

From: Sarah McKinnon [<mailto:SMcKinnon@nff.org.au>]

Sent: Friday, 8 July 2016 4:15 PM

To: Chambers - Ross J

Cc: Stephen Crawford (stephen.crawford@nat.awu.net.au); SCAA Secretary; Kate Thomson; Chris Klepper (Business SA)

Subject: FW: Pastoral Award Exposure Draft

Dear President Ross,

Following the conference on 4 July 2016 in relation to the Exposure Draft of the Pastoral Award, please find below our proposed revisions to address a number of outstanding issues discussed during the conference.

Items where the parties as "agreed subject to wording"

We propose the following approach:

Item 16 – Adopt NFF/AWU proposal as follows:

"A casual employee is an employee engaged *as such* and paid by the hour."

Item 17 – Adopt revised proposal as follows:

"Shearers, Crutchers and Woolpressers engaged as casual pieceworkers will be paid piecework rates in accordance with Part 8 – Shearing Operations."

Item 19 – Adopt revised proposal:

"The following provisions will apply to all employees other than:

- employees engaged in shearing operations, who are entitled to the breaks prescribed in Part 8 – Shearing Operations; and
- piggery attendants engaged as shiftworkers, who are entitled to the breaks prescribed in Part 6 – Pig Breeding and Raising."

Item 48 – Adopt NFF proposal:

"Overtime and public holiday rates are calculated on the ordinary hourly rate before any deduction is made for keep."

Coverage

Item 4 – We propose a revised clause as follows (assuming all awards are redated from 2010 to 2016):

"The award does not cover employers covered by the following awards:

- the Wine Industry Award 2016;
- the Silviculture Award 2016, except where silviculture and/or afforestation are carried on as part of a broadacre mixed farming enterprise;
- the Sugar Industry Award 2016;
- the Horticulture Award 2016;

- the Aquaculture Award 2016, except where the production of freshwater species is incidental to a broadacre mixed farming enterprise to which this award would otherwise apply;
- the Seafood Processing Award 2016, except where the production of freshwater species is incidental to a broadacre mixed farming enterprise to which this award would otherwise apply.”

For information, the table below compares the description of the aquaculture and seafood processing industries with the description of same in the Pastoral Award.

Pastoral Award	Aquaculture Award	Seafood Processing Award
any work in or in connection with the production and processing of fish, aquaculture and marine products including fish purse seining or polling, fish farming, marine farming, aquaculture, pisciculture, mariculture, cultivation of live sea and freshwater products, breeding or spawning of fish and hatching of fish or marine products whether in or from the sea, rivers, dams, tanks, ponds, underwater cages, aquariums or other water source, holding, containing, penning, or harvesting of live fish or marine products or marine vegetation, cleaning, purging, flushing, packing, freezing, processing, preserving, smoking, treatment of fish or marine products, cultivation, culling or treatment of live shellfish including marine farming of oysters, mussels, clams, scallops and abalone except where the production of freshwater species is incidental to a broadacre mixed farming enterprise to which this award would otherwise apply.	This industry award applies throughout Australia to employers engaged in the <ul style="list-style-type: none"> • breeding, production, farming and related harvesting of fish, shellfish, crustacea and marine vegetation and • operations ancillary thereto including • initial preparation for market 	seafood processing means the following industries and parts of industries conducted on land post harvesting: <p>(a) the receipt, sorting and handling of fish, seafood and marine products whether wild or farmed, freshwater or saltwater including but not limited to scale fish, crustaceans, molluscs, and other marine species;</p> <p>(b) the preparing, cooking, preserving, filleting, gutting, shucking, drying, smoking, freezing, refrigerating, washing, grading, processing and/or canning of fish, seafood and marine products;</p> <p>(c) the packaging, labelling, palletising, cold storage, chilling and/or freezing, preparing for sale, packing and despatching of fish, seafood and marine products;</p> <p>(d) the cleaning and sanitising of tools, equipment and machinery used to process fish, seafood and marine products; and</p> <p>(e) the marketing in fish markets and selling by wholesale of fish, seafood and marine products.</p>

Item 42 - With Keep Rate

NFF no longer opposes the proposed amended wording of clause 24.3 as follows:

“If keep is provided then the employer may deduct an amount of \$120.94 per week from the employee’s total weekly wages.”

Item 84 – Accommodation where sleeping quarters not provided

We propose an amendment to clause 41.2 to improve understanding as follows:

“An allowance of \$15.23 per hour will be payable to the employee for all time in excess of one hour spent travelling between the sleeping quarters and the shed.”

Item 118 – proposal to delete “continuous service” definition

The NFF does not oppose the deletion of the “continuous service” definition, on the basis that it has no work to do (either in relation to the award or legislative entitlements). We are currently reviewing State workplace legislation to exclude the possibility that it is relevant to the calculation of State-based entitlements.

Hours of Work and Summary Rates Tables

We note the request to prepare a joint paper with the AWU in relation to the hours of work and summary tables in both the body of the Exposure Draft and proposed Schedule B, and to further discuss item 55. With the Commission’s indulgence, we propose to progress this after the casual and part-time proceeding hearings dealing with the agricultural awards conclude next week.

Regards,

Sarah McKinnon | General Manager, Workplace Relations and Legal Affairs | National Farmers' Federation

T 02 6269 5666 | Locked Bag 9 Kingston ACT 2604 | smckinnon@nff.org.au | www.nff.org.au | [@NationalFarmers](https://www.instagram.com/NationalFarmers)



The information in this email and any attachments is strictly for the intended addressee(s) for purposes agreed and approved by the National Farmers' Federation. It may contain confidential or legally privileged information. If you have received this email and you are not the an intended addressee, any confidentiality and privilege are not waived and you are not permitted to read, distribute or otherwise use the information it contains. Unless otherwise specified, media releases and other information intended for the public domain may be circulated and reproduced without further permission. This email does not constitute formal advice or consent, commitment or agreement by the sender or the National Farmers' Federation unless specifically approved and indicated. If you have received this communication in error or wish to be removed from a distribution list, please contact the National Farmers' Federation on +61 2 6269 5666

Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.
<http://www.mailguard.com.au/mg>