

# ACTUS WORKPLACE LAWYERS

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## **FWC Full Bench decision safeguards against double-counting under the Manufacturing Award**

A Full Bench of the Fair Work Commission (FWC) has recognised the important 'rule against double-counting' when employees apply for reclassification under the *Manufacturing and Associated Industries and Occupations Award 2020* (Manufacturing Award). Actus Workplace Lawyers successfully represented Ventia Australia in the appeal proceedings.

The case involved a vehicle mechanic at Ventia who was classified at level C8 under the Manufacturing Award. The Australian Manufacturing Workers' Union asserted that the employee was entitled to be reclassified at level C7 under the metal and engineering industry competency standards system in the Award.

At first instance, Commissioner Tran determined that the employee was entitled to be reclassified at C7 due to the hydraulic and electronic control work that he performed. However, in [Ventia v AMWU \[2025\] FWCFB 20](#), a Full Bench of the FWC overturned Tran C's decision.

The Full Bench determined that the relevant hydraulic and electronic control work had already been recognised through two competency units awarded to the employee when he was reclassified from C9 to C8 in 2019 (i.e. MEM27016 – *Diagnose and maintain electronic controlling systems on mobile and stationary plant* and MEM27017 – *Maintain, fault find and rectify hydraulic systems for mobile plant*). Therefore, the employee was not entitled to be awarded MEM27025 – *Maintain, diagnose and rectify fluid power controls in mobile equipment*, even though this unit was potentially relevant to the type of work carried out by the employee. The Full Bench decided that awarding the additional unit would be inconsistent with the 'rule against double-counting' in the metal and engineering industry competency standards system.

This case is the first time that a Full Bench of the FWC has considered the important 'rule against double-counting'. The decision will provide protection for employers against future double-counting re-classification claims by unions.

For further advice on award classification issues, please contact Stephen Smith, Principal of Actus Workplace Lawyers, on 0418 461 183 or Email: [stephen.smith@actuslawyers.com.au](mailto:stephen.smith@actuslawyers.com.au).