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21 October 2016

Vice President Catanzariti
Fair Work Commission
80 William Street
East Sydney NSW 2001

Dear Vice President

Re. AM2016/25 Horticulture Award 2010 – draft determination

We refer to the above matter and directions issued by the Fair Work Commission on 12 September 2016.

In accordance with those directions, please find attached a draft determination that specifies the variations sought by the Australian Industry Group to the *Horticulture Award 2010*.

Yours sincerely,

Stephen Smith
Head of National Workplace Relations Policy



DRAFT DETERMINATION

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

4 yearly review of modern awards – Horticulture Award 2010

(AM2016/25)

VICE PRESIDENT CATANZARITI

SYDNEY, XX XXXX 2016

4 yearly review of modern awards – Horticulture Award 2010 – substantive claims

A. Further to the decision issued on [insert date]¹ it is ordered that, pursuant to s.156(2)(b)(i) of the *Fair Work Act 2009*, the *Horticulture Award 2010*² be varied by:

1. Inserting a new definition of ‘enterprise’ in subclause 3.1 as follows:

Enterprise means a business, activity, project or undertaking, and includes:

- An employer that is engaged with others in a joint venture or common enterprise; or
- Employers that are related bodies corporate within the meaning of section 50 of the *Corporations Act 2001*(Cth) or associated entities within the meaning of section 50AAA of the *Corporations Act 2001* (Cth).

2. Deleting the definition of ‘horticultural crops’ in subclause 4.1 and inserting a new definition as follows:

Horticultural crops includes all vegetables, fruits, grains, seeds, hops, nuts, fungi, olives, flowers, or other specialised crops.

3. Inserting a new definition of ‘horticultural enterprise’ in subclause 3.1 as follows:

Horticultural enterprise means an enterprise which as an important part of its enterprise engages in the raising of horticultural crops.

¹ [insert citation].

² MA000028.

4. Deleting subclause 4.2 and inserting a new subclause 4.2 as follows:

4.2 Horticulture industry means:

- (a) the sowing, planting, raising, cultivation, harvesting, picking, washing, packing, storing, grading, forwarding or treating of horticultural crops in connection with a horticultural enterprise; or
- (b) clearing, fencing, trenching, draining or otherwise preparing or treating land or property in connection with the activities listed at 4.2(a).

5. Deleting paragraph 4.3(f) and inserting a new paragraph 4.2(f) as follows:

- (f) a broadacre mixed farming enterprise which combines the growing of crops and the management, breeding, rearing or grazing of livestock.

B. This determination comes into effect on [insert date].

VICE PRESIDENT

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