

# STATEMENT

*Fair Work Act 2009*

s.156 - 4 yearly review of modern awards

## **MANUFACTURING AND ASSOCIATED INDUSTRIES AND OCCUPATIONS AWARD**

(AM2014/75)

COMMISSIONER BISSETT

MELBOURNE, 25 FEBRUARY 2016

*Manufacturing and Associated Industries Award 2010 – 4 yearly review.*

[1] Further to the mention of the above matter on 1 February 2015 I have now conferred with the President on matters raised by the parties and can advise as follows.

[2] Subject to paragraph [4] below, the President has directed that I deal with all outstanding matters raised in that part of the Full Bench decision ([2015] FWCFB 7236) in relation to this award and provide a report back to the Full Bench. This includes matters associated with the use of ‘applicable rate of pay’.

[3] As was observed by the parties the question of the spread of ordinary hours is to be dealt with separately.

[4] With respect to the outstanding claims broadly in relation to training costs and termination payments made by EFT across a number of awards and the suggestion that these might be dealt with by a single full bench, AiGroup should:

- (a) Clearly identify each of the claims;
- (b) Identify each of the Awards relevant to the claims and identify which stage of the four yearly review each Award is in; and
- (c) Submit draft orders for each Award.

[5] On receipt of this information (and subject to it) the President will consider referring those two matters to a separate full bench to deal with. The AiGroup should provide that material to my chambers and lodge it through the award modernisation email address at the same time. If this matter is to be progressed this material will need to be filed as soon as possible. The parties should note that this is not a request for submissions on the matters.

[6] In relation to those matters remaining under paragraph [2] above, I am content, on the question of examples to convene a conference of the parties in an attempt to resolve that issue.

[7] With respect to the ‘applicable hourly rate’ I am currently considering the written submissions of the parties and undertaking some detailed analysis of the effect of the decision.

It may be beneficial to have further discussions of interested parties, including how to best progress the issue.

[8] This matter will be listed for further conference in April to deal with those issues in paragraphs [6] and [7] and any other outstanding matters.

  
  
COMMISSIONER