

IN THE FAIR WORK COMMISSION

Matter No: AM2014/47

**4 YEARLY REVIEW OF MODERN AWARDS
COMMON ISSUE – ANNUAL LEAVE**

**OUTLINE OF SUBMISSIONS ON BEHALF OF THE AUSTRALIAN MINES AND METALS
ASSOCIATION INC.**

Introduction

1. The Australian Mines and Metals Association Inc. (**AMMA**) is a national employer group providing industry advocacy, workplace advice and training solutions for companies in the resources sector. It is recognised as the “peak employer body” in relation to these industry sectors.
2. AMMA’s member companies are engaged in a variety of activities across a variety of industry sectors, including mining, hydrocarbons, maritime, exploration, energy, transport, construction, smelting and refining (as well as suppliers to those industries).
3. AMMA’s members derive from industries, and AMMA provides its services to those industries, which are responsible for the employment of over 250,000 Australians. The industry accounted for approximately 9.8% of Australia’s GDP in 2013. The gross value produced from mining activities in the 12 months to October 2013 was approximately \$152 billion, of which \$10.4 billion or 6.8% was contributed by exploration and mining support services.

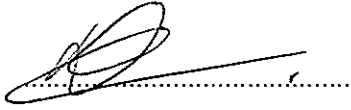
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4. AMMA was actively involved in the Part 10A Award Modernisation process and the most recent Transitional Review of modern awards under Schedule 5 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* in relation to a number of modern awards affecting the resource sector.

Joint Employer Determinations

5. AMMA notes paragraphs [4] – [5] of the statement of Justice Ross published on 7 April 2014 ([2014] FWC 2279) which proposes a two-process as follows:
 - (a) the Full Bench will issue an in principle decision, along with any draft determination for all modern awards;
 - (b) interested parties will have an opportunity to comment on any draft determinations as they relate to each individual modern award and make submissions to tailor any provisions to specific awards.
6. AMMA further notes [7] of the statement which encourages ACCI and AiG to co-ordinate discussions on proposed propositions in relation to each annual leave issue.
7. AMMA has participated in the relevant antecedent proceedings in relation to the annual leave common issue and preliminary jurisdictional issues proceedings. AMMA generally supports the determinations filed by both ACCI and AiG (**joint employer determinations**).
8. AMMA has had an opportunity to consider the submissions of ACCI and AiG and generally supports those written submissions which are made in support of the joint employer determinations across a number of modern awards relevant to these proceedings.
9. AMMA does not intend to file additional materials at this stage in support of the joint employer determinations. However, AMMA reserves its rights to participate in these proceedings and will provide further submissions following any in principle decision and any draft determination.
10. AMMA reserves its rights in relation to making submissions in relation to other propositions specific to the annual leave common issue proceedings.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a dotted line.

Australian Mines and Metals Association Inc.

20 June 2014