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Sent: Friday, 25 May 2018 5:26 PM

To: Chambers - Asbury DP

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Subject: AM2017/56 - Sugar Industry Award 2010

Dear Associate,

Please find attached copy of the AMWU's submissions in the above matter.

The employer and union parties are copied in by way of service.

Kind regards,

Abha Devasia

Research Officer

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Join Australian Unions

IN THE FAIR WORK COMMISSION**Matter No.:** AM2014/247 Sugar Award**Re Application by:** "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union" known as the Australian Manufacturing Workers' Union (AMWU)

Submissions of the "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union" known as the Australian Manufacturing Workers' Union (AMWU)

4 Yearly Review of Modern Awards

About the Australian Manufacturing Workers' Union

The Australian Manufacturing Workers' Union (AMWU) is registered as the "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union". The AMWU represents members working across major sectors of the Australian economy, including in the manufacturing sectors of vehicle building and parts supply, engineering, printing and paper products and food manufacture. Our members are engaged in maintenance services work across all industry sectors. We cover many employees throughout the resources sector, mining, aviation, aerospace and building and construction industries. We also cover members in the technical and supervisory occupations across diverse industries including food technology and construction. The AMWU has members at all skills and classifications from entry level to Professionals holding degrees.

The AMWU's purpose is to improve member's entitlements and conditions at work, including supporting wage increases, reasonable and social hours of work and protecting minimum award standards. In its history the union has campaigned for many employee entitlements that are now a feature of Australian workplaces, including occupational health and safety protections, annual leave, long service leave, paid public holidays, parental leave, penalty and overtime rates and loadings, and superannuation.

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Introduction

1. The Australian Manufacturing Workers' Union (AMWU) makes the following Submissions to the Fair Work Commission (FWC) in support of a claim to insert a tool allowance for apprentices in the Sugar Industry Award 2010 as part of the modern award review process.
2. As part of the 4 yearly review of modern awards the. The AMWU made a claim to have a new tools allowance inserted into the Sugar Industry Award as part of the Group 3 review process.¹
3. In the decision regarding the award stage review of the Group 3 Awards, the FWC said an evidentiary case would be required to determine whether a tools allowance should be inserted into the Award.²
4. In submissions dated 28 November 2017 the AMWU confirmed that it would be pursuing the tools allowance as a substantive claim.
5. These submissions will:
 - a) The legislative provisions and decisions relevant to varying the award.
 - b) Review the history of the allowance and its relationship to the industry.
 - c) Establish the necessity of the claim in maintaining a fair and relevant safety net
 - d) Outline the reasons why the modern award should include a tools allowance for the apprentices in the sugar industry.

Legislative principles and decisions.

6. The commission has broad discretion under s156 of the FW Act as to the conduct of the four yearly reviews of the modern awards. The FWC must ensure that the modern awards, together with the National Employment standards ('NES), provide a fair and minimum safety net of terms and conditions, taking into account the Modern awards Objectives set out in section 134(1) of the FW Act.

¹ <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/am2014230andors-sub-amwu-020315.pdf>
[3]

² https://www.fwc.gov.au/documents/decisionssigned/html/2017fwcfb5536.htm#P2355_215022

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7. Section 138 of the FW Act goes to the importance of the Modern Award Objectives by requiring that the FWC must be satisfied that a modern award only includes terms that are “necessary to achieve the modern awards objective”
8. The FWC needs to ensure a “stable” modern award system. This means that a party seeking to vary the modern award in the context of the award review present a merit based case supported by evidence, and provide the historical context that to the facts of why the variation is sought.
9. The FWC the factors set out in section 134(1)9a)-(h) in the modern awards objective are broad and it is necessary for the Commission to “*review the award and, by reference, to the matters in section s134(1) and any other consideration consistent with the purposes of the objective, come to an evaluative judgement about the objective and what terms should be included only to the extent necessary to achieve the objective of a fair and minimum safety net.*”³

History of the allowance

NSW

10. There were nine pre-modern awards across the two states that were consolidated to create the modern Sugar Industry Award 2010⁴. The coverage clause in each of these awards is quite limited and suggests at that the number of apprentices in the maintenance and engineering classifications would have been covered by the *Metal, Engineering and Associated Industries Award 1998* which provided for a tools allowance for apprentice.⁵
11. In New South Wales the wages and conditions in the sugar industry were determined with reference to the *Metal, Engineering and Associated Industries Award 1998* (Metals Award)⁶ however there were no provision for apprentices in the New South Wales Sugar Industry Interim Award 1992.

³ Construction, Forestry, Mining and Energy Union v Anglo American Metallurgical Coal Pty Ltd [2017] FCAFC 123 [29]

⁴ Bulk Terminals Award- State(AN140048 cli1.6), Sugar Cane Testers Award- State 2003 (AN140281 cli1.6), Sugar Filed Sector Award – State 2005 (AN140282cli1.6), Sugar Milling Industry Award – State 2005(AN 140283 cl1.6) , New south Wales Sugar Industry (AWU) Award 1999 (AP790767 cl5), Rural Traineeships (State) Award AN120449 cl 3) , Sugar Field Workers (State) Consolidated Award (AN120517), Sugar Manufacturers Superannuation Award 1989 (AP796077 cl3)

⁵ <http://awardviewer.fwo.gov.au/award/show/AP789529>

³ Metal Engineerin and Associated industries Award 1998 9AP789529crv

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12. This is borne out by the persistent reference to the Metals Award as the as the comparator during the award simplification process. The classifications of the “refinery sugar boiler” were a wholesale adoption of the c10 classification in the Metals Award and into the Sugar Industry Interim Award.

Queensland

13. Prior to the creation of the modern award the sugar industry in Queensland was regulated largely by the state system rather than a federal one.
14. Of the 9 pre-modern awards, 4 applied in Queensland. An order (No. B1849 of 1997) for Supply of Tools to Apprentices (the tools order) was published by the Queensland Industrial Relations Commission (QIRC) pursuant to section s136 of the Industrial Relations Act Queensland which allows for the setting of wages and employment conditions for apprentices by the QIRC..⁷
15. The order provided that the employer was to provide tools of the trade at retail value for all apprentices during the term of their apprenticeship. This order was given the status NAPSA’s (notional agreements preserving state awards), transitional instruments applicable to employees brought into the federal industrial relations system who had previously had their terms and conditions determined by state award. NAPSA’s were established by schedule 8 of the *Workplace Relations Act* as amended by the *Workplace Relations Amendment Act* (Work Choices Act 2005).
16. The Transitional Provisions and Consequential Amendment Act 2009 (Transitional Act) was enacted as cognate legislation to the Fair Work Act to deal with the transition of regulatory regimens from the work choices regime to the Fair Work regime.
17. Regulation .3B.02 at Part 5 of the Transitional Act states that:

16 Continued coverage

(1) Despite *item 29 of Schedule 3, an award-based transitional instrument that:*

(a) *sets minimum terms and conditions for an employee to whom a training arrangement applies; and*

⁷ http://www.qirc.qld.gov.au/qirc/resources/pdf/orders/order%20obo%20extract_181208.pdf

(b) either:

(i) provides for competency-based wage progression; or

(ii) provides solely for the provision of tools for use by apprentices; and

(c) covered an employee or employer immediately before 1 January 2010;

continues to cover the employee or employer.

18. The tools order is the standard industrial instrument at the state level in determining the tool allowance for apprentices.
19. In 2015 the question arose as to whether the tools orders, amongst other transitional orders and state orders, continued to cover employees instead of modern awards. This question was raised in the context of an approval application by All Trades Queensland for The *All Trades Queensland Pty Ltd Apprentice Trainee Enterprise Agreement*.
20. The Commission considered the application of the tool allowance in the context whether a modern award covers an employee and is the correct comparator for the purposes of the BOOT test where there are relevant state instruments.
21. In 2015 Commissioner Spence issued a decision which found that the modern awards covered the ATQ employees and the relevant NAPSAs had ceased to operate.⁸
22. The decision was affirmed by the Full Bench of the FWC⁹ and subsequently by the Federal Court¹⁰ which said in regards to Regulation 3B.02 of the Transitional Act that

“we agree with the contention made on behalf of the unions that there is nothing in the Transitional Act or Transitional Regulations that alters that approach. The relevant NAPSAs are not to be used as comparator instruments for the purpose of the BOOT, because:

⁸ All Trades Queensland Pty Limited [2016] FWC 2832

⁹ All Trades Queensland Pty Ltd . CFMEU, CEPU and AMWU [2017] FWCFB 132

¹⁰ Federal Court of Australia [2017] in FCAFC 189 *All Trades Queensland Pty Ltd v Construction, Forestry, Mining and Energy Union* [2017] FCAFC 189.

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(1)operation of item 20(1) of the Transitional Act, the relevant NAPSAs “sunsetted”, to use the language of the parties, and terminated on 1 January 2014; and¹¹

(2) in any event, even if item 16(5) of the Transitional Act applied, it did not have the effect of displacing coverage of the relevant modern awards because of the terms of s 48 of the FW Act, which is set out above in [8], as the Full Bench explained.”

23. For apprentices in Queensland, where the majority of apprentices are employed in the sugar industry, there is no express provision for the protection of the entitlement afforded by the tools order should they commence a trade covered by the sugar award.

The Sugar Industry

24. Australia’s Sugar industry is largely concentrated along Australia’s eastern coastline, in Queensland and New South Wales. Queensland precedes 95% of the sugar and NSW the remaining 5%.
25. The Australian sugar industry is one of the largest rural industries in the country generating up to \$2billion in export earnings. The New South Wales industry provides the supply to the domestic market.¹²
26. The New South Wales sugar industry employs an estimated 2,000 people, including 450 mill workers across three mills in the state. The mills are owned by the New South Wales Sugar Milling Co-operative, a co-operative that is owned by New South Wales cane growers.
27. In Queensland there are there are 21 mills owned primarily by seven different mill owners, Wilmar, MSF Sugar, Mackay Sugar, Bundaberg, Tully Sugar, Isis and Heck.
28. There are currently about 240 apprentices of various trades in the sugar industry¹³.

¹¹ CAFC 189 All Trades Queensland Pty Ltd v Construction, forestry, Mining and Energy Union [2017] FCACF 189 at [40]

¹² Sugar Manufacturing in Australia IBIS World Industry Report C1181

¹³ Statement of Scott Martin at 7

29. The tools allowance for apprentices is currently in place in agreements across Queensland. The table below lists enterprise agreements that contain a tool allowance and those that do not. The enterprise agreements represent the entirety of the employers in the sector that employ apprentices.

Enterprise Agreement	Tool allowance clause #	Type of allowance	
1. Manildra Harwood Sugars T/A Sunshine Sugar (AG2016/6985) SUNSHINE SUGAR ENTERPRISE AGREEMENT 2015	26 ALLOWANCES	No tool allowance	https://www.fwc.gov.au/documents/documents/agreements/fwa/ae422800.pdf
2. ROCKY POINT SUGAR MILL ENTERPRISE AGREEMENT 2015	22. Apprentice and Trainee Access to Tools 22.1 The employer will ensure apprentices and trainees have access to the necessary tools for their area of training, so as to ensure capacity to undertake the training and be productive in the job.	Employer provides tools	https://www.fwc.gov.au/documents/documents/agreements/fwa/ae416614.pdf
3. INNISFAIL BABINDA REGIONAL MILLS ENTERPRISE BARGAINING AGREEMENT 2015	(b) Apprentices shall not be entitled to the tool allowance provided to Tradespersons. Rather, from the commencement of their apprenticeship each apprentice shall be supplied by the Company each year with tools of trade to the retail value of \$450.00, up to a maximum retail value of \$1,800.00 (\$450.00 x 4 years).	Employer provides tools for use.	https://www.fwc.gov.au/documents/documents/agreements/fwa/ae415644.pdf
4. WILMAR ENTERPRISE AGREEMENT 2015	5.7.13 Apprentices are provided with tools at the commencement of their apprenticeship and are not eligible for any tool related allowances or repair rate.	Employer provides tools	https://www.fwc.gov.au/documents/documents/agreements/fwa/ae414384.pdf
5. Mackay Sugar Limited T/A Mackay Sugar (AG2015/4767) MACKAY SUGAR LIMITED, MOSSMAN SUGAR MILL ENTERPRISE AGREEMENT, NO.11 2015-2018	N/A	No allowance	https://www.fwc.gov.au/documents/documents/agreements/fwa/ae415793.pdf
6. Mackay Sugar Limited (AG2016/679) MACKAY SUGAR LIMITED,	As a guide the following items would be provided by the employer: Specialised tools, spanners over 1"/24mm, power	Some tools provided	https://www.fwc.gov.au/documents

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ENTERPRISE BARGAINING AGREEMENT (MACKAY MILLS) 2016-2019 – covers 4 sites.	tools, all precision tools over 300mm in length, micrometers, verniers, dial indicators, hacksaw blades, files, taps, dies, pipe dies, jacks, tackle, heating appliances, stocks, pipe grips (over 250mm), drills, multi-meter, tong tester, megger meters.		/agreements/fw a/ae418853.pdf
7. MSF Sugar Limited T/A Mulgrave Central Mill (AG2016/5450) THE MULGRAVE CENTRAL MILL CO. LTD ENTERPRISE AGREEMENT NUMBER 10	N/A	No allowance	https://www.fwc.gov.au/documents/documents/agreements/fw a/ae421608.pdf
8. MSF Sugar Pty Ltd T/A Maryborough Sugar Factory (AG2017/3541) MSF SUGAR PTY LTD TRADING AS MARYBOROUGH SUGAR FACTORY, SUGAR MILLING ENTERPRISE AGREEMENT NUMBER 10, 2017	N/A	No allowance	https://www.fwc.gov.au/documents/documents/agreements/fw a/ae426340.pdf
9. Tully Sugar Limited (AG2015/7449) TULLY SUGAR LIMITED ENTERPRISE AGREEMENT 2015	16..4 Tool allowance The Company will pay the tool allowance entitlement for each year of an Apprentice’s four years of training as follows: Amount Paid 1st Year Paid 2nd Year Engineering – Carpenter and Plumber \$600.00 \$1,200.00 \$1,200.00 Engineering – Fabrication \$337.50 \$ 675.00 \$ 675.00 Engineering – Mechanical \$450.00 \$ 900.00 \$ 900.00 Engineering – Electrical \$450.00 \$1,800.00 – Electrical Apprentices will be paid their full 4 year tool allowance entitlement in their first year.	Employer tool allowance	https://www.fwc.gov.au/documents/documents/agreements/fw a/ae417242.pdf
10. Wilmar Sugar Australia Limited (AG2015/2913) WILMAR ENTERPRISE AGREEMENT 2015	5.7.13 Allowance for Tradespeople Apprentices are provided with tools at the commencement of their apprenticeship and are not eligible for any tool related allowances or repair rate.	Employer provides tools	https://www.fwc.gov.au/documents/documents/agreements/fw a/ae414384.pdf
11. Isis Central Sugar Mill Company Ltd (AG2016/7431) ISIS CENTRAL SUGAR MILL	Schedule 2 PART B -Apprentice Tools (a)Subject to (b), the Company is generally required to provide tools for	Employer provides tools in lieu of payment	https://www.fwc.gov.au/documents/documents/agreements/fw

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<p>ENTERPRISE AGREEMENT NUMBER 9, 2016</p>	<p>apprentices to a certain value, for each of the 4 years of their apprenticeship, as follows: -</p> <table border="1" data-bbox="566 347 1005 1008"> <thead> <tr> <th>Trade</th> <th>Per annum</th> <th>Aggregate value of Toolkit</th> </tr> </thead> <tbody> <tr> <td>Plumber</td> <td>\$778.25</td> <td>\$3113</td> </tr> <tr> <td>Engineering tradesperson (Fitter and turner)</td> <td>\$626.50</td> <td>\$2506</td> </tr> <tr> <td>Diesel Fitter</td> <td>\$626.50</td> <td>\$2506</td> </tr> <tr> <td>Electrotechnology (Systems electrician)</td> <td>\$626.50</td> <td>\$2506</td> </tr> <tr> <td>Engineering tradesperson (Fabrication)</td> <td>\$530.00</td> <td>\$2120</td> </tr> </tbody> </table> <p>(b) In substitution for the payment of the above yearly amounts, the Company will, after the Employee has successfully completed their probation period, provide each apprentice with a tool kit to no less than the four year aggregate retail value of tool supply obligation under the above arrangement, calculated at the time the Company provided the tools. This shall be in lieu of any other requirement on the Company to pay for or provide apprentices' tools and shall apply regardless of the length of apprenticeship.</p>	Trade	Per annum	Aggregate value of Toolkit	Plumber	\$778.25	\$3113	Engineering tradesperson (Fitter and turner)	\$626.50	\$2506	Diesel Fitter	\$626.50	\$2506	Electrotechnology (Systems electrician)	\$626.50	\$2506	Engineering tradesperson (Fabrication)	\$530.00	\$2120		<p>a/ae423234.pdf</p>
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Electrotechnology (Systems electrician)	\$626.50	\$2506																			
Engineering tradesperson (Fabrication)	\$530.00	\$2120																			
<p>12. Bundaberg Sugar Ltd (AG2016/5707) BUNDABERG REGIONAL MILLS (MILLAQUIN AND BINGERRA) AND BUNDABERG REFINERY</p>	<p>5.8.32 Tool allowance (b) Apprentices shall not be entitled to the tool allowance provided to Tradespersons. Rather, from the commencement of their apprenticeship each apprentice shall be supplied by the</p>	<p>Employer provides tools</p>	<p>https://www.fwc.gov.au/documents/documents/agreements/fw/a/ae422022.pdf</p>																		

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ENTERPRISE BARGAINING AGREEMENT 2015	Company each year with tools of trade to the retail value of \$450.00, up to a maximum retail value of \$1,800.00 (\$450.00 x 4 years).		
13. W.H.Heck & Sons Pty Ltd T/A Rocky Point Sugar Mill (AG2015/5076) ROCKY POINT SUGAR MILL ENTERPRISE AGREEMENT 2015	Apprentice and Trainee Access to Tools 22.1 The employer will ensure apprentices and trainees have access to the necessary tools for their area of training, so as to ensure capacity to undertake the training and be productive in the job. Trainees must ensure they have been signed off with their supervisor, as authorised by employer, prior to use of tools that require specific training and competency.	Employer provides tools	
14. Manildra Harwood Sugars T/A Sunshine Sugar (AG2017/6086) SUNSHINE SUGAR ENTERPRISE AGREEMENT 2017	x	No apprentice Tool allowance	https://www.fwc.gov.au/documents/documents/agreements/fw/ae428200.pdf

30. The tools allowance in some form has been provided to apprentices by nearly all of the employers, either as a direct allowance paid to the apprentice or in the form of tools provided to the apprentice for use by the employer.

31. In the Fair Work Full Bench decision adjusting the rights and entitlement of apprentices, trainees and juniors in the modern award, the Apprentices Decision¹⁴, the full bench said at [184]:

“The modern award safety net should better reflect the reality of the current day apprenticeship intake. It must also take into account relative living standards and the needs of workers who must within the community be considered to be low-paid.”

32. This rationale continues to be the case today. The profile of apprentices in the trades has continued to evolve with adult apprentices now representing a significant proportion of all apprentices in training. Between 1996 and 2016 the proportion of adult apprentices in the trades has grown from 28% to 45%.¹⁵

¹⁴ [2013] FWCFB 5411

¹⁵ NCVET *The changing nature of apprenticeships:1996-2016* Jo Hargreaves, John Stanwick and Peta Skujins. <https://www.ncver.edu.au/publications/publications/all-publications/the-changing-nature-of-apprenticeships-1996-2016>

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33. The type of apprentices that rely on apprentice wages, adult or otherwise, cannot be expected bear the onus of supplying their own tools to fully participate and develop the trade skills they hope to acquire during their apprenticeship.
34. As supported by the evidence provided by witnesses in support of this submission¹⁶ the tools are considered to be a substantial investment, integral to the vocation being learnt.
35. Whether they are adult apprentices or those who commence their apprenticeship after completing school they are employees that are lower paid members of work force. A study compiled by the UNSW Social Policy Research Centre in 2017 looked at budget figures for the low paid.¹⁷
36. They found that the Minimum Income for Healthy Living Budget Standards for Low Paid and Unemployed Australians (MIHL) were as follows

Healthy Living Budget Standard for:	Amount
Single Adult	\$597.31
Couple, 1 child, girl age 6	\$833.24
Couple, no children	\$833.24
Couple, 2 children, girl age 6 boy age 10	\$1,173.38
Sole parent, 1 child age 6	\$827.70

37. The evidence provided by witnesses' shows that the wages for school finishing apprentices as first years is less than what is considered to be a healthy living budget.

¹⁶ Statement of Cameron Suski and Statement of Jake Allen.

¹⁷ *New Minimum Income for Healthy Living Budget Standards for Low Paid and Unemployed Australians*, Saunders P. and Bedford M, UNSW Social Policy Research Centre, Sydney August 2017
<http://unsworks.unsw.edu.au/fapi/datastream/unsworks:46140/bin17c2c332-a166-4fc0-931e-27943a930769?view=true>

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38. The retail value of the tool kit provided to an engineering apprentice, mechanical or fabrication is valued between \$1350.00 and \$1800.00¹⁸. It is a hardship on the apprentices to pay such a large amount when they are entering work force as low paid workers.
39. The provision of financial assistance to apprentices from the federal government in the form of Trade Support Loans is a deferred debt that will continue for the first part of their working life.¹⁹
40. Assistance would be better addressed with the inclusion of a tools award as a safety net in the modern award.

The Modern Award objectives

41. As to the specific requirements in section 134(1)(a) to (h), the AMWU submits as follows.

Section 134(1)(a) – needs of the low paid.

42. Consistent with past decisions, the Annual Wage review 2015-2016 addressed the issue of what constituted the low paid.²⁰ The Expert panel noted “*broad acceptance of the proposition that the two thirds of median (adult) ordinary time earnings constitutes a reasonable basis for identifying the low paid*”. It noted that appropriate adjustments must be made in light of this for juniors who comprise a large portion of the low paid.
43. The AMWU acknowledges that most apprentices in the industry are not paid the award apprentice rate. However as stated above the take home wages of apprentices are such that a carve out from low wages to pay for tools will be an undue hardship.
44. The insertion of a tools allowance into the Award will protect an entitlement that is important to apprentices commencing their trade and better achieve the modern award objectives.

Section 134(1)(b) – need to courage collective bargaining

¹⁸ Statement of Scott Martin at 12

¹⁹ Statement of Jake Allen at 25 and Cameron Suski at 19.

²⁰ [2016] FWCFB 3500

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45. The evidence of Scott Martin is that each of the sugar mill employers have enterprise agreements in place covering apprentices. All the companies, except for Mackay Sugar and MSF Sugar, have a tools allowance or tools provided to apprentices to employers, whether by explicit inclusion in the agreements or through the individual training contracts apprentices enter into with employers.
46. The inclusion of a tools allowance for apprentices in to the modern award is therefore unlikely to be a roadblock to collective bargaining. The entitlement is so entrenched in the industry in many ways that insertion of the allowance into the award will of negligible impact.

Section 134(1) c – the need to promote social inclusion

47. In the Annual Wage Review of 2015-16 the FWC expressed the view that social inclusion is taken to mean increased employment.²¹ Its also said that regardless of whether low paid workers stay in the job for as short period there can be no indifference to their standard of living.
48. Traditional apprenticeships have trended down, with commencements decreased by 12.4% in trades in 2016 compared with the previous year.²² Completions of the trade apprenticeships have also decreased by 13.6% in 2016.
49. In Queensland the commencement rates between 2010 and 2016 have decreased from 64.5% to 36.7%.
50. It can be argued that a large cost to apprentices at the commencement of their job to provide their own tools, may create a disincentive to begin a apprenticeship in the first place. Apprentices like Jacob Allen may not have commenced an apprenticeship if they were required to factor in the cost of tools when earning 1st year apprentice rates.
51. A job with adequate safety net protections will ensure that an employees level of income and standard of living is maintained. It may encourage potential employees to commence an apprenticeship when these safeguards are in place.

²¹ Ibid at 68

²² National Centre for Vocational Education Research 2016, *Australian vocational education and trainings statistics: apprentices and trainees 2016 Annual* <https://www.ncver.edu.au/publications/publications/all-publications/apprentices-and-trainees-2016-annual>

S134(1)(d) – need to promote flexible modern work practices and the efficient performance of work.

52. The inclusion of a tools allowance will not adversely impact on the efficient or productive performance of work. The allowance will ensure that apprentices are provided with the tools for their trade that go directly to the more efficient performance of their work for the employer. Tools are used substantially for vocational use and they contribute to the productive work that apprentices perform.

Section 134(1)(da) – the need to provide additional remuneration

53. This is not a relevant consideration in the present matter.

Section 134(1)(f) – equal remunerating for work of equal or comparable value.

54. This is not a relevant consideration in the present matter.

Section 134(1)(g) – likely impact on productivity, employment costs and regulatory burden.

55. The inclusions of the tools allowance will not be a regulatory burden on businesses and is unlikely to have a negative impact on employment. Most apprentices within the industry already receive a tools allowance in some form, whether as a cash allowance or in the provision of their tools.

56. Most of the employers in the sectors that have the existing framework to implement the tools allowance and it is unlikely that the provision of tools to about 240 apprentices will add to a regulatory burden.

Section 134(1)(g)- the need to ensure a simple easy to understand stable and sustainable modern award system.

57. The tools allowance for apprentices has been in existence since 1998 since the creation of the tools award. It is a well-understood and accepted feature of the conditions of employment for apprentices in the sugar industry.

58. The inclusion in the modern award will add to ease of reference for employees and employers in the relevant entitlements that are applicable.

Section 134 (1)(h) – likely impact on any exercise of modern award powers on employment growth.

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59. This is not a relevant consideration in the present matter. There is no evidence that the exercise of the modern award powers in this matter will have any adverse impact on the employment growth, inflation and the sustainability performance and competitiveness of the national economy.

Conclusion

60. The AMWU submits that the evidence demonstrates the tools allowance for apprentices is a well established and accepted industry standard for apprentices employed in the industry.

61. The evidence shows that tools allowances for apprentices are contained in most enterprise agreements in the industry and is not an unfamiliar allowance.

62. The inclusion of the tools allowance for apprentices in the modern award is permitted within the statutory framework of the modern awards and the variation sought is necessary to establish a minimum safety net.

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FAIR WORK COMMISSION

Matter No: AM/2014/247 SUGAR AWARD

Applicant: "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union"
known as the Australian Manufacturing Workers' Union (AMWU)

WITNESS STATEMENT OF SCOTT MARTIN

I, Scott Martin, [REDACTED] in the State of QLD, solemnly and sincerely make oath / affirm and declare:

1. I am an organiser for the AMWU in Queensland. I work primarily in the sugar industry and have done so for the past 18 years.
2. I am authorised to make the following statement on behalf of the Union.
3. In 2000 I was employed as an apprentice fitter and turner in the sugar industry.
4. In 2000 I joined the AMWU and in 2011 I was elected to become a delegate at the Kalamia Mill site.
5. In 2013 I became an organiser for the Union. As a tradesperson and an organiser I have a working knowledge of the sugar industry and have observed the conditions and circumstances of our members and workers in the industry.
6. The AMWU has members in the sugar industry. The other employee organisations in the industry are the Australian Workers Union (AWU) and the Communications Electrical and Plumbing Union (CEPU).
7. The AMWU is the dominant employee organisation with apprentices in this industry. Of the total 574 workers in the sugar industry that are AMWU members, 57 are apprentices in various trades. There are total of 240 apprentices in the industry of various trades.
8. The AMWU apprentices fall into one of the following categories:
 - a) Engineering Tradesperson (mechanical)
 - b) Engineering Tradesperson (Fabrication)
9. The sugar industry is primarily located in the state of Queensland. It is largely concentrated between the areas of Mossman and the Gold Coast.

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10. The Queensland sugar industry has about 4500 sugar cane growers, 21 mill, 2 refineries and 6 bulk terminals. The mills are owned by different mill owners. They are Wilmar, MSF Sugar, Mackay Sugar, Bundaberg, Tully Sugar, Isis and WH Heck.
11. The mill owners procure the cane from local growers. Some mills also own or lease cane farms close to their mills. The raw sugar produced by the mills is then sold to the domestic refineries and exported for sale.

Apprentice tool allowance

12. Wilmar, Mackay Sugar, and MSF Sugar supply tool kits to their apprentices. The toolkit that they provide is valued at about \$1,800.00. Attached and marked "SM A" is a list I prepared the list of the tools usually supplied to apprentices. I prepared this list based on tool lists shown to me and provided to me by members.
13. Tully Sugar also supplies tool kits to their apprentices worth about \$1800.00 for mechanical apprentices and \$1350.00 for fabrication apprentices.
14. The mills in Queensland were required to provide a tools allowance to their apprentices pursuant to an order of the Industrial Relations Commission of Queensland. (The Tools Order). The Tools Order set the rate for the tools allowance for all apprentices in the state to that is to be paid by employers. Attached and marked "B" is a copy of the Tools Order.
15. The Order provided that apprentices in the engineering trade be given a total retail allowance between \$1,350.00 per year and \$1,800.00 a year for tools.
16. The Tools Order of 1998 has been the effective standard in the industry for apprentices had had continued to be so to this day.
17. The prevalence of the tools allowance in the industry is such that the employers that I work with all pay their apprentices a tool allowance or provide tools to their apprentices even if it is not a clause of the enterprise agreement .
18. Attached and marked "C" is a copy of a "Apprentice statement" provided to apprentices commencing at Wilmar Sugar. The statement is given to apprentices commencing a Cert III at Wilmar Sugar. It states that a tool kit will be provided to apprentices according to the tool allowance entitlement.
19. I understand this "tool allowance entitlement" to be the Tools Order of 1998, which has become the industry standard and practice in the industry.

Tools Order

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20. In or about December 2017 I became aware the Federal Court issued a judgement in a case about the Tools Orders in addition to other Queensland state instruments. The case is known as the "All trades case".
21. This decision may mean the "Tools Order" can no longer be used to pay apprentices the tool allowance and that there is no express provision for the tool allowance for apprentices other than industry custom.
22. Whilst most members of the AMWU who are apprentices in the sugar Industry are covered by enterprise agreements, the Modern Award has an important role to play in setting the safety net of entitlements for all of our members.
23. I believe the reference to enterprise agreements is legitimate as I am concerned that the absence of a tools allowance for apprentices in the Modern Award will flow onto enterprise agreements.

Benefit provided by a tool allowance.

24. The Sugar Industry Award 2010 does not contain a tool allowance for apprentices.
25. The tool allowance is a valuable entitlement to sugar industry apprentices. This is particularly so as most apprentices I have observed completing their apprenticeships need the financial assistance when they are starting out.
26. I am concerned about the impact upon apprentices in the sugar industry if the right to a tools allowance is not protected.
27. First there is uncertainty whether employers will maintain a tool allowance as is currently the standard where there is no such entitlement in the Modern Award
28. With no clear express protection of their entitlement, apprentices who are not covered by an enterprise agreement providing for a tools allowance or, tools provided for them, will be worse off than apprentices who have the tools allowance.
29. The existing industry practice of paying the tools allowance created a safety net. It was effectively "out of bounds" to not pay the tools allowance and it consequently became standard inclusion in enterprise agreements and training contracts.
30. The practical effect of the Tools Order entitlement was that the interests of apprentices, a particularly vulnerable class of workers, was not subject to exploitation. This is an important factor as most of the apprentices in the sugar industry are young men and women, entering

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the labour market for the first time. For many it is their first full time job and are not as well informed about their rights and entitlements as experienced workers.

31. In particular, I am concerned not having a tools allowance in the Modern Award will lead to employers viewing it as an unnecessary cost and look to bargain away the entitlement as way of getting a cheaper wage deal.

END

[REDACTED]

SCOTT MARTIN

24 May 2018

Lodged by: Abha Devasia AMWU
National Research Centre

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APPRENTICE FITTER & TURNER TOOL LIST

ITEM	QTY	DESCRIPTION	PART NO	MANUFACTURER
1	1	BAR,PODGER 600MM x 20MM	5PO60020	MUMME
2	1	CALIPER, INSIDE FIRM JOINT 150MM NORMAL CAPACITY	MW-330/6	MOORE & WRIGHT
3	1	CALIPER, INSIDE FIRM JOINT 200MM NORMAL CAPACITY	MW-330/6	MOORE & WRIGHT
4	1	COLD CHISEL, 200MM X 19MM	SCMT27332	SIDCHROME
5	1	DEBURRING TOOL MAXI BURRS	7501194	SECO
6	1	DIAL INDICATOR, GAUGE 0-100MM DIAL READING	2046S	MITUTOYO
7	1	DIVIDER, SPRING JOINT 100MM TOOL STEEL	MW-50/4	MOORE & WRIGHT
8	1	DIVIDER, SPRING JOINT 200MM TOOL STEEL	MW-50/8	MOORE & WRIGHT
9	1	FEELER GAUGE, MASTER MECHANICS .0015"-.035" 37 BLADES	70119	AWB
10	1	GAUGE, SCREW PITCH METRIC/BSW 40 BLADES	SPGME	AMRAD
11	1	HACKSAW FRAME, (12") 300MM	225-PLUS	BAHCO
12	1	HAMMER, BALL PEIN ANTIVIBE 900GRAMS 380MM LONG	SCMT27443	SIDCHROME
13	1	HAMMER, NYLON DEAD BLOW 40MM FACE 260MM HANDLE	HU-777	HUCKSON
14	1	HAMMER, SLEDGE 1,8KB (4LB) C/W HICKORY HANDLE	SJ-4BWH	SPEAR & JACKSON
15	1	L-WRENCH, BALLDRIVER MULTI PACK 9PCE METRIC 13PCE IMPERIAL	20199	BONDHUS
16	1	MAGNETIC BASE, FINE ADJUSTMENT 250MM HEIGHT 50X70MM BASE	MW-475-01	MOORE & WRIGHT
17	1	MICROMETER, O/SIDE 0-25MM CAPACITY 0.01 GRADUATION	103-137	MITUTOYO
18	1	PIPE WRENCH, STRAIGHT 76MM PIPE CAPACITY (18") 460MM LONG	31025	RIDGID
19	1	PLIERS, CUTTING DIAGONAL (8") 200MM LONG	2078308	IRWIN
20	1	PLIERS, GROOVE JOINT 2-1/4" JAW CAPACITY (12") 300MM LONG	2078512	IRWIN
21	1	PLIERS, LINEMAN'S VISE-GRIP (8") 200MM LONG	2078208	IRWIN
22	1	PLIERS, LONG NOSE VISE-GRIP (8") 200MM LONG	2078218	IRWIN
23	1	PRY BAR SET, ROLLING HEAD 4 PIECE (150MM, 300MM, 400MM, 500MM)	10700	KC TOOLS
24	1	PUNCH SET, LONG SERIES 8 PIECE	SCMT27205	SIDCHROME
25	1	PUNCH, CENTRE ROUND HEAD 100MM X 3MM	SCMT27112	SIDCHROME
26	1	PUNCH, CENTRE ROUND HEAD 125MM X 6.5MM	SCMT27115	SIDCHROME
27	1	RULE, STEEL 150MM METR/ENG 2 SIDE 4 EDGE	150/B6"	TOLEDO
28	1	RULE, STEEL 300MM METR/ENG 2 SIDE 4 EDGE	30012	TOLEDO
29	1	SCREWDRIVER SET, PHILLIPS & STANDARD T186 14 PIECE	65-750	STANLEY
30	1	SOCKET SET, METRIC/AF 1/2" DRIVE 40 PIECE	SCMT14105	SIDCHROME
31	1	SPANNER SET, AF RING/OPEN 13 PIECE	SCMT22410	SIDCHROME
32	1	SQUARE, ENGINEERS GRADE B 150MM BLADE LENGTH	MW-400/6	MOORE & WRIGHT
33	1	TAPE, MEASURING 8M/26FT 19MM W MET/ENGLISH UNI	431759	COOPTOOL
34	1	TIN SNIPS, STRAIGHT GENERAL PURPOSE (12") 300MM LONG	G245/12	IRWIN
35	1	VERNIER CALIPERS, 7"180MM CAPACITY .02/.001" GRADUATION	532-120	MITUTOYO
36	1	VICE-GRIP, CURVED JAW W/OUT CUTTER (10") 250MM LONG	10CR	IRWIN
37	1	WRENCH, ADJUSTABLE 150MM LONG	SCMT25111	IRWIN
38	1	WRENCH, ADJUSTABLE 300MM LONG	SCMT25114	IRWIN
39	1	WRENCH, ADJUSTABLE 450MM LONG	SCMT25116	IRWIN
40	1			

SM 'A'

APPRENTICE FABRICATOR TOOL LIST

ITEM	QTY	DESCRIPTION	PART NO	MANUFACTURER
1	1	ALLEN KEYS, BALL POINT HEX A/F 9 PIECE	K5042	KINCHROME
2	1	ALLEN KEYS, BALL POINT HEX METRIC 9 PIECE	K5043	KINCHROME
3	1	BAR, PODGER 600MMX20MM	5POB60020	MUMME
4	1	BASE, FLANGE ALIGNER CURV-O-MARK NO.32	CURV0032	CURV-O-MARK
5	1	CHALK LINE, REEL FOLDING CRANK HANDLE	47-440	STANLEY
6	1	COLD CHISEL, 200MM X 19MM	SCMT27332	SIDCHROME
7	1	DIVIDER, SPRING JOINT 200MM TOOL STEEL	MW-50/8	MOORE & WRIGHT
8	1	G CLAMP, RIBBED 100MM (4") LONG	120/4	IRWIN
9	1	G CLAMP, RIBBED 150MM (6") LONG	120/6	IRWIN
10	1	G CLAMP, RIBBED 200MM (8") LONG	120/8	IRWIN
11	1	HACKSAW FRAME, (12") 300MM	225-PLUS	BAHCO
12	1	HAMMER, BALL PEIN ANTIVIBE 900GRAMS 380MM LONG	SCMT27443	SIDCHROME
13	1	HAMMER, SLEDGE 1.8KB (4LB) C/W HICKORY HANDLE	SJ-4LBWH	SPEAR & JACKSON
14	1	HEAD CENTERING, STANDARD CURV-O-MARK NO.2	CURV0006	CURV-O-MARK
15	1	LEVEL, DIAL ANGLE FLANGE CURV-MARK NO.20	CURV0020	CURV-O-MARK
16	1	LEVEL, MAGNETIC POCKET 200MM C/W MINI LEVEL	BEKSL8	BETTS
17	1	LEVEL, SPIRIT ALUMINIUM 3 VIAL 400MM LONG	83S/40	STABILA
18	1	PINCH BAR, 750X25MM 40DEG HEEL OFFSET	5PB75025	MUMME
19	1	PIPE FLANGE, ALIGNER STANDARD CURV-O-MARK NO.10	CURV0010	CURV-O-MARK
20	1	PLIERS, INSULATED HANDLE HI-VOLTAGE 1000V 200MM LONG	3800-CHV	CRESCENT
21	1	PLUMB BOB, BRASS 450GRAM (16OZ)	47-974	STANLEY
22	1	PUNCH, CENTRE ROUND HEAD 100MM X 5MM	SCMT27114	SIDCHROME
23	1	PUNCH, CENTRE ROUND HEAD 125MM X 8MM	SCMT27116	SIDCHROME
24	1	RULE, FOLDING STEEL LINE-O-CORD 600MM LONG 19MM WIDE	1-35-333	STANLEY
25	1	RULE, STEEL 300MM METR/ENG 2 SIDE 4 EDGE	30012	TOLEDO
26	1	SCREWDRIVER SET, PHILLIPS & STANDARD T186 14 PIECE	65-750	STANLEY
27	1	SCRIBER, ENGINEERS ONE PIECE 190MM LONG	EC-E222	ECLIPSE
28	1	SQUARE, COMBINATION CAST IRON (12") 300MM BLADE LENGTH	0-46- 151	STANLEY
29	1	SQUARE, ENGINEERS GRADE B 150MM BLADE LENGTH	MW-400/6	MOORE & WRIGHT
30	1	SQUARE, RAFTER STEEL 610MM X 406MM	45-530	STANLEY
31	1	TAPE MEASURING 8M/26FT 19MM W MET/ENGLISH UNI	431759	COOPTOOL
32	1	TAPE MEASURING FLUORO 30M/100FT IN YELLOW CASE	HYF30ME	LUFKIN
33	1	TIN SNIPS, CURVED GENERAL PURPOSE (12") 300MM LONG	G246/12	IRWIN
34	1	TIN SNIPS, STRAIGHT GENERAL PURPOSE (12") 300MM LONG	G245/12	IRWIN
35	1	TRAMMEL HEADS, ECLIPSE 33 19-38MM (PAIR)	EC-33	ECLIPSE
36	1	WRENCH, ADJUSTABLE 200MM LONG	SCMT25112	SIDCHROME
37	1	WRENCH, ADJUSTABLE 300MM LONG	SCMT25114	SIDCHROME



The original Order was first published in the QGIG dated 11 September, 1998, Vol. 159, No. 2, pages 60 - 63.
This copy now contains all amendments since that date.

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

WORKPLACE RELATIONS ACT 1997

Vocational Education, Training and Employment Act 1991
s. 89 - application for order

Automotive, Metals, Engineering, Printing and Kindred
Industries Industrial Union of Employees, Queensland

AND

Queensland Chamber of Commerce and Industry Limited,
Industrial Organisation of Employers and Others

(No. B1849 of 1997)

SUPPLY OF TOOLS TO APPRENTICES

COMMISSIONERS EDWARDS, BLOOMFIELD AND BALDWIN

19 June 1998

ORDER

THIS matter coming on for hearing before the Commission at Brisbane on 4 March, 20 April and 12 June 1998, this Commission doth Order, pursuant to s. 89 of the *Vocational Education, Training and Employment Act 1991*, that the Order for Supply of Tools to Apprentices published at (1984) 115 QGIG 834, as amended, be rescinded and a new order be issued as follows as from the first day September 1998:-

1. During the term of each apprenticeship relating to a trade or calling listed herein, an employer shall, in respect of each year of such term commencing on or after the date of operation of this Order or any variation thereof supply each apprentice with tools of trade of no less value at retail prices than is prescribed herein:-

GROUP 1

Apprenticeship Calling	Total Retail Value of Tools \$	Annual Retail Value of Tools \$	Nominal Term of Apprenticeship
Aircraft Maintenance Engineer - Avionics	1,800.00	450.00	4
Aircraft Maintenance Engineer - Mechanical	1,800.00	450.00	4
Aircraft Maintenance Engineer - Structures	1,800.00	450.00	4.
Aircraft Mechanics	1,800.00	450.00	4
Automatic Transmission Specialist	1,800.00	450.00	4
Automotive Diesel Fitter	1,800.00	450.00	4
Automotive Electrician	1,580.00 (Effective from 9 June 2000) 1,800.00 (Effective from 1 September 2000)	395.00 450.00	4
Bed and Mattress Making	-	-	4

Apprenticeship Calling	Total Retail Value of Tools \$	Annual Retail Value of Tools \$	Nominal Term of Apprenticeship
Binding and Finishing	-	-	4
Boat Building	700.00	175.00	4
Boot and Shoe Repairing	All necessary tools to be supplied by employer		4
Brake Specialist	1,800.00	450.00	4
Bread Baking	220.00 (see also clause 6(c))	55.00	4
Bread Baking / Pastrycooking	440.00 (see also clause 6(c))	110.00	4
Bricklaying	880.00	220.00	4
Butchering	240.00	60.00	4
Cabinetmaking	2,400.00	600.00	4
Carpentry	2,400.00	600.00	4
Carpentry (Formwork)	2,400.00	600.00	4
Catering	440.00	110.00	4
Chair and Couch Making	-	-	4
Construction - Civil Operations (Plant)	-	-	3
Cooking	440.00	110.00	4
Coopering	All necessary tools to be supplied by employer		4
Dental Technician	-	-	2
Diesel Fitter	1,800.00	450.00	4
Diesel Fuel Specialist	1,800.00	450.00	4
Driveline Specialist	1,800.00	450.00	4
Electricity Supply Tradesperson	1,800.00	450.00	4
Electrotechnology -			
Systems Electrician	1,800.00	450.00	4
Assembly and Servicing Tradesperson	1,800.00	450.00	4
Building Services Tradesperson	1,350.00	337.50	4
Communications Tradesperson	1,350.00	337.50	4
Computer Systems Tradesperson	1,350.00	337.50	4
Data Communications Tradesperson	1,350.00	337.50	4
Entertainment and Servicing Tradesperson	1,350.00	337.50	4
Instrumentation Tradesperson	1,800.00	450.00	4
Refrigeration and Air Conditioning Tradesperson	1,800.00	450.00	4
Systems and Instrumentation Tradesperson	1,800.00	450.00	4

Apprenticeship Calling	Total Retail Value of Tools \$	Annual Retail Value of Tools \$	Nominal Term of Apprenticeship
Engineering Tradesperson (Electrical)	1,800.00	450.00	4
Engineering Tradesperson (Electronics)	1,350.00	337.50	4
Engineering Tradesperson (Fabrication)	1,350.00	337.50	4
Engineering Tradesperson (Mechanical)	1,800.00	450.00	4
Engineering Tradesperson (Vehicle Building)	1,620.00	405.00	4
Engine Reconditioner	1,800.00	450.00	4
Farriery	855.00	213.75	4
Floor Finishing and Covering	240.00	60.00	4
Glass and Glazing	200.00	50.00	4
Graphic Pre-press	-	-	4
Greenkeeping	-	-	4
Hairdressing (Gentlemen)	520.00	130.00 (from 1.1.2002) (See Clause 5(e))	4
Hairdressing (Ladies)	520.00	130.00 (from 1.1.2002) (See Clause 5(e))	4
Heavy Vehicle Mobile Equipment Mechanic (Plant/Earth/Moving/Agriculture)	1,800.00	450.00	4
Heavy Vehicle Road Transport Mechanic	1,800.00	450.00	4
Higher Engineering Tradesperson	2,250.00	450.00	5
Jewellery	-	-	4
Jockey (applies to Racing Industry only)	-	-	4
Joinery	2,400.00	600.00	4
Joinery Machinery	200.00	50.00	4
Leadlight Working	200.00	50.00	4
Light Vehicle Mechanic	1,800.00	450.00	4
Machining (in off-site construction industry)	200.00	50.00	4
Marine Equipment Installer	1,800.00	450.00	4
Marine Mechanic	1,800.00	450.00	4
Meat Retailing	240.00	80.00	3
Musical Instrument (Tuning and Repairing)	680.00	80.00 1st yr 160.00/2nd yr 200.00/3rd yr	4

Apprenticeship Calling	Total Retail Value of Tools \$	Annual Retail Value of Tools \$ 240.00/4th yr	Nominal Term of Apprenticeship
Motor Cycle Mechanic	1,800.00	450.00	4
Optical Mechanics	-	-	4
Outdoor Power Equipment Mechanic	1,800.00	450.00	4
Painting and Decorating	200.00	50.00	4
Panel Beater	1,620.00	405.00	4
Pastrycooking	440.00 (see also clause 6(c))	110.00	4
Patisserie	440.00	110.00	4
Picture Framing	-	-	4
Plastering (Fibrous)	1,040.00	260.00	4
Plastering (Solid)	1,040.00	260.00	4
Plumbing and Draining	2,400.00	600.00	4
Polishing	-	-	4
Pottery	-	-	4
Printing Machining	-	-	4
Riding Saddle Making	All necessary tools to be supplied by employer		4
Sailmaking	-	-	4
Saw Doctoring	-	-	4
Screen Printing - Stencil Preparation	-	-	4
Shopfitting	2,400.00	600.00	4
Signwriting	400.00	100.00	4
Signwriting (Silk Screen Process)	-	-	4
Soft Furnishing	-	-	4
Sprinkler Pipe Fitting	-	-	4
Stonemasonry	880.00	220.00	4
Tiling (Roof)	780.00	260.00	3
Tiling (Wall and Floor)	1,040.00	260.00	4
Upholstering	-	-	4
Vehicle Body Builder	1,620.00	405.00	4

Apprenticeship Calling	Total Retail Value of Tools \$	Annual Retail Value of Tools \$	Nominal Term of Apprenticeship
Vehicle Painter	1,240.00 (Effective from 9 June 2000)	310.00	4
	1,620.00 (Effective from 1 September 2000)	405.00	
Vehicle Trimmer	1,240.00 (Effective from 9 June 2000)	310.00	4
	1620.00	405.00	
Watchmaking and Clockmaking	420.00	105.00	4
Waterproofing	465.00	155.00	3
Wood Machining	200.00	50.00	4

Group 2

Group 2 to be phased out according to dates shown in the Notification under the *Vocational Education, Training and Employment Act 1991* published in 158 QGIG 516-524.

Apprenticeship Calling	Total Retail Value of Tools \$	Annual Retail Value of Tools \$	Nominal Term of Apprenticeship	Phase-out Date
Bespoke Bootmaking	All necessary tools to be supplied by employer		4	25/11/1999
Butchering/Slaughtering	-	-	4	13/12/2001
Carpentry and Joinery	2,400.00	600.00	4	4/5/2002
Composing	-	-	4	29/9/2001
Confectionery	-	-	4	30/10/1999
Engineering Tradesperson (Maintenance - Q Rail Pilot)	2,250.00	450.00	5	24/2/2001
French Polishing	-	-	4	2/10/2000
Glass Cutting and Silvering	-	-	4	26/8/1999
Glazing	-	-	4	4/4/2002
Graphic Reproduction	-	-	4	1/2/2001
Instrumentation/ Electrical AVC	2,250.00	450.00	5	2/2/2002
Musical Instrument Tuning and Repairing Class A	100.00	25.00	4	9/11/2000
Musical Instrument Tuning and Repairing Class B	-	-	4	28/2/2002

<i>Apprenticeship Calling</i>	Total Retail Value of Tools \$	Annual Retail Value of Tools \$	Nominal Term of Apprenticeship	Phase-out Date
Optical Instrument Making and Repairing	-	-	4	29/6/1998
Picture Frame Making	-	-	4	10/1/2002
Plastering (Wall and Ceiling)	440.00	-	78wks	18/4/2002
Plumbing (Railways)	1,800.00	450.00	4	12/12/1998
Resilient Floor Layer	1,040.00	260.00	4	21/9/2000
Sewing Machine Mechanics	1,800.00	450.00	4	30/8/2001
Shipwrighting	All necessary tools to be supplied by employer		4	3/2/2001
Slaughtering	-	-	4	1/7/1999
Watchmaking	420.00	105.00	4	21/3/2002
Wicker Working	-	-	4	17/2/2000
Wood Machining (Sawmilling) (applies to the timber industry only)	-	-	4	6/7/1999
Wood Turning	-	-	4	9/9/1999

Group 3 *

<i>Apprenticeship Calling [and Qualification]</i>	Annual retail value of tools 1/9/1998 \$	Annual retail value of tools 1/9/1999 \$	Annual retail value of tools 1/9/2000 and thereafter* \$	Nominal Term of Apprenticeship
Engineering Trades- person (Vehicle Building) [Cert III in Automotive Engineering (Autobody Refinishing)]	215.00	310.00	405.00	4
Engineering Trades- person (Vehicle Building) [Cert III in Engineering Automotive (Trimming)]	215.00	310.00	405.00	4
Engineering Trades- person (Electrical) [Cert III in Engineering (Electrical - Automotive Mechanics)]	340.00	395.00	450.00	4
Engineering Trades-	340.00	395.00	450.00	4

<i>Apprenticeship Calling [and Qualification]</i>	Annual retail value of tools 1/9/1998	Annual retail value of tools 1/9/1999	Annual retail value of tools 1/9/2000 and thereafter*	Nominal Term of Apprenticeship
	\$	\$	\$	
person (Mechanical) [Cert III in Engineering (Mechanical - Toolmaking)]				
Engineering Trades- person (Fabrication) [Cert III in Engineering (Fabrication - Moulding)] (Qld Rail only)	215.00	275.00	337.50	4

*After 1 September 2000 apprentices are to be classified in the appropriate calling in Group 1.

2. Where pursuant to sections 73(3) and 73(4) of the *Vocational Education, Training and Employment Act 1991* the term of an indenture is reduced below the term referred to in clause 1 hereof for the relevant trade or calling the annual retail value of tools to be supplied is to be increased proportionately so that the total retail value of tools of trade equivalent to the term referred to in clause 1 above is supplied during that lesser term of apprenticeship.

3. Subject to clause 5 tools of trade prescribed herein shall be provided as follows:-

- (a) During the first year of an apprenticeship, tools to the prescribed annual retail value (or the increased value pursuant to clause 2 hereof) shall be supplied within a period of three (3) months after the expiry of the probationary period or within a period of six (6) months from the date of commencement of the employment whichever first occurs;
- (b) During the second and subsequent years (or part of a year) of apprenticeship tools to the prescribed annual retail value (or the increased value pursuant to clause 2 hereof) shall be supplied within a period of three months from the commencement date of each such year (or part of a year) of the indentured apprenticeship.

4. In lieu of the aforesaid requirements of clause 3, an Employer may, within a period of three months following the date of signing of the indenture supply to an apprentice during the first year of the apprenticeship tools of trade to a value equivalent to that prescribed by this Order for the full term of the apprenticeship. Such supply of tools made on or after the commencement date of this Order will satisfy in full the requirements thereof:

Provided that where prior to the date of operation of this Order an apprentice has been supplied with tools of trade to the value equivalent to that prescribed by a relevant Regulation for the full term of the apprenticeship the apprentice shall in respect to each year of such apprenticeship commencing on or after the date of this Order be supplied with tools to the additional value resulting from ascertaining the difference between the annual value prescribed by this Order and the imputed annual retail value at the time of original supply.

5. Where an apprentice has entered a Competency Based Training Agreement, the provision of tools in accordance with this Order will be on the following basis:-

- (a) During the term of apprenticeship, an employer shall, in respect of each level of the apprenticeship program, supply the apprentice with tools of trade, equivalent to the annual retail value of tools prescribed for the trade in clause 1 of this Order.
- (b) The supply of tools of trade for each level of the program shall be linked to the successful achievement of competencies or, where appropriate, the demonstration of approved levels of progression towards the achievement of competencies as prescribed by the relevant National Training Package or in the relevant Award.
- (c) Supply of tools will occur no later than three (3) months after the expiry of the probationary period or within a period of six (6) months from the date of commencement of the employment, whichever first occurs, and no later than three (3) months into subsequent levels of the apprenticeship.
- (d) Apprentices employed under part-time or school based arrangements shall be entitled to a supply of tools consistent with the requirements as outlined in 5(a), 5(b) and 5(c) above. This Order takes cognisance of the State Training Council decision of 9 April 1998 that the probationary period for a school based apprentice will expire after 90 calendar days and that the probationary period for a part-time apprentice will expire after 90 calendar days or 456

hours of workplace employment whichever is the longer period.

(e) *Hairdressing (Gentlemen) or Hairdressing (Ladies) Apprentices*

- (i) From 1 January 2002, all Hairdressing apprentices shall be transitioned from a 5 level competency based training contract, to a 4 level competency based training contract and shall receive Supply of Tools in accordance with clause 1 of this Order.
- (ii) Employers of apprentices who were entitled to receive Supply of Tools between 1 April 2001 and 31 December 2001, shall in addition to the provisions of the amendment of this Order (B1389 of 2000) operative from 1 April 2001, provide to those apprentices by 31 March 2002, tools to the value of \$26.00. All subsequent Supply of Tools shall be in accordance with clause 1 of this Order.

6. Except as otherwise provided herein, all tools of trade issued to an apprentice by an Employer in terms of this Order shall become and remain the property of the apprentice and are to be available and used in performing trade work as required by the Employer:

Provided that -

- (a) Should an apprentice on probation who has been supplied with tools of trade pursuant to this Order not proceed to an indentured apprenticeship such tools shall revert to the Employer, or alternatively, the value of such tools (calculated at the actual supplied cost) shall be refunded by the apprentice to the Employer on demand.
- (b) Should an apprentice who has been supplied with the total requirements of tools pursuant to clause 4 hereof not complete the apprenticeship term with that Employer then, in respect of any uncompleted portion of the apprenticeship term, the *pro rata* value of tools supplied (calculated at the actual supplied cost) shall be refunded by the apprentice to the Employer on demand.

(c) *Bread Baking, Bread Baking/Pastrycooking and Pastrycooking Apprentices -*

- (i) In recognition of the custom and practice in the Baking Industry, employers may provide all tools required by apprentices for their work and college requirements, in lieu of supplying their apprentices tools in accordance with clause 1. Tools provided to apprentices in accordance with this subclause shall remain the property of the employer; and
- (ii) Tools supplied to apprentices in accordance with clause 1 of this Order shall become and remain the property of the apprentice.

7. Where an apprentice is re-indentured after having their indenture cancelled the provisions of this Order 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 Order when applied to one and the same Employer.

8. Each Employer shall keep accurate records of the dates upon which requisite tools of trade have been supplied, together with details of the description, type, retail value and actual supplied cost of such tools of trade.

9. Except as otherwise provided for in clause 4 this Order shall take effect from 1 September 1998.

Dated this nineteenth day of June, 1998.

By the Commission
[L.S.] E. EWALD,
Industrial Registrar.

Operative Date: 1 September 1998.
Order - Supply of Tools to Apprentices
Released: 31 August 1998

Wilmar Sugar

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Apprenticeship Statement

On behalf of Wilmar Sugar, welcome to the business as an apprentice. Your apprenticeship will provide you with the opportunity to become a proficient tradesperson working within the company.

Your apprenticeship can be likened to a partnership with each party having particular responsibilities. You have a responsibility to the business as your employer, to complete your training and education in the Certificate III elected. This will fulfil your Training Agreement which is a contract of indenture as an apprentice. While you are under 18, your parent or guardian is also a party to the agreement and must uphold your responsibilities.

As per the apprentice employment regulations prescribed by the *Vocational Education, Training and Employment Act 1991*, a satisfactory 90 day probationary period is to be completed and the formal Training Agreements entered into for the term of the apprenticeship (approximately 4 years).

Wilmar Sugar has a responsibility to you to provide appropriate instruction and breadth of work which will enhance your knowledge, skills and self-confidence. This will enable you to work as a tradesperson in industry at the completion of your Training Agreement.

We have undertaken the responsibility to train each year, young people in the districts where we have our sugar businesses. Consequently, we employ more apprentices than we need to maintain our trade workforce. As stated in your Letter of Offer your employment is only for the term of your training contract. Unfortunately we cannot guarantee your continued work beyond your apprenticeship. Should there be any work available which enables you to retain employment for a limited period; you will be offered this work where suitable. This offer will be subject to your standard of behaviour, the quality of your work and the productivity you display in your trade.

Additional competencies outside of the Training Agreement will be offered and completed in work time at Willmar Sugars expense. Wilmar Sugar will provide the time and experience to have these competencies deemed competent.

Each apprentice will receive a toolkit to the value of the 4 year tool allowance entitlement. If you terminate before completion of your apprenticeship Wilmar Sugar will recover monies to the value of the tool allowance not yet worked on a pro-rata basis.

Wilmar Sugar is pleased to have you join the business as an apprentice and wish you an enjoyable and satisfying contract of employment. We hope that the association benefits all parties.

Signature: _____

FAIR WORK COMMISSION

Matter No: AM/2014/247 SUGAR AWARD

Applicant: "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union"
known as the Australian Manufacturing Workers' Union (AMWU)

WITNESS STATEMENT OF JAKE MCCONNARIGH

I, Jacob Allen McConnarigh , of [REDACTED] in the State of QLD , solemnly and sincerely make oath / affirm and declare:

PERSONAL INFORMATION

1. I make this statement from my own knowledge except where I have indicated otherwise. Where I make a statement based on information provided to me, I believe the information is true and correct.

Apprenticeship

2. I started my apprenticeship when I was a 16 year old as a boiler maker in February 2016. I started the apprentice because my family is in it. My father and brother are both boilermakers.

3. I am doing the Certificate III in Engineering – Fabrication Trade. I have a training contract with Willmar but I don't think I have a tools allowance in my contract. My apprenticeship takes four years and I am in my final year.

4. I am employed by Willmar Sugar Mills Pty Ltd. I began working at Kalamia Mill in the milling sector . I was moved to Pioneer mills on 13 January 2018 to get more skills.

5. I get general training as a boiler maker and for general work as well. I am trained to weld and fabricate metal as well as general work. I do forging and I am taught to select and use the correct tools for the jobs.

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Address for Service: Level 3, 133 Parramatta Rd, Granville NSW 2142	Fax: +61 2 9897 9275 Email: abha.devasia@amwu.org.au

6. The type of work I do is welding, marking up, and squaring up material with the square. I do fabrication and sheet metal work as well. I also operate crane for rigging and dogging. I perform winch operation, crane operation and soldering.
7. In my first year at Kaliama I was undoing bolts, flanges, using shifters on bolts and welding.

Tools

8. When we started we were given two week training and induction at Tafe at Burdiken. We get told about the safety issues and then we are told what type of tools we will handle.
9. I was given tools at the start by Willmar at the start of my apprenticeship. I have used these tools since then. The tool kit included Shifter – Square – 12 inch shifter. Square. A 5 inch grinder.
10. When my brother did the apprenticeship at Pioneer, between 2013-2017 he got about \$2,500 worth of tools in a tool kit. Willmar at the moment have cut back on how many tools they give you, I only got a kit worth about \$1800.00.
11. I know that apprentices in boiler making have always been given their tools by their employer.
12. Sometimes when we do jobs at the mill, we use tools that are not meant for the job. For example, undoing bolts out of flange, we need 2 30ml ring spanners to remove them correctly. We use shifters instead because we don't have ring spanners and a socket set.
13. When I started in first year I asked for more tools because I thought we did not have a good enough kit. The job I was on I needed ring spanners, sockets sets, combination socket sets as well as extra levels. I know what the tools are that I need because I have
14. I bought MiG pliers- because I need them to cut the wires when I'm welding. I use this every day on my job. They cost me \$50.00.
15. I bought myself an automatic welding helmet so we don't get flashed. I have a Uni-mig. Brand one that I paid for myself. It cost me \$240.00 and I use it everyday at work.
16. I bought a KETO power tool set which cost me about \$600.00 which I use from time to time. I've spent about \$900.00 for my own tools that I need to do my job.

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17. I repair tools at work as I need to .The side- cutter and a square level I fixed on my own to save myself some money. It would have cost me about \$130.00 to replace. I also had to repair mig pliers, which I supplied myself, because of wear and tear.
18. As a boilermaker, when I finish my apprenticeship I know my tools are always going to be part of my trade and I will need them whenever I work. I want to make sure I have a full set of proper tools.
19. I'd prefer to get the full allowance and be able to get the tools myself. I had to save up three or four week to earn enough money to buy the tools I needed.
20. I want the tools that I use to be best because I will use them my whole life. They add to the pride of my work and give you a good result.

Wages and cost of living

21. I earn \$635.00 net pay a week. I save about \$400.00 of that. With the remainder \$135.00 I pay my bills including fuel, phone bills and general expenses like food and supplies.
22. When I started as a first year it was about \$16.00 an hour. I was paid a 38 hour week so it was about \$608.00 a week gross and was taxed \$83.00 so it came down to \$525.00. I bought my tools in my first year when I was earning very little.
23. I live with my parents. I pay half the power bills, about \$500.00 a quarter and also I pay \$1500.0 in council rates to my parents.
24. My friends pay about \$260.00 a week in rent in the area. I cannot afford to pay that rent so I am living at home. This way I save about \$139.00 a week in rent. I have to be careful how I spend because I don't get paid much. I'm saving up for a home of my own so I don't have to rent
25. I don't receive any additional financial assistance as an apprentice. I know about Apprentice loans that the Government can give you . Its called the Trade Support Loan. I looked into it and decided not to use it as I think the employers should supply the tools. I didn't want to have a debt while I have an apprenticeship.
26. I know that the Sugar Award has a minimum wage of that is less than what I was making. I think it is about \$12.00 an hour. You wouldn't be able to live on that. As an apprentice I would not have taken on a job like that , especially if I had to pay for my own tools.

JAKE MCCONNARIGH – 10 May 2018

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FAIR WORK COMMISSION

Matter No: AM/2014/247 SUGAR AWARD

Applicant: "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union"
known as the Australian Manufacturing Workers' Union (AMWU)

WITNESS STATEMENT OF Cameron Suski

I, Cameron Suski, of [REDACTED] in the State of QLD, solemnly and sincerely make oath / affirm and declare:

PERSONAL INFORMATION

1. I make this statement from my own knowledge except where I have indicated otherwise. Where I make a statement based on information provided to me, I believe the information is true and correct.

Apprenticeship

2. I'm an apprentice boilermaker. When I finished school I did the certificate 2 in Engineering. I liked welding and decided to become a boiler maker and looked for an apprenticeship.
3. I started in 2014 at 17. I'm in my fourth year and finishing at the end of 2018. Certificate 3 Engineering (Fabrication). I am employed by Willmar, at Inkerman Mill, a sugar refinery and do my study with Tafe.
4. I have a training contract with my employer but I don't have a tool allowance. I
5. The type of work I do is varied. I could be building catwalks. Doing pipe work or making sheets or drums. I bolt up hand rails as well. I do a lot of welding, it is the majority of the work that I do.
6. I do general fabrication work like marking up, and squaring up material with square.

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Tools

7. I have a tool kit. I was given this when I started at Willmar. I have a hammer, cold chisel, screw driver set, digital level, two standard size g-clamps, two combination squares, two foot square, center punch, a pipe rub, 500 ml long level, meter level, grinder, trammel set, scriber set, plumb bob, two sets pliers, pipe plant, metal hand saw, tool bag.
8. I use my tools everyday.
9. I think the tools are worth about \$1,500.00.
10. I have not added any thing to the tools as they are a good set. I take really good care of them because you need them for life, for all your time as a boiler maker. I know I will get to keep the tools when I finish my apprenticeship.
11. I repair on my own tools. I take good care of them and maintain them so they are not damaged. I do this because I want to keep them for life and don't want to spend the money on them.
12. If I had my own money for them I would buy better tools, better quality tools. It is expensive though.

Wages and cost of living

13. As a first year I earned about It was about \$15.00 an hour. It was about \$608.00 a week gross and was taxed \$83.00 so it came down to \$525.00.
14. I earn \$867.00 net pay a week now as a fourth year apprentice. . Most of it is spent paying bills.

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15. Rent costs me \$150.00 a week, car repayments are \$100.00 a week, insurance is about \$50.00 a week, electricity is about \$50.00 a week, phone is about \$20.00 a week and food and groceries is about \$150.00 a week, fuel about \$60.00 a week.
16. I'm left with about \$300.00 a week spare.
17. This is better than first year when I was making about \$525.00 a week. I was making more than what the award wage would be.
18. If I had to pay for my own tools when I started I probably would not have started the apprenticeship. It's too much to pay out.
19. I don't get any extra financial assistance form the government or anyone. I know about Apprentice loans that the Government loan, they call it Trade Support Loans.
20. I looked into it and decided it was just another bill I would have to pay. I know I didn't have to pay back till about 3rd or 4th year but I didn't want a debt on my head.

CAMERON SUSKI

10 May 2018

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