



DECISION

Fair Work Act 2009

s 160—Variation of modern award to remove ambiguity or uncertainty or correct error

Application by The Australian Industry Group

(AM2023/16)

VEHICLE REPAIR, SERVICES AND RETAIL AWARD 2020

[MA000089]

Vehicle industry

JUSTICE HATCHER, PRESIDENT

SYDNEY, 9 JANUARY 2024

Application to vary clause 10 of the Vehicle Repair, Services and Retail Award 2020 – part-time employees – no comments on draft determination or provisional view – provisional view confirmed – award varied.

[1] In my statement¹ of 16 November 2023, I expressed the provisional view that The Australian Industry Group’s (Ai Group’s) proposed variation to clause 10.4 of the *Vehicle Repair, Services and Retail Award 2020* (Award) should be made pursuant to s 160(1) of the *Fair Work Act 2009* (Cth) (FW Act), on the basis that it would resolve uncertainty concerning the form and term of any written agreement under that clause. Interested parties were invited to respond to my provisional view by 7 December 2023.

[2] No submissions were received in response to my provisional view. Accordingly, I confirm my provisional view. I consider that the variations are necessary pursuant to s 160 of the FW Act to remove uncertainty. Clause 10.4 of the Award will be varied to add the words underlined below:

10.4 Any agreed variation to the hours of work will be recorded in writing (including by electronic means). Any such agreement may be ongoing or for a specified period of time).

[3] A determination varying the Award as set out above is published with this decision. The determination will operate from today, 9 January 2024.



PRESIDENT

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¹ [\[2023\] FWC 2995](#).