

From: Kimberly Pearsall [mailto:KPearall@nff.org.au]
Sent: Thursday, 16 June 2016 3:25 PM
To: AMOD
Cc: Sarah McKinnon
Subject: AM2014/239 - Pastoral Award

Dear Sir/Madam,

Please find enclosed a supplementary submission in the above matter in response to a request at the hearing on 6 June 2016.

Regards,
Kimberly

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4 yearly review of modern awards –Pastoral Award

Matter No. AM2014/239

NATIONAL FARMERS' FEDERATION

**FURTHER SUBMISSIONS ON EXPOSURE DRAFT –
PASTORAL AWARD 2016**

Date: 16 June 2016

1. The National Farmers' Federation (NFF) is the peak industry body representing Australian farmers and agribusiness across the supply chain, including all of Australia's major agricultural commodity groups.
2. This submission is supplementary to the NFF submissions of 14 April 2016 and 5 May 2016 and is made in response to a request at the hearing on 6 June 2016 for parties to file an update to the summary of submissions in relation to the proposed Pastoral Award 2016.
3. Our understanding of the status of each of the items in the Pastoral Award 2016 - Summary of Submissions is reflected in the table below.

Item	Exposure draft clause	Status
1	1.2	Agreed in relation to the other agriculture awards
2	2.1, 2.3	Withdrawn.
3	3.3	Discussion in relation to other agricultural awards has canvassed an approach whereby the definition of 'wine industry' in the Wine Industry Award would be adopted by cross-reference in those awards where it is used to delineate coverage between the two awards.
4	3.3	Discussion on the same issue in other awards has settled on an approach where coverage clause definitions are located in the coverage clause.
5	3.4(a)	Agreed in relation to other agricultural awards.
6	3.5 and 3.6	Agreed in relation to other agricultural awards.
7	5	NFF withdraws the suggestion to delete the facilitative provisions clause. Parties are likely to agree to changes to the current proposed clause to ensure it is complete - see Attachment A .
8	5.2	NFF agrees with ABI and NSWBC.
9	Part 2	Not agreed, NFF view is that no change is necessary.

10	6.1	Not agreed.
11	6.3(a)	Parties are likely to be agreed that the clause should include 'an average of'. Parties are not agreed on the restriction of hours to 'ordinary hours'.
12	6.3(b)	NFF proposal likely to be agreed between the parties
13	6.4(a)(i)	Not agreed.
14	6.4(b)	Likely to be agreed.
15	6.4(c)	Likely to be agreed.
16	6.5(a)	Likely to be agreed subject to final wording.
17	6.5(c)(i)	Likely to be agreed subject to final wording.
18	6.6(a)	Not agreed.
19	7	Likely to be agreed subject to wording.
20	7.1(c)	NFF amendment likely to be agreed.
21	9.1	Likely to be agreed.
22	10	Not agreed.
23	10.1(a)	Withdrawn.
24	10.1(a)(iii)	Likely to be agreed between the parties.
25	10.1(b)	Not agreed.
26	10.1(c)	Not agreed.
27	10.1(d)	NFF amendment likely to be agreed.
28	10.2(a)(i)	Likely to be agreed subject to wording.
29	10.2(b)	NFF amendment likely to be agreed.
30		Not agreed.
31	10.2(e)	NFF amendment likely to be agreed.
32	14	Matter for the Annual Leave Full Bench.
33	14.4(a)(i)	Not agreed.
34	14(a)(ii)	NFF amendment likely to be agreed.
35	14.7	Should reflect decision in [2015] FWCFB 3023 and the Determination PR568677.
36	14.8	Matter for the Annual Leave Full Bench.
37	19.2(b)	Likely to be agreed
38	18.4	Schedule F should be updated pursuant to PR580863.
39	23.2(b)	Likely to be agreed.
40	23.2(b)	Likely to be agreed to replace 'OH&S' with 'WH&S', noting similar changes agreed in the other agricultural awards.
41	24.2	Not agreed.
42	24.3	Not agreed.
43	25.3	Not agreed.
44	25.3(a)	AWU amendment likely to be agreed.
45	26.3	Not agreed.
46	27.1	Likely to be agreed.

47	27.3	Pending outcome of AM2014/300 – Award flexibility.
47	27.4	Not agreed.
48	27.5	Likely to be agreed subject to wording.
49	27.2, 32.2, 33.1, 38.1, Schedules B.2.2, B.4.1, B.4.2 to B.4.5, B.5.2 and B.6.1	Not agreed.
50	27.6	Likely to be agreed.
51	29.2	Not agreed.
52	30.2	Not agreed.
53	30.3	NFF amendment likely to be agreed.
54	31.1; 31.5	Not agreed. See also item 55.
55	31.1	Not agreed.
56	31.2(e)	Likely to be agreed.
57	31.6	NFF amendment likely to be agreed.
58	32 and 33	Not agreed.
59	32.2	Not agreed – further discussion could be beneficial.
60	32.3	For discussion.
61	32.6	Likely to be agreed.
62	32.8	Not agreed – see item 30.
63	32.9	Not agreed.
64	33	Not agreed.
65	34	Not agreed.
66	36.2	Not agreed.
67	38	Withdrawn in separate proceedings (AM2014/239 and AM2015/23).
68	38	NFF amendment likely to be agreed.
69	38.1	Withdrawn in separate proceedings (AM2014/239 and AM2015/23).
70	38.1(a)	Likely to be agreed.
71	38.1(c)	Matter for Award Flexibility Full Bench - AM2014/300.
72	39.2(c)(ii)	Likely to be agreed.
73	39.5	Matter for Full Bench in AM2015/23.
74	40	Determined by Full Bench in AM2015/23.
75	40	Determined by Full Bench in AM2015/23.
76	40	Determined by Full Bench in AM2015/23.
77	10.2	NFF amendment likely to be agreed.

78	40.3; Sch A.2	Likely to be agreed.
79	40.3(b)	Likely to be agreed.
80	40.3(c)	Likely to be agreed.
81	40.4	Likely to be agreed.
82	40.5(g)	Likely to be agreed.
83	40.9(f)	Likely to be agreed subject to wording.
84	41	Not agreed.
85	41.2	Likely to be agreed.
86	42.3(a)(ii)	Likely to be agreed.
87	43.2	Likely to be agreed.
88	44.2(b)	Likely to be agreed.
89	44.7(b)	Likely to be agreed subject to wording.
90	45.1	Not agreed.
91	45.5	Likely to be agreed.
92	46.1(b)	Likely to be agreed.
93	46.1(c)	Likely to be agreed.
94	A.1	Likely to be agreed.
95	A.1.2	Not agreed.
96	A.4	Likely to be agreed.
97	B.1	Not agreed.
98	B.2.3	Likely to be agreed.
99	B.3.3	Likely to be agreed.
100	B.4	Likely to be agreed.
101	B.4.1	Likely to be agreed subject to form.
102	B.4.2	Not agreed.
103	B.4.4	Likely to be agreed.
104	B.4.5	Not agreed.
105	B.5 and B.6	Not agreed as could potentially be misleading.
106	B.6.2	Not agreed.
107	B.6.3	For discussion.
108	B.7	For discussion.
109	B.7.2	For discussion.
110	C.1	Likely to be agreed.
111	C.2.2	Likely to be agreed.
112	Sched E	Likely to be agreed noting discussion in other agricultural awards.
113	Sched F	Clause should be updated pursuant to PR580863.
114	Sched G	Withdrawn in relation to 'all purposes' definition. Maintain that the reference to 'Shearing shed' should be amended to lower case.
115	Sched G	Determined by Full Bench in AM2015/23.

116	Sched G	Definitions likely to be moved to the body of the Award as part of the plain language process. See comments at items 3 and 4.
117	Sched G	Likely to be agreed.
118	Sched G	Not agreed
119		Referred to the Annualised Salaries Full Bench.

4. We look forward to discussing the views in the table above at the upcoming conference.

Sarah McKinnon
General Manager, Workplace Relations and Legal Affairs
16 June 2016

ATTACHMENT A

5 Facilitative Provisions

5.1 A facilitative provision provides that the standard approach in an award provision may be departed from by agreement between an employer and an individual employee, or an employer and the majority of employees in the enterprise or part of the enterprise concerned.

5.2 Facilitative provisions in this award are contained in the following clauses:

Clause	Provision	Agreement between an employer and:
<i>6.4(d)</i>	<i>Part-time employment</i>	<i>An individual</i>
<i>6.5(e)</i>	<i>Casual employees</i>	<i>An individual</i>
7.1(b)	Meal break	An individual
7.2(b)	Rest break	An individual
14.2	Annual leave— conversion to hourly entitlement	The majority of employees
14.6	Annual leave—Paid leave in advance of accrued entitlement	An individual
18.2	Substitution of certain public holidays	An individual or the majority of employees
<i>30.3; 30.5;</i>	Spread of ordinary hours	<i>An individual; a majority</i>
31.2	Ordinary hours and roster cycles— shiftworkers	The majority of employees
31.4	Shiftwork—variation by agreement	The majority of employees
34.3	Payment for public holidays	The majority of employees
<i>39.8</i>	<i>Shearing shed expert level 1</i>	<i>An individual</i>
<i>40.9(d)(iv)</i>	<i>Woolclassers and Shearing shed experts</i>	<i>An individual</i>

42.1(e)	<i>Fares and travelling allowances for expeditionary employees</i>	<i>An individual</i>
43.2(a)	Hours of work for Shearers and Crutchers	The majority of employees
43.4(a)(ii)	<i>Special conditions regarding the hours of work of Shearers and Crutchers</i>	<i>An individual</i>