



7 April 2016

Vice President Hatcher  
Fair Work Commission  
80 William Street  
Sydney NSW 2000

By Email [chambers.hatcher.vp@fwc.gov.au](mailto:chambers.hatcher.vp@fwc.gov.au)  
[amod@fwc.gov.au](mailto:amod@fwc.gov.au)

Dear Vice President Hatcher

**Re: AM2014/93 Vehicle Manufacturing, Repair Services and Retail Award 2010  
– Directions for filing of materials**

We refer to the statement and directions issued by the Full Bench on 4 March 2016 [2016] FWCFB 1229.

In that statement the Full Bench stated the following:

[1] On 2 November 2015 we issued a Statement 1 in respect of the *Vehicle Manufacturing, Repair, Services and Retail Award 2010* (VMRSR Award) which stated that:

(1) we had formed the provisional view that the vehicle manufacturing sector should be removed from the VMRSR Award and placed within the *Manufacturing and Associated Industries and Occupations Award 2010* (Manufacturing Award);

(2) we would issue new exposure drafts of the VMRSR Award and the Manufacturing Award in a form consistent with this provisional view;

(3) once the new exposure drafts were published, we would issue directions pursuant to which interested parties would have the opportunity to make submissions concerning the exposure drafts; and

(4) if the submissions indicated there were significant issues with the exposure drafts, we would conduct a further hearing.

[2] On 24 December 2015 we issued a Further Statement 4 which indicated the Commission would publish new exposure drafts of the VMRSR Award and the Manufacturing Award giving effect to the provisional view we expressed in our Statement of 2 November 2015.

[3] Accordingly, in conjunction with this statement we will publish the new exposure drafts and direct as follows:

(1) Any party that wishes to file submissions and/or evidence in relation to the new exposure drafts is to do so by 5.00pm Tuesday 26 April 2016.

(2) Any interested party which wishes to adduce evidence and/or make submissions in reply to any of the evidence and/or submissions filed in accordance with direction (1) shall file such evidence and/or submissions in the Commission by 5.00pm Tuesday 10 May 2016.

Australian Manufacturing  
Workers' Union  
Registered as AFMEPKIU  
National Office  
Vehicle Division  
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Carlton South VIC 3053  
Telephone 03 9230 5888  
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(3) All submissions and evidence shall be sent to [amod@fwc.gov.au](mailto:amod@fwc.gov.au).

(4) This matter will be listed for a final hearing in Melbourne before the Full Bench on Monday 23 May 2016 and Tuesday 24 May 2016.

Consistent with this statement on 4 March 2016 the Full Bench published two exposure draft awards:

1. The Manufacturing and Associated Industries and Occupations Award (**Manufacturing Award**); and
2. The Vehicle Repair Services and Retail Award 2016 (**VRSR Award**) (**exposure draft awards**).

The exposure draft awards were published later than was originally proposed by the Full Bench in its Statement dated 24 December 2015 [2015] FWCFB 8979.

After reviewing the exposure draft awards it has become apparent that although the changes to the Manufacturing Award have been identified, there has been no corresponding identification of the changes made to the VRSR Award. This will require parties to conduct a detailed comparison of the exposure draft awards with the existing VMRSR Award to properly determine exactly what changes have been made and the impact of the proposed changes on the safety net.

Furthermore, after further analysis of the VRSR Award it has become apparent that the Full Bench determined to incorporate certain of the substantive changes proposed by parties in the AM2014/93 review proceedings (although some have been amended). The Full Bench has not published reasons in support of its decision in relation to these matters. We note that no reference was made to these changes in the statement cited above. In our view, the parties need adequate time to consider these substantive changes.

In these circumstances, given the delayed publication of the exposure draft awards, the absence of proper identification of the changes made to the exposure draft awards and taking into account the general time and resource constraints faced by the AMWU and other parties since the publication of these exposure draft awards due to involvement in AM2014/196 & 197 Casual and Part-Time Employment proceedings, the AMWU propose that the existing directions in this matter be set aside and replaced with the following:

(1) Any party that wishes to file submissions and/or evidence in relation to the new exposure drafts is to do so by **5.00pm 20 May 2016**;

(2) Any interested party that wishes to adduce evidence and/or make submissions in reply to any of the evidence and/or submissions filed in accordance with direction (1) shall file such evidence and/or submissions in the Commission by **5.00pm 10 June 2016**;

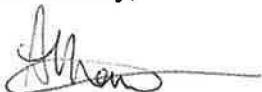
(3) All submissions and evidence shall be sent to [amod@fwc.gov.au](mailto:amod@fwc.gov.au);

(4) This matter will be listed for a final hearing in Melbourne before the Full Bench after **27 June 2016**.

We have attached a draft order including the revised directions to this correspondence.

The AMWU understands that a majority of parties involved in these proceedings generally support the setting aside of the existing directions and the making of new directions in accordance with those set out above. Other parties will separately file correspondence in support of the AMWU proposal.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alessandra', with a long horizontal flourish extending to the right.

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

[2016] FWCFB XXXX

[2016] FWCFB XXXX  
FAIR WORK COMMISSION

# AMENDED DIRECTIONS

*Fair Work Act 2009*  
s.156 – 4 Yearly reviews of modern awards

**VEHICLE MANUFACTURING, REPAIR, SERVICES AND RETAIL  
AWARD 2010**  
(AM2014/93)

VICE PRESIDENT HATCHER  
SENIOR DEPUTY PRESIDENT O'CALLAGHAN  
COMMISSIONER CRIBB

SYDNEY, X APRIL 2016

*Vehicle Manufacturing, Repair Services and Retail Award 2010*

In relation to the statement issued on 4 March 2016 [2016] FWCFB 1229, the Full Bench issues the following amended directions:

[1] Any party that wishes to file submissions and/or evidence in relation to the new exposure drafts is to do so by **5.00pm 20 May 2016**.

[2] Any interested party which wishes to adduce evidence and/or make submissions in reply to any of the evidence and/or submissions filed in accordance with direction (1) shall file such evidence and/or submissions in the Commission by **5.00pm 10 June 2016**.

[3] All submissions and evidence shall be sent to [amod@fwc.gov.au](mailto:amod@fwc.gov.au).

[4] This matter will be listed for a final hearing in Melbourne before the Full Bench after **27 June 2016**.

VICE PRESIDENT