



Motor Trades Organisations

IN THE FAIR WORK COMMISSION

CASUAL TERMS AWARD REVIEW 2021 (AM2021/54)

Fair Work Amendment (Supporting Australia's Jobs and Economic Recovery) Act 2021 – casual amendments – review of modern awards – Stage 2, Group 2 Awards – provisional views

SUBMISSION ON BEHALF OF THE MOTOR TRADES ORGANISATIONS

1. This submission is filed on behalf of the Victorian Automotive Chamber of Commerce, the Motor Traders' Association of NSW, the Motor Trade Association of South Australia and Northern Territory, and the Motor Trade Association of Western Australia, (collectively, the Motor Trades Organisations) with reference to the above matter and in accordance with paragraph [104] of the Statement dated 11 August 2021¹ (**Statement**).
2. The Motor Trades Organisations maintain an interest in the *Vehicle Repair, Services and Retail Award 2020* (**Vehicle Award**).
3. The Motor Trades Organisations confirm that we agree with the *provisional view* and reasoning of the Full Bench as set out in paragraph [55] of the Statement in relation to the Vehicle Award, that the casual conversion term should be deleted and replaced with a reference to the NES casual conversion entitlements in order to satisfy the requirement in clause 48(3) of Schedule 1 of the *Fair Work Act 2009*.

Attachment A of the Statement

4. The Motor Trades Organisations agree with the *provisional view*, and the reasoning provided at [69]-[70], [105]-[106] and [110]-[111] of the Decision issued on 16 July 2021² (**Decision**), that the definition of casual employment contained at current clause 11.1 of the Vehicle Award is not consistent with the section 15A definition and should be deleted and replaced

¹ [\[2021\] FWCFCB 4928](#)

² [\[2021\] FWCFCB 4144](#)

with a new definition of casual employee in clause 2 of the Vehicle Award, defined per the meaning given by section 15A(1) of the *Fair Work Act 2009*.

5. The Motor Trades Organisations agree with the *provisional view*, and the reasoning provided at [120]-[122] and [124]-[126] of the Decision, that the words “*and the likely number of hours required to be worked*” should be deleted from current clause 11.2 of the Vehicle Award.
6. The Motor Trades Organisations agree with the *provisional view*, and the reasoning provided at [246]-[247] of the Decision, that the current clause 11.6 and 11.7 of the Vehicle Award be deleted and replaced with a new clause 11.6 that provides firstly, that offers and requests for conversion from casual employment to full-time or part-time employment are provided for in the NES; and secondly, that disputes about offers and requests for casual conversion under the NES are to be dealt with under clause 37 – Dispute resolution.
7. The Motor Trades Organisations note our preference that variations to the Group 2 awards follows the Full Bench’s approach above.

MOTOR TRADES ORGANISATIONS

18 August 2021