

**From:** Abha Devasia [<mailto:abha.devasia@amwu.org.au>]

**Sent:** Friday, 31 August 2018 3:18 PM

**To:** Chambers - Asbury DP

**Cc:** 'Stephen Smith'; Ashvini Ambihaipahar; [zach.duncalfe@nat.awu.net.au](mailto:zach.duncalfe@nat.awu.net.au); Motti, Eric; 'Ben Rogers'; 'Larsen, Inez'

**Subject:** Tool Allowance Draft Determination

Dear Associate,

We refer to the directions issued by DP Ashbury requiring a report back by 4 p.m. this afternoon on the above matter.

The AMWU and Ai Group have had discussions about the AMWU's claim for a tool allowance for apprentices covered by the *Sugar Industry Award 2010* .

Following those discussions, the AMWU has proposed the attached Draft Determination and Ai Group has advised that it would not oppose the Award being varied in the terms of the Draft Determination.

The other relevant parties in this matter have been copied into this correspondence.

Kind regards,

Abha Devasia

**Research Officer**

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*Fair Work Act 2009*

Part 2-3 Division 4 – 4 Yearly Review of Modern Awards

s.156(2)(b)(i)

**Sugar Industry Award 2010**

(MA000087)

**AM2014/247**

DEPUTY PRESIDENT

SYDNEY, X XXX 2018

1. Further to the decision and reasons for decision <<decision reference>> in AM2014/247, it is determined pursuant to section 156(2)(b)(i) of the Fair Work Act 2009, that the Sugar Industry Award 2010 be varied as follows.
2. Add a new clause 22.31 with consequent renumbering of existing clauses 22.31 – 22.35:

**22.31 Tool allowance for apprentices**

- (a) Subject to paragraph (b) the employer must supply to apprentices referred to in Clause 12 of this award, all tools ordinarily required for the apprentices to perform their work, (Apprentice Tool Pack). Such Apprentice Tool Packs must be for no less than the retail price than set out in the following table:

<b>Apprenticeship type</b>	<b>Annual value of tools</b>	<b>Total Retail Value of tools</b>
Engineering Tradesperson (Electrical)	\$450	\$1800.00
Engineering Tradesperson (Electronic)	\$450.00	\$1800.00
Engineering Tradesperson (Fabrication)	\$337.50	\$1350.00

Engineering Tradesperson (Mechanical)	\$450.00	\$1800.00
Higher Engineering Tradesperson	\$450.00	\$2250.00
Systems Electrician	\$450.00	\$1800.00
Assembly and Servicing Tradesperson - Electrical	\$450.00	\$1800.00
Instrumentation Tradesperson	\$450.00	\$1800.00
Refrigeration and Air Conditioning Tradesperson	\$450.00	\$1800.00
Systems and Instrumentation Tradesperson	\$450.00	\$1800.00
Electricity Supply Tradesperson	\$450.00	\$1800.00
Other tradesperson	\$337.50	\$1350.00

- (b) If the employer does not supply an apprentice with an Apprentice Tool Pack, the employer must pay the apprentice a tool allowance (apprentice tool allowance) that must be equivalent to the total retail value of the tools set out in paragraph (a).
- (c) The employer must supply the Apprentice Tool Pack or the apprentice tool allowance:
- i. In total, within a period of 3 months after employment commences or at the end of the probationary period, whichever first occurs; or
  - ii. In annual instalments, with the first instalment being supplied within a period of 3 months after employment commences or at the end of the probationary period, whichever first occurs.
  - iii. During the second and subsequent years of the apprenticeship, the tool allowance must be supplied within a period of 3 months from the commencement date of each year.
- (d) If the employer requires an apprentice to supply any tools not included in the Apprentice Pack, the employer must reimburse the apprentice the retail value of the tools, upon proof of purchase of the tools, purchased by the apprentice, to the employer.

- (e) The Apprentice Tool Pack supplied to an apprentice by their employer will become the property of the apprentice.
- (f) If the apprentice does not complete the apprenticeship with their employer:
  - i. the Apprentice Tool Pack must be returned to the employer; or
  - ii. the value of the Apprentice Tool Pack must be reimbursed to the employer, as calculated at the time of supply.
- (g) Where the apprentice was provided an apprentice tool allowance paid in a single instalment, the pro rata value of the allowance for the incomplete portion of the apprenticeship must be refunded by the apprentice to the Employer within three months of the end of employment
- (h) Where the apprentice has purchased tools during their apprenticeship, for which they have not been reimbursed, the tools must remain the property of the apprentice.
- (i) An apprentice must replace or pay for any tools supplied by their employer which are lost because of the negligence of the apprentice.
- (j) An apprentice is not required to pay for any tools supplied by their employer which are lost whilst securely stored at the employer's premises.
- (k) If an employer has provided tools or paid a tool allowance to an apprentice prior to (*insert date of award variation*), the retail value of the tools or the amount of the allowance will be deducted from any entitlements of the apprentice under this clause.
- (l) Where an apprentice is re-indentured with a different employer, the provisions of this clause shall apply with equal effect to the apprentice's new employer in relation to the residual term of apprenticeship but so that the collective obligations of the several employers does not exceed the requirements of this clause when applied to one employer.