

**From:** Abha Devasia [<mailto:abha.devasia@amwu.org.au>]  
**Sent:** Wednesday, 27 June 2018 4:06 PM  
**To:** Chambers - Asbury DP  
**Cc:** Ruchi Bhatt ([ruchi.bhatt@aigroup.com.au](mailto:ruchi.bhatt@aigroup.com.au)); Motti, Eric; 'brogers@nff.org.au';  
[zach.duncalfe@nat.awu.net.au](mailto:zach.duncalfe@nat.awu.net.au); 'Ashvini Ambihapahar'  
**Subject:** AM2017/56 - Sugar Industry Award 2010

Dear Deputy President,

The AMWU refers to the directions in the above matter for the AMWU to file a draft determination in relation to its claim for a tools allowance for apprentices to be inserted in the Sugar Industry.

Please find attached the AMWU draft determination in this matter.

The other parties have been copied in to this email by way for service.

Kind regards

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## DRAFT DETERMINATION

*Fair Work Act 2009*

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

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

### **Sugar Industry Award 2010**

(MA000087)

**AM2014/247**

VICE PRESIDENT

SYDNEY, X XXX 2017

- [1] Further to the decision and reasons for decision <<decision reference>> in AM2014/247, it is determined pursuant to section 156(2)(b)(i) of the Fair Work Act 2009, that the Sugar Industry Award be varied as follows.
- [2] Insert the following after 22.30 Tool Allowance :
- i. The employer will provide for the use of an apprentice all necessary tools of the relevant trade, special purpose tools, power tools, precision measuring instruments and snips required by the apprentice in the performance of their work.
  - ii. An apprentice must be paid an apprentice tool allowance equivalent to the retail value of the tools where they are required by the employer to supply and maintain tools necessary for the performance of their work.
  - iii. Notwithstanding the payment of an apprentice tool allowance under Clause 23.30(ii), where the employer requires an apprentice, in the performance of their work, to supply tools, the employer must reimburse the apprentice the cost of purchasing the tools.
  - iv. Clause 22.30(ii) (iii) will not apply where all the necessary tools are supplied to the apprentice by the employer.
  - v. An apprentice will replace or pay for any tools supplied by their employer which are lost as result of negligence on the part of the apprentice.

[3] Insert the following after 23.3 Tool Allowance

- i. The employer will provide for the use of an apprentice all necessary tools of the relevant trade, special purpose tools, power tools, precision measuring instruments and snips required by the apprentice in the performance of their work.
- ii. An apprentice must be paid an apprentice tool allowance equivalent to the retail value of the tools where they are required by the employer to supply and maintain tools necessary for the performance of their work.
- iii. Notwithstanding the payment of an apprentice tool allowance under Clause 23.30(ii), where the employer requires an apprentice, in the performance of their work, to supply tools, the employer must reimburse the apprentice the cost of purchasing the tools.
- iv. Clause 22.3(ii) (iii) will not apply where all the necessary tools are supplied to the apprentice by the employer.
- v. An apprentice will replace or pay for any tools supplied by their employer which are lost as result of negligence on the part of the apprentice.

[4] This determination will operate on and from 1 XXX 2017.

VICE PRESIDENT