Safety Group

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January 2011