



51 Walker Street
North Sydney NSW 2060
PO Box 289
North Sydney NSW 2059
Australia

ABN 76 369 958 788

Tel: 02 9466 5566
Fax: 02 9466 5599
www.aigroup.com.au

14 May 2016

The Hon. Justice Ross, President
Fair Work Commission
11 Exhibition Street
Melbourne VIC 3000

Dear Justice Ross,

**Re. AM2014/75 Manufacturing and Associated Industries and Occupations Award 2010;
AM2014/203 Graphic Arts, Printing and Publishing Award 2010 and AM2014/268 Food,
Beverage and Tobacco Manufacturing Award 2010 – Training Costs**

We refer to the above matters.

On 28 April 2016, Ai Group filed correspondence and draft determinations regarding our claim to vary the *Manufacturing and Associated Industries and Occupations Award 2010* (Manufacturing Award) and the *Graphic Arts, Printing and Publishing Award 2010* (Graphic Arts Award) in respect of 'training costs'. Our claim was subsequently listed for mention before Your Honour on 13 May 2016.

During the aforementioned proceedings, Ai Group identified that the relevant issue that we seek to address in the Manufacturing Award and the Graphic Arts Award also arises in the *Food, Beverage and Tobacco Manufacturing Award 2010* (FBT Award), and we indicated that we intend to pursue a similar variation to that award. Your Honour directed Ai Group to file a draft determination that identifies the terms of the variation sought by 16 May 2016.

Accordingly, please find attached a draft determination in respect of the FBT Award. As we indicated during the aforementioned proceedings, we consider that this claim should be dealt with in conjunction with our proposal to vary the Manufacturing Award and Graphic Arts Award.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Smith'.

Stephen Smith
Head of National Workplace Relations Policy



DRAFT DETERMINATION

Fair Work Act 2009
s.156 - 4 yearly review of modern awards

4 yearly review of modern awards (AM2014/268)

JUSTICE ROSS, PRESIDENT

SYDNEY, XX XXXX 2016

4 yearly review of modern awards – Food, Beverage and Tobacco Manufacturing Award 2010 – training costs – trainees.

A. Further to the decision issued on [insert date]¹ it is ordered that, pursuant to s.156(2)(b)(i) of the *Fair Work Act 2009*, the *Food, Beverage and Tobacco Manufacturing Award 2010*² be varied by:

1. Inserting a new clause 26.5(d):

(d) This clause 26.5 does not apply to costs associated with training that are in connection with a trainee's training contract.

B. This determination comes into effect on [insert date].

PRESIDENT

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¹ [insert citation].

² MA000073.