



17 July 2015

Associate to Vice President Hatcher  
Fair Work Commission  
Terrace Tower  
80 William Street  
East Sydney NSW 2011

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[amod@fwc.gov.au](mailto:amod@fwc.gov.au)

Dear Associate,

**AM2014/196, AM2014/197: 4 Yearly Review of Modern Awards – Common Issue  
- Casual Employment and Part Time Employment**

Please find attached with this correspondence a draft determination for a variation sought by the Australian Manufacturing Workers Union – Vehicle Division (AMWU) to the *Vehicle Manufacturing Repair Services and Retail Award 2010 (Award)*. This draft determination has been filed in accordance with the directions of the Full Bench dated 29 June 2015.

The AMWU is also seeking other variations to the Award as part of the common claim being co-ordinated by the ACTU. These variations are directly covered by the list of issues set out in direction [1], and will be filed separately by the ACTU on behalf of the AMWU.

In relation to the draft determination attached to this correspondence, we make the following comments.

The variation proposed is currently the subject of Award review proceedings AM2014/93 and has already been the subject of detailed submissions previously filed by the AMWU and other parties. A hearing for a determination of this matter is currently scheduled to occur on 10 August 2015 before a Full Bench of the Commission led by his honour Vice President Hatcher.

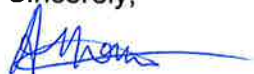
The variation affects all employees engaged pursuant to the Award including full time, part-time and casual employees and adopts the numbering applied in the exposure draft Award published on 2 April 2015. The variation proposed is not listed in the schedule attached to the directions issued on 29 June 2015 but has been filed in these proceedings as they relate to an issue which is “relevant to part-time and casual employment” (Transcript of proceedings, AM2014/196, AM2014/197, Vice President Hatcher at PN61).

However, given the proposed variation does not solely relate to part-time and casual employees and has already been the subject of much discussion in the Award specific review proceedings, it is the preference of the AMWU that this variation remain part of the proceedings in matter AM2014/93.

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Workers' Union  
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If you have any questions in relation to this correspondence please feel free to contact me on 03 9230 5791 or 0418 140 562.

Sincerely,



Alessandra Moussa  
**National Industrial Officer**  
**AMWU – Vehicle Division**

# **DRAFT DETERMINATION**

*Fair Work Act 2009*

Part 2-3, Div 4 – 4 Yearly reviews of modern awards

## **Vehicle Manufacturing, Repair, Services and Retail Award 2010** (ODN AM2014/196 & AM2014/197) MA000089

Vehicle industry

VICE PRESIDENT HATCHER  
SENIOR DEPUTY PRESIDENT HARRISON  
SENIOR DEPUTY PRESIDENT HAMBERGER  
COMMISSIONER ROE  
COMMISSIONER BULL

MELBOURNE, XX YYY 2016

*Review of modern awards to be conducted.*

[1] Further to the Decision and Reasons for Decision <<DecisionRef>> in <<FileNo>>, it is determined pursuant to section 156(2)(b)(i) of the *Fair Work Act 2009*, that the *Vehicle Manufacturing, Repair, Services and Retail Award 2010* be varied as follows:

[2] Delete the existing clause 33.4 and insert the following new clauses:

“33.4 The maximum daily ordinary hours will be 10 per day.

33.5 Ordinary hours will be worked continuously except for meal, rest and/or crib breaks.

### **Transitional Provision**

33.6 Employers providing services in the mining or infrastructure industries under existing contractual arrangements when this variation takes effect may continue applying maximum daily ordinary hours of up to 12 per day until their existing contract expires. The varied term will apply to any new, varied or renewed contracts entered into by these employers after the variation takes effect.

[3] Renumber current clause 33.4(b) to new clause 33.7.

[4] Renumber current clause 33.5 to clause 33.8.

[5] The determination shall operate on and from XX YYY 2016.

VICE PRESIDENT