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AM2019/17 and Ors Tranche 2 Exposure Drafts

Introduction

1. On 14 February 2020 a Decision [February Decision] was issued advising of the publication of the exposure drafts in Tranche 2 and inviting commentary¹
2. On 19 February 2020 exposure drafts of the tranche 2 were published.
3. The “Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union” knows as the Australian Manufacturing Workers’ Union (AMWU) makes the following submissions.

Tranche 2 Awards

4. The AMWU has an interest in the following awards:
 - a) Airline Operations – Ground staff Award 2010
 - b) Manufacturing and Associated industries and Occupations Award 2010
 - c) Poultry Processing Award
 - d) Rail Industry Award
 - e) Waste Management Award
5. The AMWU has not identified any issues nor has any comments in relation to the awards above, save the Manufacturing and Associated industries and Occupations Award 2010.

¹ [2020] FWC FB 690

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Manufacturing and Associated industries and Occupations Award 2010

Clause 4.4 Coverage

6. Clause 4.4 of the exposure draft provides:

“this award covers any employer which supplies labour on an in-hire basis in the manufacturing and associated industries in respect of on-hire employees in classifications covered by this award, and whose on-hire employees, while engaged in the performance of work for a business in those industries.”

7. At the hearing on 18 December 2019 for the finalisation of exposure drafts this clause was discussed as the phrasing in the exposure draft dated 14 October 2020 had the following:

“This award covers any employer which supplies labour on an on-hire basis in the manufacturing and associated industries and occupations industry (or industries)”

8. The parties agreed that the clause should be amended by deleting the word “industry (or industries)”.²

9. The word “occupations” has been incorrectly removed and should be retained in the clause.

Minor errors

10. The February 2020 decision, at paragraph [16] identified minor errors in the finalisation of the exposure drafts. Some the amendments are incorrect and are listed below:

a) clause 20.5(d)(ii) – it is proposed that the word “employer” in the clause be amended to “employee” and this amendment appears in the last published exposure draft. This is not correct, and the word “*employer*” should be retained.³

b) Clause 29.3 – the reference to this clause is incorrect. The amendment is to clause 30.3 in the exposure draft and is not opposed.

c) Clause 52.1(a) - the reference to this clause is incorrect. The amendment is to clause 53.1 in the exposure draft and is not opposed.

² [Transcript PN 227-231](#)

d) Clause 54(1(b)(ii) – the reference to the clause is incorrect. The amendment is to clause 55.1(b)(ii) in the exposure draft and is not opposed.

d) Clause 55 – the reference to the clause is incorrect. The amendment is to clause 56 and is not opposed.

e) C.1.1 – the insertion of the words “other than continuous work shift” is not opposed.

Terminology of Rates Issue

11. Paragraph [17] of the February Decision, identified changes in the terminology of rates made towards pursuant to the plain language Full Bench on a ward by award basis.

12. The AMWU does not oppose the change of “minimum wage” to “minimum rates” in the identified clauses. ⁴ The AMWU proposes that in addition to these clauses, the following amendments be made to the words “minimum wage” where they appear in the following schedules, A, E, F, G.

Insertion of standard clauses

Clause 32.4

13. The AMWU is not opposed to the inclusion of the clause which appears as clause 31.4 in the February Decision.

Clause 32.5

14. The AMWU is not opposed to the inclusion of the clause which appears as clause 31.5 in the February Decision.

Clause 42.2

15. The AMWU is not opposed to the inclusion of the clause which appears as clause 35.2 in the February Decision.

Schedule D

16. The clause references in the Wage related allowances table at D.1.2 are incorrect. All the references to clause 29 should read clause 30 and with the subsequent alphabetical

⁴ Footnote 63 at [17] of February decision

numbering.

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