



Australian Government

Department of Education, Employment and Workplace Relations

Our Ref 28591

Mr J Borger
Director
Borger Crane Hire and Rigging Services Pty Limited
40 Kilty Crescent
GLENDENNING NSW 2761

Dear Mr Borger

I refer to your submission of 18 February 2011 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 Instrument of Borger Crane Hire and Rigging Services Pty Limited has been assessed under the 2009 Guidelines and is Code Compliant.

The Borger Crane Hire And Rigging Services Pty Ltd /Cfmeu Enterprise Agreement 2009-2011

I have examined the Borger Crane Hire And Rigging Services Pty Ltd /Cfmeu Enterprise Agreement 2009-2011 and consider it to be compliant with the 2009 Code and Guidelines.

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

24 February 2011