

From: Lena Lettau [<mailto:lena.lettau@amwu.asn.au>]
Sent: Monday, 19 December 2016 5:14 PM
To: Chambers - Hatcher VP
Subject: AM2014/93 - Documents

Dear Associate,

Please find **attached** the following documents relevant to tomorrow morning's proceedings in respect of the AM2014/93 matter:

1. Proposed coverage clauses for the *Vehicle Repair, Service and Retail Award* and *Manufacturing Award*.
2. Table of issues identified by the parties.

As we will be attending the report back in Melbourne I thought it best to email these documents through in advance.

Kind Regards,

Lena Lettau | National Industrial Officer

Please note that I do not work on Fridays

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I respectfully acknowledge Traditional Owners and Custodians of the Country on which I work.

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

A. Manufacturing Award

3. Coverage

3.1 This award covers employers throughout Australia of employees in the Manufacturing and Associated Industries and Occupations who are covered by the classifications in this award and those employees.

3.2 The award does not cover:

- (a) an employer who is outside the scope of clause 3.8(a) or (b) unless such an employer employs an employee covered by clause 3.8(c) and the employer is not covered by another modern award containing a classification which is more appropriate to the work performed by the employee; or
- (b) exempt employers and employees, as set out in clause 3.10.

3.3 This award does not cover:

- (a) employees excluded from award coverage by *Fair Work Act 2009* (Cth) (the Act);
- (b) 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
- (c) 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.

3.4 This award covers any employer which supplies labour on an on-hire basis in the industry (or industries) set out in clauses 3.8(a) or (b) 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 (those industries).

3.5 This award covers any employer which supplies on-hire employees in occupations set out in clause 3.8(c) covered by the classifications in this award and those on-hire employees, if the employer is not covered by another modern award containing a classification which is more appropriate to the work performed by the employee.

3.6 Clauses 3.4 and 3.5 operate subject to exclusions from coverage in this award.

3.7 This award covers employers which provide group training services for apprentices and/or trainees engaged in the industries and/or parts of industry and/or occupations set out at clause 3.8 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 in clause 3.8 are being performed. Clause 3.7 operates subject to the exclusions from coverage in this award.

3.8 Manufacturing and Associated Industries and Occupations means:

(a) the following industries and parts of industries:

- (i) the manufacture, making, assembly, processing, treatment, fabrication and preparation of:
 - the products, structures, articles, parts or components set out in clause 3.9; or
 - the materials or substances set out in clause 3.9; or
 - any products, structures, articles, parts or components made from, or containing, the materials or substances set out in clause 3.9.
- (ii) the coating, painting, colouring, varnishing, japanning, lacquering, enamelling, porcelain enamelling, oxidising, glazing, galvanising, electroplating, gilding, bronzing, engraving, cleaning, polishing, tanning, dyeing, treatment and finishing of any of the items referred to in clause 3.8(a)(i).
- (iii) the repair, refurbishment, reconditioning, maintenance, installation, testing and fault finding of:
 - any of the items referred to in clause 3.8(a)(i); or
 - floor covering; or
 - plant, equipment and buildings (including power supply) in the industries and parts of industries referred to in clauses 3.8(a)(i) and (ii); or
 - plant, equipment and buildings (including power supply) in any other industry.
- (iv) mechanical and electrical engineering.
- (v) space tracking.
- (vi) farriery (other than in the racing industry).
- (vii) bottle merchants.
- (viii) the printing and processing of photographs from film.

(ix) every operation, process, duty and function carried on or performed in or in connection with or incidental to any of the foregoing industries, parts of industries or occupations.

(x) handling, sorting, packing, despatching, distribution and transport in connection with any of the foregoing industries or parts of industries.

(xi) the industries and parts of industries in clause 3.8(a)(xii) in respect of:

- employers and employees who were covered by Section 2 – Vehicle Manufacturing Employees, Section 3 – Drafting, Planning and Technical Employees, and Section 4 – Supervisory Employees of the *Vehicle Manufacturing, Repair, Services and Retail Award 2010* on 31 December 2017; and
- employers established after 31 December 2017 that are principally engaged in one or more of the industries or parts of industries in clause 3.8(a)(xii) and are not a successor, assignee or transmittee of a business that was previously covered by this Award, and their employees.

(xii) For the purposes of clause 3.8(a)(xi), the industries and parts of industries are:

- 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; and
- manufacturing, assembling, fabricating, installing, servicing, maintaining, reconditioning or repairing of engines or vehicle servicing equipment and agricultural machinery or implements or the like.

(xiii) Clauses 3.8(a)(xi) and (xii) operate from 1 January 2018.

(b) the provision of any of the operations or services set out in clause 3.8(a) on a contract basis by one business to another business, where the first business is independent of the second business.

(c) the following occupations:

- (i) maintenance employees in the engineering streams.
- (ii) technical workers.
- (iii) draughtspersons.
- (iv) production planners.
- (v) trainee engineers.
- (vi) trainee scientists.

(vii) engine drivers.

3.9 For the purposes of clause 3.8(a)(i), the products, structures, articles, parts, components, materials and substances include:

- (a) all products made from, or containing, steel, iron, metal, sheet metal, tin, brass, copper and non-ferrous metal.
- (b) melting and smelting of metals.
- (c) articles made from wire and the drawing and insulation of wire.
- (d) industrial gases.
- (e) ships, boats, barges and marine vessels of all descriptions, and components.
- (f) aircraft and components.
- (g) locomotives, rolling stock, railway line and components.
- (h) motor engines, motor cars, motor cycles and other motor driven vehicles and components.
- (i) industrial machinery.
- (j) tools, saws, dies, gauges and moulds.
- (k) electrical, electronic, telecommunications, lighting, radio, television and X-ray products, equipment, apparatus, installations, appliances, devices and signs.
- (l) recording, measuring and controlling devices for electricity, fluids, gases, heat, temperature, pressure, time, weight, mass, etc.
- (m) stoves, ovens, steam cookers, refrigerators, kitchenware, household utensils, irons, radiators, heaters, furniture, toys, sporting goods, perambulators, window frames, agricultural implements, machinery and appliances, safes, strong rooms, wet batteries, dry batteries, metallic containers, canisters, drums, lifts, elevators, air-conditioning plant/equipment, bridges, girders, gates, fences, frames, engine packing, brushes and brooms.
- (n) insulation materials and articles.
- (o) clay and ceramic articles, including but not limited to bricks, refractory bricks, terra cotta products, tiles, pipes, pottery, tableware and flower pots.
- (p) jewellery, watches and clocks (including cases), badges, name-plates, precious metal products and precious stones.
- (q) medical and optical instruments, appliances and equipment, including but not limited to spectacles, contact lenses and artificial limbs.
- (r) brake linings, disc pads, clutch facings and other friction materials for automotive or other industrial applications.

- (s) all products made from or containing plastic or rubber, or substitutes for plastic or rubber.
- (t) synthetic resins, powders, tablets, etc, used in the plastics industry.
- (u) duperite, bakelite, casein or similar compositions, synthetic rubberlikes, guttaperchalikes, rubberlike plastics, nitrocellulose, celluloid, leathercloth and elastomers.
- (v) thermoplastics and thermo-setting plastics, cellulose plastics, perspex, cellulose acetate butyrate, polymethyl methacrylate, nylon 66, polyethylene terephthalate, acronitrile-butadiene-styrene, epoxy resins, laminates of all descriptions, polymers of all descriptions and all long chain organic materials generally known as plastics.
- (w) transmission cables which encompasses power and communication cables (including single strand) whether insulated or not.
- (x) abrasive wheels and stones, bounded abrasives, articles or goods containing a thermoplastic and/or a thermosetting plastic and allied products.
- (y) all types of tapes including pressure sensitive tapes, cellulose adhesive tape, masking, cloth, metal, paper, plastic tapes in rolls or sheet form, films, papers or cloth surface coated with abrasives, and abrasive coated materials and abrasive coated and/or uncoated articles of all descriptions, impregnated and/or coated or uncoated films, papers or cloths, plastic ribbons, adhesives, laminates, sealers, coatings and elastic cements, and associated machinery and/or dispensing equipment using any of the above products.
- (z) gelatine, glue, agar, and their by-products, dried residues, filter earth dextrine and adhesives of all descriptions, and other like materials.
- (aa) artificial fertilizers, chemicals, alkalis and all processes involving chemical synthesis.
- (bb) fungicides, insecticides, vermin destroyer and weed destroyer (except for spraying, fumigating, poisoning or otherwise applying such substances).
- (cc) paint, decorative or protective surface coatings or coverings and associated products.
- (dd) rope, cordage, twine, yarn, thread and braid made from jute or flax and/or any fibre or synthetic fibre in substitution therefore and all products made from such rope, cordage, twine, yarn, thread and braid.
- (ee) skins, pelts, leather, canvas, fibre, vulcanised fibre, webbing, bark and other tanning extracts and all substitutes and all products made therefrom, including but not limited to saddles, harnesses, whips, machine belting, sporting goods, travel goods, handbags, wallets, belts, gloves, hats, sails, tents, tarpaulins, umbrellas, parachutes, car seats, gaskets, beach shelters, deck chairs, cargo nets, shipsgear and life jackets.
- (ff) all types of flat glass and fibreglass, and all substitutes, and all products made therefrom including but not limited to flint ware, bottles,

containers, jars, bricks, light bulbs, opal ware, pyrex ware, translucent reinforced sheeting, tubing, rods and lamp shades.

- (gg) gypsum, plasterboard, fibre cement and similar materials and all products made therefrom.
- (hh) furnishings made from cane, bamboo and other like materials.
- (ii) upholstery, furnishing drapery, blinds, screens, awnings, mattresses and bedding.
- (jj) flooring products made from other than wood.
- (kk) picture frames made from other than wood.
- (ll) musical instruments made from other than wood.
- (mm) non-food grocery products including candles, soap, soap powders and extracts, soda, blue (washing), boot blacking, boot polish, boot paste, boot stains, blacklead, charcoal, coal dust, cloudy ammonia, dubbin, ebonite shine, furniture polish, glycerine, greasers, harness dressing, harness compounds, ink, knife polish, kindlers, linoleum and oilcloth polish, metal polish, moulders, blacking, oils, phenyle, plumbargo preparations, stove polish, and vaseline.
- (nn) refractory materials.
- (oo) cork and cork products.

3.10 Manufacturing and Associated Industries and Occupations does not mean:

- (a) plumbers, unless employed in establishments covered by this award.
- (b) the sugar industry, unless the work is carried out by contractors covered by this award who are performing work in sugar mills, bulk sugar and molasses terminals, sugar refineries and sugar industry research organisations.
- (c) security personnel.
- (d) gardeners.
- (e) cleaners, unless the cleaning work is incidental to the performance of other work covered by this award or the employee is employed most of the time in cleaning work in factories covered by this award, provided that this award does not cover contract cleaning companies.
- (f) with regard to locomotives, rolling stock, railway lines and components, work carried out by employees of a Rail Transport Operator or on-site in the building and construction industry.
- (g) with regard to transmission cables, installation and maintenance work carried out in the power industry, telecommunications industry or on-site in the building and construction industry.

- (h) employees of electrical contractors, being any entity principally engaged in the business of providing electrical services on a contract basis.
- (i) employers or employees engaged in glass and glazing work or glass and glazing contracting covered by the *Joinery and Building Trades Award 2016*.
- (j) ~~an employer who, on 31 December 2009 was engaged in the manufacture and/or assembly of metal parts or accessories and was bound to observe the *Metal, Engineering and Associated Industries Award 1998*.~~

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

B. 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, **customising, modifying** and/or parking of motor vehicles of all kinds, including caravans, trailers, **motorcycles, agricultural machinery, trailable boats** 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

COMPARISON OF VMRSR AWARD 2015 (4 Nov ED) AND VRSR AWARD 2016 (22 April ED)

Key:

VMRSR - Vehicle Manufacturing, Repair, Services and Retail

VRSR - Vehicle Repair, Services and Retail

ED: Exposure Draft

Issues to be considered further by parties

Drafting errors, including typographical mistakes, incorrect clause references and insertion of MA10 clause instead of VMRSR clause

Issue number	Clause Reference VMRSR Award Exposure Draft (4 Nov 2015)	Proposed Clause/Change VRSR Award Exposure Draft (22 April 2016)	Comments	AMWU, VACC and Ai Group comments
1	1.3 (Title & Commencement re Schedule H)	Deleted clause 1.3	Not sure why this clause has been deleted, it should remain as it is a useful guide to the application of the definitions in Schedule H.	Agree in principal.

2	3.1 (Coverage)	Removal of clauses 3(e) and (f) from VRSR (placed into MA)	The parties are close to reaching agreement on an amended coverage clause. There are a number of concerns with the current drafting which the parties are attempting to address. These include ensuring clarity on which award applies where there is an apparent overlap in terminology, the ongoing application of Vehicle Manufacturing coverage and the proper scope of the <i>Vehicle Repair, Service and Retail</i> award coverage.	Subject to further discussions.
3	3.2(Coverage)	Removal of this clause from the VRSR	Retaining clause 3.2(a) would provide for a useful link to the relevant classifications and definitions contained in Schedule A, which would aid in determining the scope of the award's coverage.	This issue is being dealt with in discussions on coverage and is, as such, also subject to further discussions.
4	5 (Facilitative Provisions)	Amended drafting (contained in clause 5 of VRSR) to separate table of facilitative provisions for where agreement is required by individual, majority or individual and majority of employees	The inclusion of the three tables is a positive amendment that was agreed on by the parties, however there remain a few drafting issues with reference to clauses. These include:1. The table in clause 5.2 refers to clause 12.2 as a provision applying only to agreement between an employer and an individual employee. This changes the application of clause 12.2 from the former equivalent clause at 13.2 (VMRSR 2015). This provision needs to be moved to the table in clause 5.4. See reference to clause 12.2 below for further comment.2. The reference to clause 22.3 in the table at clause 5.2 needs to be changed to 22.3(d) for accuracy.3. Clause 12.1(b) now includes reference to an individual agreement as well as by majority agreement. Therefore the reference to 12.1 in the table at clause 5.3 should be identified as 12.1(a) and a reference to 12.1(b) should be inserted into the table at clause 5.4.	The parties think this would be best addressed when the award is finalised.

4	6.2 (Types of employment)	6.2	<p>This clause has been redrafted - not clear why the change is necessary. Prefer the original drafting, as follows:</p> <p>Clause 6.2 (VMRSR) - "Unless specified otherwise in this award, employment will be by the week. An employee not specifically engaged as a casual employee will be paid by the week."</p> <p>Clause 6.2 (VRSR)- "employer shall specify whether an employee is engaged on a full time or part time basis."</p>	<p>MTAs prefers new clause. Ai Group ok either way. AMWU prefers old clause.</p> <p>AMWU: Content to accept amendment, but want to see the second sentence from the VMRSR clause carried across, as the current clause does not capture the condition re casuals.</p> <p>Parties to consider further.</p>
5	6.4(j) (Part time employees)	6.3	<p>It appears that the provision at 6.3 in the VRSR has been taken from clause 6.4(j) (VMRSR). This shifts it from a provision governing part time workers to all workers and therefore changes the meaning of its application. It is not clear why this change has been made and further it does not make sense to place it under the 'Types of Employment' clause.</p>	<p>The clause is actually correct - it was incorrectly placed in the VMRSR ED and should, in fact, apply to all employees (as it does in the VRSR ED).See 6(c) (i)AMWU agree.</p>
6	6.4(g) and (h) (Part-time employees)	6.5(g)	<p>The VRSR combines clauses 6.4 (g) and (h) from the VMRSR. This is confusing because it has combined two separate concepts together. This is an unnecessary change.</p>	<p>Parties agree to accept change.</p>
7	6.5(c) (Casual loading)	6.6(c)	<p>The paragraph under the table should retain a clause reference.</p>	<p>Parties agree in principal.</p>
8	6.6 (Casual conversion to full-time or part-time employment)	6.7	<p>This clause should have a note that these provisions are subject to review in the AM2014/196 & 197 matters.</p> <p>Clause 5 should be 6.7(d).</p>	<p>Parties agree in principal.</p>

9	8.2 (Apprentices)	8 (These classifications have been removed)	<p>The following classifications have been removed:</p> <ul style="list-style-type: none"> - (e) boilermaker; - (h) electrical mechanic; - (n) moulder and/or coremaker (jobbing); - (w) wood machinist <p>Question whether the removal is appropriate</p>	Parties agree that (e) and (n) should be removed, but (h) and (w) should remain in the VRSR.
10	11 (Breaks)	22	<p>Meal & Rest Breaks – sub-clause (a) excludes only ‘console operators’ and no other categories of service station employees. However any exclusion will also result in the extension of up to 6 hours for meal breaks not applying to such staff as currently exists. The drafting of clauses 22.1 and 22.2 is problematical as it needs to interact with clause 23.1 which deals with the special provisions applying to driveway attendants, roadhouse attendants and console operators. The provision also contains drafting issues that may require addressing. Finally, it does not reflect the position of the parties in the Report to the Full Bench dated 29 September 2015.</p>	New issue raised by MTAs, other parties to consider.
11	31.1 (Classifications)	10.1		Parties support the incorporation of the agreed clause. The following clause references also need to be changed, as follows: 33.1 should be 10.133.4 should be 11.233.5 should be 11.3 Schedule B should be Schedule A
12	31.1 and 31.2 (Classifications)	10.1	The drafting of clauses 22.1 and 22.2 is problematical as it needs to interact with clause 23.1 which deals with the special provisions applying to driveway attendants, roadhouse attendants and console operators.	Parties agree that a split provision is preferable

13	32.6(a) (Unapprenticed Juniors)	11.6(a)	Clause 11.6(a) of the VRSR contains an amended introductory statement which has the effect of extending the work that an Unapprenticed Junior employee can do compared to the equivalent VMRSR clause, at 32.6(a). In the VRSR an Unapprenticed Junior is now able to perform work under the classifications of a Level 1, 2 or 3, as set out at Schedule A. This differs markedly from the type of work that they were previously limited to under clause 32.6(b) in the VMRSR. The drafting has failed to both transfer roles from the VMRSR across to the VRSR (for example Electroplater- 2nd class) and included approximately 20 new roles that an Unapprenticed Junior can perform (for example Brake Servicer). This represents a substantial change to the scope of the provision.	Parties to consider further. VACC is to draft a proposed amendment.
14	32.6(a) (Unapprenticed Juniors)	11.6(a)	It is unclear why the dollar amount in this table has been deleted from the VRSR, it should be included for the purpose of making the award simple to understand.	Parties agree that the clause should be amended to include a reference to the relevant wage provisions in Schedule B. This would assist ease of understanding.
15	32.6(b) (Unapprenticed Juniors)	No equivalent - deleted	This clause has not been transferred to the VRSR. These deleted classifications have been replaced by Levels 1-3 in Schedule A. Aside from the addition of new roles, the effect of this is that an Unapprenticed Junior can now work as a Level 3 and been paid as a Level 1.	As above (issue 13), the parties are to consider this further.
16	32.6(c) (Unapprenticed Juniors)	11.6(b)	As in clause 11.6(a), the dollar amount has been deleted in this table. It should be included for the purpose of making the award simple to understand.	As above (issue 14),the parties agree that the clause should be amended to include a reference to the relevant wage provisions in Schedule B. This would assist ease of understanding.

17	32.6(d) (Unapprenticed Juniors)	No equivalent - deleted	As with clause 32.6(b), this provision has not been transferred to the VRSR. Instead, the classifications under Level 4 apply at Schedule A. There is some discrepancy in the roles identified between the two awards, this should be addressed.	As above (issue 13), the parties are to consider this further.
18	32.9(c) (Junior Apprentices)	11.9(c)	There is a drafting error whereby the clause refers to 2015 when it should be 2014.	Parties agree in principal.
19	13.1 (Payment of wages)	12.1(a) & (b) (Frequency of payment)	The drafting of this clause has been entirely altered. We note that the wording has been taken directly from the equivalent clause in the Manufacturing Award 2010. No explanation as to why this change was necessary has been given. We say it is inappropriate and that the VMRSR provision should be preserved.	Parties agree that retaining the status quo is preferred - pending decision from Full Bench in the AM2016/9 Payment of Wages proceedings.
20	13.2 (Payment of wages)	12.2 (Method of payment)	The reference to wages being paid by the majority has been removed. Further, the reference to the wage costs being paid by the employer has been deleted. This substantially alters the meaning of the clause and should be addressed.	Parties agree that retaining the status quo is preferable. NB: The parties position on this is subject to the model clause decided upon.

21	13.2 (Payment of wages)	12.2(a) & (b) (Frequency of payment)	The wording and meaning of this clause has been changed considerably, as follows:1. Now an employer has discretion to pay by direct transfer or cash. 2. The removal of the obligation to reach agreement with a majority or individual employees (via the Facilitative Arrangements) to be paid by bank transfer or cheque. 3. The reference to the obligation on an employer to pay any fees associated with the transfer of funds has been removed. We note that the wording of clause 12.2 has also been taken from the Manufacturing Award 2010 with no explanation for the change having been given by the Commission. We say this change is unnecessary and that it represents a loss of beneficial entitlement to employees covered by the VRSR.	Parties agree that retaining the status quo is preferable.To confirm position of Ai Group.
22	13.3 (Payment of wages)	12.1 (Frequency of payment)	The wording and meaning of this clause has been substantially changed, with the VMRSR equivalent (clause 13.3) being significantly more comprehensive. This has resulted in many of the provisions regarding payment of wages being lost, for example the loss of clause13.3(c) which deals with the process to be adhered to when an established pay day/period is changed.	Parties agree that retaining the status quo is preferable. To confirm position of Ai Group.
23	13.4 (Payment of wages on termination of employment)	12.3	This entire clause has been replaced and taken from the Manufacturing Award 2010. It removes reference to an employee having to be paid if they must attend the employer's place of business and be paid for 4 hours. The former provision is more beneficial. No explanation of the change has been given by the Commission. The change is unnecessary.Note that this clause is being reviewed in AM2014/8.	Parties agree that retaining the status quo is preferable.

24	No existing provision	12.4 (Day off coinciding with pay)	Taken from the Manufacturing Award. No explanation of the change has been given by the Commission. Change unnecessary.	Parties agree that retaining the status quo is preferable.
25	No existing provision	12.5 (Wages to be paid during working hours)	Taken from the Manufacturing Award. No explanation of the change has been given by the Commission. Change unnecessary. The heading should also be in bold.	Parties agree that retaining the status quo is preferable.
26	No existing provision	12.6 (Absences from duty under an averaging system)	Taken from the Manufacturing Award. No explanation of the change has been given by the Commission. Change unnecessary.	Parties agree that retaining the status quo is preferable.
27	13.6 (Make-up time)	No equivalent	This provision has been deleted from the VRSR. This represents a loss of entitlement.	Parties agree that retaining the status quo is preferable.
28	16.3 (Inspectors Allowance)	No equivalent - deleted	This common entitlement has been removed and represents a loss.	Parties agree that this allowance and those following were brought across from the VIA and therefore should remain in the VRSR - Inspectors allowance 5.1.2 (ii)
29	16.4 (Carpenters Allowance)	No equivalent - deleted	This common entitlement has been removed and represents a loss.	Carpenters:5.1.2 (a) (iii) (H)
30	16.15 (Height Money)	No equivalent - deleted	This common entitlement has been removed and represents a loss.	Height (vi) 5.1.2 (c)
31	16.17 (Boiler House Employee)	No equivalent - deleted	This common entitlement has been removed and represents a loss.	Boiler House (xi) 5.1.2 (c)

32	16.2 (Foundry Allowance)	No equivalent - deleted	This common entitlement has been removed and represents a loss.	Foundry (c)(xv) 5.1.2
33	17.1 (Tool Allowance)	15.5(b)	Incorrectly refers to classifications in clauses 11.8 - 11.10; should be 8.2	New issue raised by MTA parties to consider
34	17.2 (Meal Allowance)	15.1	The wording of this clause has been changed without explanation.	This clause is different to the equivalent in the VMRSR - see clause 19.5. Parties agree in principal.
35	17.3 (Travelling time, accommodation and meals)	15.2	Heading should be 'Travelling time' only (the previous award was incorrect here too). This issue was subject to an MTA application on 24 March 2015. It was supported by the AMWU and Ai Group.	The parties agree in principal.
36	18.1(a) and (b) - (Clothing, equipment and tools)	15.7(a)	Incorrect reference to clause 15.1 - should be 15.5.	The parties agree in principal.
37	18A.3 (Accident pay)	16	At 16.3 here should be no subclause (a) .	The parties agree in principal.
38	18A.7 (When not entitled to payment)	16.7	Typo error - subclause (a) and (b) should be combined.	The parties agree in principal.

39	33.1 (Ordinary hours work, break and rostering)	18.1	Additional text added to this clause in contrast to the equivalent provision in the VMRSR (clause 33.1).	Parties agree that retaining the status quo is preferable.
40	33.1 (Ordinary hours work, break and rostering)	18.1	The ordinary hours of work clause requires amendment. Sub-clause (18.1) of Draft Exposure Award includes application to vehicle salespersons classifications. Restriction of ordinary hours to a maximum of five days in week in Clause 18.2 is in conflict with vehicle salespersons conditions in clause 24 which allows for 1 ½ days or 3 days off per week/fortnight	New issue raised by MTAs, parties to consider further.
41	33.12 (Ordinary hours of work, breaks and rostering)	18.2(e)	The equivalent Vehicle Manufacturing provision should be included here (clause 40.3(a)), as it is more appropriate. This would mean that clause 18.2(e) would state, '... between the employer and an employee or the majority of employees '.	Parties agree that retaining the status quo is preferable.
42	No existing provision	18.5(a) Twelve hour shift	A sub-clause (vi) should be introduced in order to make the "implementing the work cycles in clause 18.2" effective; otherwise there will not be consistency in terms of consistency for work hours.	Parties to discuss further
43	No existing provision	18.5(b) Maximum hours per day	This provision does not reflect any proposal put by any party. This clause should in fact be drafted as a facilitative clause as suggested by Vice President Hatcher in the 10 August 2015 hearing.	Parties agree that the reference to 1 Jan 2016 should be 2018. This issue indicated here is a new issue raised by the MTA which parties still need to consider.

44	21.1(c) (Overtime)	20.1	Inappropriate exclusion of reference to employees working in fuel retailing establishments.	The parties agree in principal.
45	21.2(a) (Definition of overtime)	20.2	Incorrect reference in clause to clause 17, should be clause 18.	The parties agree in principal.
46	21.3(d) (Overtime rates)	20.3(d)	Incorrect reference to clause 12.7 - should be a reference to make-up time (clause 12.6 which has been deleted from the Award. See notes in clause 13.3 above).	Parties agree that the clause should be re-introduced and the reference corrected.
47	35.6 (Shift work penalties)	No equivalent - deleted	This provision has been unnecessarily deleted - it should fit in between 21.5 and 21.6 of the VRSR. It should then reference 14.16.	Parties to consider further.

48	37.1(a) (Ordinary hours of work and rostering)	23.1 (a)	<p>This clause is the subject of a substantive application by the SDA in AM2014/93. Variation 8 in Submissions dated 25 March 2015 deal with this. The change was proposed by SDA but is supported by the AMWU, AWU, MTA and VACC. The change sought is to have clause 23.1(a)(i) removed from the award and for driveway attendants, console operators and roadhouse attendants to be covered by the meal and rest breaks provision at clause 22.1 In order for this to be given effect clause 22.1(a) would also need to be removed. The ED draft does not give effect to this proposal. No explanation has been provided as to the Commission's position on this application. Casual rates for driveway and roadhouse attendants and console operators as expressed in terms of percentages (%) is opposed. There has been no discussion between the parties which accepted amending current hourly rates which reflect the historical position. Expressing the rates as a % of the relevant hourly rate will make it harder for the employer and employee to work out the applicable rates. The rounding of the hourly rate plus percentages rounded to only 2 decimal places, will not reflect the current rates of pay.</p>	<p>This issue needs to be considered further when the status of the decision on the SDA application is clarified.</p>
49	37.2 (Prohibited employees)	23.1 (c)	<p>This clause has been redrafted (it has been merged with the clause above)- not clear why change is necessary. Prefer the original drafting.</p>	<p>Parties agree that retaining this provision as a separate clause is preferable.</p>

47	37.4 (Casual rates for driveway attendants, roadhouse attendants and console operators)	23.2	Combined former 37.3 and 37.4. The tables have also be removed and simplified into two tables only (formatting change). Unsure of the ramifications. NB: This clause was also the subject of the SDA's substantive application as well as variation 7 in submissions dated 25 March 2015. Change proposed by SDA but supported by AMWU, AWU.	Parties are content with this amendment, so long as the meaning remains undisturbed. However, the MTAs have raised concerns that their may be further drafting issues with this clause. Parties to discuss further.
48	38.3(a) (i) and (ii) (Penalty rates)	24.3(a)	Removed formatting of sub-paragraphs. Reinsertion is necessary for clarity.	Parties agree that the roman numerals should be re-inserted.
49	No existing provision	24.5 (Minimum remuneration and calculation of wages)	This clause has been the subject of variation 3 in submissions dated 25 March 2015. It is also the subject of further proposals in report dated 29 September 2015 and submissions in the May hearing on MA2014/93. The Commission agreed to make changes to the drafting of this clause, as per request made by the AMWU, SDA and the VACC at paragraph [60] of their 16 August 2016 decision. These changes need to be incorporated into the award.	Parties agree that this clause needs to be amended to reflect the decision of the Commission.
50	38.5 (Calculation of wages (vehicle salespersons))	No equivalent - deleted	Deleted with no justification. This provision needs to be re-inserted.	The parties agree in principal.

51	22.5 (Payment for annual leave)	25.5	This clause was subject to variation 13 of the report of parties dated 29 September 2015. It was the subject of proposed changes by the AI Group to make it clear that shiftworkers do not receive the loading twice if it is already part of the wages they would have received had they not been at work. AMWU proposed alternative changes. Commission determined that the clause is not ambiguous and that the provision reflects the existing payment for annual leave clause in the VMRSR Award (see para [63] of August 2016 decision). We are content with this determination. No further changes sought.	The parties agree in principal.
52	22.5 (Payment for annual leave)	25.5	Note has been deleted. It is still relevant and should be reinserted. NB: Inserted in accordance with paragraph [94] [2015] FWCF 4658	Parties to confirm position. (Decision to be reviewed).
53	23 (Personal/carer's leave and compassionate leave)	26	Drafting inconsistency - clause 26.1 numbering should be removed.	The parties agree in principal.
54	27.3 (Job search entitlement)	30.3	Full Stop needed.	The parties agree in principal.

55	Schedule B - Summary of hourly rates of pay	New schedule	<p>The inclusion of this schedule is a significant change to the award, although overall we support the notion that the wage rates for all classifications and types of employment be contained in the award. We submit, however, that the calculations should be double-checked to confirm their correctness and that some of the calculations are subject to the SDA application regarding pay rates of console operators etc. MTAs additional comments: Summary of hourly rates of pay – inclusion of hourly rates was not requested by parties. A summary was not considered to be not suitable for inclusion in this Award as confirmed by Full Bench in paragraph 62 of their 13 July 2015 decision re ordinary hourly rate of pay.[1] Further, a number of rates in Schedule B are incorrect. (For example, the console operator rates at 20 years of age should not be included with junior rates in B.3.4 (a) & (b) and are wrongly calculated. The overtime rate in B.4.2 for a 20 year old is also in error. NB: During Exposure Draft Award review proceedings it was determined that a schedule would not be included in the VMRSR Award because it would be too complicated.</p>	<p>Parties were provisionally in support of incorporating this schedule, where references to relevant wage rates would be included in each section relevant. The MTAs have requested further discussions on this issue.</p>
56	Schedule C - Summary of monetary allowances	Schedule C -Allowances	<p>See comments in clauses 16 above. Deleted inspectors, carpenter, height money, engaged in boiler house, electric generators or dynamos - boiler attendant or fireperson and foundry allowance. Further, the title at C2 is inappropriate now that the award only cover vehicle industry repair, service and retail employees.</p>	<p>Parties agree that those allowances which came across from VIA should be retained. Further agree that C2 is inappropriate.</p>
57	Schedule D - Supported wage system	Schedule D	<p>Deleted reference to schedule being updated in accordance with PR. This is useful and should be retained.</p>	<p>The parties agree in principal.</p>

58	Schedule G - Part-day public holidays	Schedule G(f)	Paragraph (f) refers to annualised salaries. No previous provision was in the earlier version of the Award. Need to check if it was inserted as part of review proceedings (AM2014/301)	The parties agree in principal.
59	Schedule H - Definitions	Schedule H	Deleted definition of 'all purpose'. This is still relevant because tool allowance and first aid allowance is considered an 'all purpose' allowance under this Award and has now been removed. Further, boiler attendant, fireperson 1st class and leading 1st class; boiler attendant leading 2nd class; boilermaker; core-maker, jobbing; core-maker- machine; dismantler; dogman; drier; electrical mechanic; heat-treater; jig-maker; machine-setter; material chaser or stock to follow up; motor body developer; moulding jobbing; on the line; rigger; spring-maker by hand; structural steel tradesperson; tooling smith; toolmaker; trimmer tradesperson; trouble chaser; wood machinist 1st class have all been deleted. The deletion of these job types needs to be considered further to ensure that none are relevant to the VRSR coverage.	The parties agree in principal.
60	Other comments - MTAs	p130/p132 (Schedule B)	p130 - Reference to junior console operators incorrect p132 - reference to junior driveway attendants/roadhouse attendants incorrect The whole schedule needs to be cleaned up We raised there is another matter re apprentices which went to the Apprentice Full Bench. I believe these 2 issues to be common not award specific issues; namely 8.3 training fees and 8.7 recognition of training and conditions of employment.	Parties to consider further.

61	Other comments - SDA	Re Casual service attendant rates - referenced throughout the Award	The SDA have made submissions in May 2016 in regards to concerns with the current casual service attendant rates in the VRSR ED. See submissions for further details.NB: See above 37.1(a) (Ordinary hours of work and rostering)/23.1(a) for further comments.	AMWU are in support of these submissions. Other parties to confirm current position.
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