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17 January 2020

Commissioner Bissett
Fair Work Commission
11 Exhibition Street
Melbourne VIC 3000

Dear Commissioner,

Re. AM2019/17 Finalisation of Exposure Drafts – Tranche 2 – Vehicle Repair, Services and Retail Award – Outstanding Matters

We refer to the above matter and to Report to the Full Bench dated 24 December 2019, Attachment A to which lists 'agreed matters' pertaining to the exposure draft of the *Vehicle Repair, Services and Retail Award 20XX (Vehicles Award)*.

Ai Group has reviewed Attachment A and noted four issues which we consider are in need of rectification.

Clause 7.2 – facilitative provisions

In the Table of Agreed Amendments (**Table**) forwarded to the parties on 20 December 2019, Item 3 referred to the incorrect listing of cl. 11.6(j) under both 7.2 and 7.4. Ai Group continues to consider that cl. 11.6(j) should only be listed in the table in cl. 7.4 as it is a facilitative provision that can be utilised by agreement between an employer and an individual or a majority of employees. This position was unopposed by any party in the Conference which took place on 18 December 2019 and was supported in Correspondence from the Motor Trades Organisations (**MTO**) to the Commission on 24 December 2019.

In Ai Group's correspondence of 24 December 2019, it was noted that we no longer press replacement of the reference to cl. 11.6 with a pinpoint reference to cl. 11.6(g).

Attachment A to the Report to the Full Bench has inadvertently removed the agreed variation to cl. 7.2 which Ai Group continues to advance.

Clause 11.4(d) – Casual loading – minimum hourly rates

At the conference which took place between the parties on 18 December 2019, Australian Business Lawyers and Advisors (**ABL**) raised a concern that cl. 11.4(d) is superfluous as the clauses containing relevant minimum hourly rates are contained in cl. 11.4(c).

Ai Group agrees with ABL's submission and considers it appropriate to delete cl. 11.4(d).

Clause 16.6(b) - Driver of a courtesy vehicle

Ai Group notes that the description of the classification to be inserted into cl. 16.6(b) inadvertently omits reference to drivers of a courtesy vehicle in the course of registration.



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In order to reflect the agreed position between the parties and the wording in the current exposure draft, Ai Group proposes the classification be varied to read:

'Driver – courtesy vehicle in relation to sales or sales promotion or in the course of registration or collection from or delivery to a customer – vehicles up to and including maker's capacity of 3 tonnes'.

Incorrect Clause Reference

On 24 December 2019 **ABL** noted an incorrect clause reference in cl. 16.6(b) and proposed the following variation be made:

...
(b) *For the purpose of ~~11.6(a)~~ 16.6(a), the following classifications apply:*
...

This appears to have been an inadvertent error and should be corrected.

Ai Group has conferred with ABL, the Australian Manufacturing Workers Union and the MTO and understand that each agrees with the abovementioned positions.

Yours sincerely,

Hamish Harrington
Workplace Relations Policy Adviser