



The Australian Industry Group
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Australia
ABN 76 369 958 788

24 December 2019

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 the ‘table of agreed amendments’ (**Table**) pertaining to this matter which was forwarded to the parties by the Commission on 20th December 2019. We also refer to the Conference which took place before yourself on 18 December 2019 in the course of which outstanding issues relating to the exposure draft of the *Vehicle Repair, Services and Retail Award 20XX (Vehicles Award)* were settled.

Ai Group has reviewed the Table and with the following exceptions, consider the variations contained therein to reflect the consent position reached between the parties:

Clause 7.2 – facilitative provisions

Ai Group understands that the Commission has declined to replace reference to cl. 11.6 with a pinpoint reference to cl. 11.6(g) in the table of facilitative provisions in cl. 7.2. This issue is no longer pressed.

Clause 16.6(b) - Driver of a courtesy vehicle

Ai Group notes that at Point 6 of the Table, the Commission proposes to delete the following classification from cl. 16.6(d):

‘Driver – courtesy vehicle in relation to sales or sales promotion or in the course of collection from or delivery to customer’

The Commission proposes to insert in its place:

‘Driver – courtesy vehicle in relation to sales or sales promotion or in the course of collection from or delivery to customer – vehicle with maker’s capacity over 3 tonnes’ and

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

Ai Group understands that this proposed variation is intended to reflect an issue highlighted by the Motor Trades Organisations (**MTO**) in section 3 of their Submission of 27 November 2019. We understand that the MTO sought to highlight an anomaly in the classifications for unapprenticed juniors in the exposure draft to the Vehicles Award.

The exposure draft currently contains two classifications for ‘Driver – courtesy vehicle in relation to sales or sales promotion or in the course of registration or collection from or delivery to a customer’.

- Clause 16.6(d) contains such a classification, limited to where the vehicle maker’s capacity is over 3 tonnes.
- Clause 16.6(b) contains such a classification albeit with no qualification as to the vehicle maker’s capacity.

In order to address this problem, the MTO proposed an amendment to the classification in cl. 16.6(b) which limited its application in a manner which would reflect the equivalent adult classification in cl. A.1.1.

The MTO proposed the classification in cl. 16.6(b) be amended as follows:

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 makers capacity of 3 tonnes

This proposed variation was not reflected in Item 7 of the Summary of Submissions pertaining to this matter dated 16 December 2019.

Ai Group considers the variation listed in Point 6 of the Table to incorrectly reflect the MTO’s original proposed amendment as reflected in its 27 November 2019 submission.

We propose that the Table of agreed amendments be updated to reflect the MTO’s original submission which was not opposed by Ai Group.

Clause 16.9(b) – Junior Apprentices – calculation of wage rates

At point 7 of the Table, the Commission incorrectly refers to cl. 19.6(b). Ai Group proposes that the variation made should be to the table in cl. 16.9(b).

Clause 24.3 - Calculation of overtime

In paragraph [80] of Ai Group’s 9 December 2019 reply submission, we proposed the following words to be included as a new clause 24.3(c)(iv):

In computing overtime each day’s work stands alone

Ai Group has further considered the matter and conferred with the MTO on this proposed variation. Considering cl. 24.3(c) commences with the words ‘on any other day’, the new words should instead be included within a new sub-clause 24.3(e).

We also note that we would not oppose the word “computing” being replaced with the word “calculating”, as canvassed during the conference.

We understand that the MTO do not oppose this variation.



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Schedule B

Point 15 of the Table of agreed amendments does not reflect the consent position reached with respect to the title to the second column of the tables in clauses B.3.1 and B.3.6(a). In each case, the title of the second column should be varied to read:

“Monday to Friday, Saturday before midday”

Ai Group has conferred with the MTO since the Commission’s Table was forwarded to the parties and we understand that these positions are unopposed.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Hamish Harrington'.

Hamish Harrington
Workplace Relations Policy Adviser