



4 yearly review of modern awards

Sugar Industry Award 2010
AM2014/247

Submissions in reply
Exposure draft of the *Sugar Industry Award*

5 May 2016

Australian Manufacturing
Workers' Union
Registered as AFMEPKIU
National Research Centre
Level 3 133 Parramatta Rd
GRANVILLE NSW 2142
PO Box 160 Granville 2142
Telephone 02 9897 9133
Facsimile 02 9897 9275
nrc@amwu.asn.au

General Comments

In accordance with statement from the bench of 23 March 2013,¹ the Australian Manufacturing Workers' Union (AMWU) makes the following submissions in reply regarding the exposure draft of the Sugar Industry Award (Sugar Award).²

Additionally, the AMWU generally supports the submissions put forward by the Australian Workers' Union (AWU) of 17 April 2016.

For the ease of clarity, the positions of the AMWU are listed below in table format by clauses as numbered in the exposure draft:

Submissions supported by the AMWU

Clause	Party	AMWU Comment
3.2	ABI	The terms "Local Productivity Services" and "Sugar Research Australia" appear to be the current relevant terms.
3.4	NFF	Do not oppose moving clause 3.4 under the heading at 3.7
6.2(e)	ABI	Support submissions regarding clause regarding hours of work for part time workers, as not being prohibited.
6.3	AMSC	Issue referred to AM2014/196 as per directions of 29 June 2015
10.2(d)(iii)	AiG and NFF	Do not oppose additional bullet point.
15.4(d)	AWU and AMSC	Support the position that where juniors undertake work that entitles them to an allowance that they receive it at the full rate. This is also our understanding of the AMSC position after the conference of 27 April 2016, though was unclear from their written submissions.
16.1(t)(iii)	AMSC	Support proposal that "Spelling time" is replaced by "recovery time" and that gang" is replaced by "crew".
35.6	ABI	Support the consistent wording of "safe and appropriate".

¹ [2016] FWC 1838

² Published by the Commission on 15 January 2016

Submissions opposed by the AMWU

Clause	Party	AMWU Comment
2.1, 2.3, and 5	NFF	These are standard award clauses as settled by [2014] FWCFB 9412 at [25], [29], and [43] respectively.
3.5, 3.6, 3.7(b)	NFF	These are standard award clauses and should not be varied.
3.3 and 3.8	NFF	Clause 3.3 specifies where the Sugar Award does not have coverage, while 3.8 is where more than one award has coverage. These do not seem incompatible.
7.4	NFF	It appears there have been changes to the vocational education and training delivery structure, though this affects many awards and should be dealt with consistently. Additionally it appears that <i>Australian Industry and Skills Committee</i> may be the relevant body rather than the <i>Ministerial Council for Tertiary Education and Employment</i> though further clarification may be required.
10.2	ABI	Support AWU position in regard to field workers, though note that 25.2(b) also applies to non-field workers (see 10.3) and thus substantive provision of 25.2(b) should not be changed by any narrowing to only specify overtime, such as that put by ABI.
Schedule I Standard Rate	NFF	AMWU opposes removing the standard rate from the award. While we support the inclusion of dollar figures throughout the award, the mechanism of the standard rate provides the nexus between certain payments and the award rate of pay and is therefore necessary to retain.