

**From:** Lena Lettau  
**Sent:** Monday, 12 December 2016 9:48 AM  
**To:** AMOD  
**Cc:** Warren Butler; Sally Taylor  
**Subject:** Re AM2014/93 - AMWU coverage clause proposal

Dear Commission,

Please find **attached** for filing, the AMWU's current coverage clause proposal for the *Vehicle, Repair, Services and Retail Award*, as requested by the Commission in Directions issued on 1 December 2016 in respect of the AM2014/93 matter. Please note that this draft clause is supported by the Ai Group. The parties are, however, still working with the VACC to reach consensus on a joint proposal.

The AMWU would also like to request that it attend the Conference listed before Hatcher VP on 20 November via video-link from Melbourne.

Kind regards,

**Lena Lettau | National Industrial Officer**

Australian Manufacturing Workers' Union – Vehicle Division

**Without prejudice draft – 2 December 2016**

**AMWU and Ai Group Joint Proposal for the coverage clauses of the Vehicle Award**

**A. Vehicle Award**

**3. Coverage**

**3.1** This award covers employers throughout Australia of employees engaged in ~~vehicle manufacturing and/or~~ vehicle industry repair, services and retail, as defined in this clause to the exclusion of any other modern award and where the employer's establishment, plant or undertaking is principally connected or concerned with:

- (a) the selling, distributing, ~~dismantling/wrecking/restoring,~~ recycling, preparing for sale including by assembling, storage, repairing, maintaining, towing, servicing, and/or parking of motor vehicles of all kinds, including caravans, trailers or the like and equipment or parts or components or accessories thereof including the establishments concerned for such vehicles and the like;
- (b) operations or allied businesses concerned with selling, distributing or supplying running requirements for vehicles (including motor fuels, gas and oils);
- (c) the selling and/or handling and/or retreading and/or storing/distribution and/or fitting and/or repairing of tyres or the like made of any material;
- (d) the repair and servicing of motor vehicles in the establishment of an employer not falling within clauses 3.1(a), (b) and (c) but who is engaged in the motor vehicle rental business;
- (e) the ~~manufacturing, assembling or~~ repairing of carriages, carts, wagons, trucks, motor cars, bodies, motorcycles, railway cars, tram cars, side-cars or other vehicles or parts or components or accessories in wood, metal and/or other materials;
- (f) ~~manufacturing, assembling, fabricating,~~ installing, servicing, maintaining, reconditioning or repairing of engines or vehicle servicing equipment and

agricultural machinery or implements or the like ~~where such employer immediately prior to 31 December 2009 was bound by clause 1.5.4(a) of the *Vehicle Industry Award 2000* [AP801818CRV];~~

- (e) any operation concerned with roadside/mobile service; or
- (f) driving school instruction.

**3.2** For the purposes of coverage of this award employees engaged in **vehicle industry repair, services and retail** means employees covered by the classifications in Schedule A.

### **3.3 Exclusions**

This award does not cover:

- (a) an employee in a car park where the employee's undertaking does not provide repairs and service and/or servicing facilities of motor vehicles other than supplying petrol and oil;
- (b) employees excluded from award coverage by the Fair Work Act 2009 (Cth) (the Act);
- (c) employees who are covered by a modern enterprise award or an enterprise instrument (within the meaning of the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 (Cth)), or employers in relation to those employees; or
- (d) employees who are covered by a State reference public sector modern award or a State reference public sector transitional award (within the meaning of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)), or employers in relation to those employees.; or

**(e) employers and employees covered by the *Manufacturing and Associated Industries and Occupations Award 2010*.**

**3.4** This award covers any employer which supplies labour on an on-hire basis in the industry set out in clause 3.1 in respect of on-hire employees in classifications covered by this award, and those on-hire employees, while engaged in the performance of work for a business in that industry. This subclause operates subject to the exclusions from coverage in this award.

**3.5** This award covers employers which provide group training services for apprentices and/or trainees engaged in the industry and/or parts of industry set out at clause 3.1 and those apprentices and/or trainees engaged by a group training service hosted by a company to perform work at a location where the activities described herein are being performed. This subclause operates subject to the exclusions from coverage in this award.

**3.6** Where an employer is covered by more than one award, an employee of that employer is covered by the award classification which is most appropriate to the work performed by the employee and to the environment in which the employee normally performs the work.

NOTE: Where there is no classification for a particular employee in this award it is possible that the employer and that employee are covered by an award with occupational coverage