



## CORRECTION TO DECISION

*Fair Work  
(Transitional)*

*Provisions and Consequential Amendments) Act 2009*

Sch. 5, Item 6 - Review of all modern awards (other than modern enterprise and State PS awards) after first 2 years

### **Motor Traders' Association of New South Wales**

(AM2012/53, AM2012/108, AM2012/205, AM2012/224, AM2012/247, AM2013/2)

Vehicle industry

DEPUTY PRESIDENT GOOLEY

MELBOURNE, 30 SEPTEMBER 2013

*Correction to decision - variation to the Vehicle Manufacturing, Repair, Services and Retail Award 2010.*

[1] Further to my decision<sup>1</sup> in this matter, I make the following variations.

[2] The Motor Traders' Association of New South Wales submitted that the levels at R7 and R8 were originally included as notional levels without a wage rate being recorded. It was further submitted that the removal of the R8 level will remove any confusion with the two notional levels. The AMWU, in their response, advised that it did not object to the removal of the R8 level. No objection was made to the proposed variation.

[3] I therefore vary the determination arising from my decision of 8 August 2013 by inserting the following additional item:

“By removing the last row in the Minimum weekly wages—adult employees table in clause.33.4 of the Award which makes reference to the Vehicle industry RS&R—tradesperson or equivalent Level III, wage group level R8.”

[4] The Motor Traders' Association of South Australia submitted that although they sought a retrospective date of operation for variations listed at items 13 and 14 of paragraph 11, they subsequently realised that its members would be adversely affected by the retrospective operative date and sought a prospective operative date. This variation was not opposed by the AMWU.

[5] I therefore vary my decision of 8 August 2013 as follows:

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<sup>1</sup> [2013] FWC 3714, PR537736

By deleting paragraph [13] and inserting in its place:

[13] With the exception of variations 13 and 14 which will be operative from the date of the decision, I am satisfied that the other variations should be made as technical corrections referable to Item 6 (2)(b) of Part 2 of Schedule 5 to the Transitional Act. I therefore consider it appropriate that these variations be retrospective. However, the variations will not operate so as to require any employee who has been paid any allowance or loading prior to the date of the decision to repay the monies paid if, as a result of these variations, he or she is not entitled to be paid the loading or allowance.

[6] The above corrections will operate retrospectively from the date of my decision<sup>2</sup> in respect of the Award.

[7] A determination giving effect to this variation to decision will be issued.



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<sup>2</sup> [2013] FWC 3714, PR537736