



FairWork
Commission

REPORT TO THE FULL BENCH

Fair Work Act 2009

s.156 – 4 yearly review of modern awards

4 yearly review of modern awards – award stage

(AM2019/17)

Vehicle Manufacturing, Repair, Services and Retail Award 2010

(MA000089)

COMMISSIONER BISSETT

MELBOURNE, 24 DECEMBER 2019

[1] On 18 December 2019 the Commission conducted a conference of parties with an interest in the Vehicle Manufacturing, Repair, Services and Retail Award to consider a range of proposed amendments to the Exposure Draft.

[2] Arising from that conference a number of variations to the Exposure Draft for the Award have been agreed to by the parties.

[3] A list of the agreed amendments is at Attachment A to this report.



COMMISSIONER

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Variations to Vehicle Manufacturing, Repair, Services and Retail Award Exposure Draft

1. Clause 2 - Definition of ‘automotive parts interpreter—specialist’

- The words are to be bolded in line with other formatting.
- The word ‘and’ to be added at the end of the 2nd dot point.
- The word ‘or’ needs to be added at the end of the 3rd dot point.

2. Clause 2 - Definition of ‘Dismantler’

- the definition should be deleted as a dismantler is not covered in the classification structure of the award.

3. Clause 11.4 - Casual Employees – casual loading

- In clause 11.4(a) insert a comma after ‘clause 11.5’.
- In clause 11.4(a) amend the second last row of the first column to read ‘First 3 hours of overtime’.
- In clause 11.4(a) amend the last row of the first column to read ‘After the first three hours of overtime’.
- Amend clause 11.4(c) to read ‘For the purposes of clause 11.4(a), the relevant minimum hourly rates are set out in clauses 16.2, 16.3, 16.6(a), 16.6(c) and 16.7.’
- Delete clause 11.4(d).

4. Clause 12.2(b) - Junior employees – Prohibited work

- In clause 12.2(b) delete the word ‘However’ and replace it with ‘Notwithstanding clause 12.2(a)’.

5. Clause 16.6 - Minimum rates – unapprenticed juniors

- In clause 16.6(b) Delete ‘Driver – courtesy vehicle in relation to sales or sales promotion or in the course of collection from or delivery to customer’ and insert:

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

- The proposal to delete ‘dent knocker’ from clause 16.6(d) is withdrawn.
- In response to the Commission’s note at clause 16.6(d) it is agreed to delete the reference to ‘Driver of a commercial vehicle under 8 tonnes’

6. Clause 16.9(b) - Junior apprentices – calculation of wage rates

- It is agreed that the actual dollar rates (in addition to % figures) be included in the table at clause 16.9(b) as follows:

Year of Apprenticeship	Has not completed Year 12 (calculated as a % of the Tradesperson's Level R6 weekly rate)	Weekly minimum rate of pay	Has completed Year 12 (calculated as a % of the Tradespersons Level R6 weekly rate)	Weekly minimum rate of pay
Stage 1 or 1st year	50%	\$431.25	55%	\$474.38
Stage 2 or 2nd year	60%	\$517.50	65%	\$560.63
Stage 3 or 3rd year	75%	\$646.88	75%	\$646.88
Stage 4 or 4th year	88%	\$759.00	88%	\$759.00

7. Clause 22.3 - Ordinary hours of work and rostering

- Amend clause 22.3 to read:

‘Subject to clause 22.5 an employee may not be required to work more than 10 ordinary hours per day.’

8. Clause 24.3 - Overtime rates

- Add a new clause 24.3(e) to read:

‘**24.3(e)** In calculating overtime each day’s work stands alone.’

9. Clause 25 - Shiftwork Penalties

- The title of the clause and the wording in 25.1 be amended to read ‘shiftwork penalty rates’. A commensurate change to be made to clause 27.5(c)(ii).

10. Clause 27.1 - Hours of work

- Delete the words ‘as prescribed by clause 19’ from clause 27.1(a).
- In response to the note from the Commission the changes to clause 27.3(c) are confirmed.

11. Terminology of rates

- The term ‘shiftwork penalties’ where it appears in clauses B.1.2, B.1.4(b), B.1.5(b), B.1.6(b), B.3.2, B.3.6(b), B.5.2 and B.6.2 should be changed to ‘shiftwork penalty rates’.

12. Clauses B.3.4(a) and B.3.6(a)

- In response to the note from the Commission the parties agree to the insertion of ‘after midday’ into the heading of column 3 in each table.

13. Renumber table in Schedule B

- Table B.3.5 be renumbers as B.3.4(c) and subsequently B.3.6 be renumbered B.3.5.

14. Schedule B tables

- The following changes be made to the headings of tables in Schedule B:

Table:	Column number:	Delete current heading and insert:
B.1.1	2	Monday to Friday
B.1.4(a)	2	Monday to Friday
B.1.5(a)	2	Monday to Friday
B.1.6(a)	2	Monday to Friday
B.2.4(a)	2	Monday to Friday
B.3.1	2	Monday to Friday, Saturday before midday
B.3.4(a)	2	Monday to Friday, Saturday before midday
B.3.6(a)	2	Monday to Friday, Saturday before midday
B.5.1	2	Monday to Friday
B.6.1	2	Monday to Friday

15. Schedule B

- Amend arithmetical errors in Schedule B as follows:

Table	Reference	Column	correction
B.7.1	RS&R Vehicle Sales Employees – Casual employees – RS&R Level 4 Vehicle salesperson (less than 6 months experience) SUNDAY	4 (Sunday)	\$43.08 (not \$42.08)
B.7.1	RS&R Vehicle Sales Employees – Casual employees – RS&R Level 4 Vehicle salesperson (more than 6 months experience) SUNDAY	4 (Sunday)	\$45.40 (not \$45.45)
B.7.2	Casual junior RS&R vehicle sales employees – Sunday rate – 20 years	4 (Sunday)	\$34.12 (not \$34.02)