

SUMMARY OF SUBMISSIONS

This table is a summary of submissions lodged for this award on or before 5.00pm on 27 May 2016

This summary does not include submissions received in relation to the learner shearer issue, which is being dealt with in AM2015/23

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1.	NFF	Sub-14/04/16	1.2		Title and commencement Remove words 'as varied' to clarify the modern award, as opposed to the variation, commenced on 1 January 2010.	Paras 10–11	
	AWU	Reply-sub-5/05/16			Not opposed to NFF submission	Para 1	
2.	NFF	Sub-14/04/16	2.1, 2.3		The National Employment Standards and this award NES is a defined term, no need to be referred to in full. Description should be amended to accommodate terms and conditions that operate for benefit of employers covered by award. Should reflect current term, and deal with situation where there is no noticeboard and limited/no internet coverage.	Paras 13–16	Proposed wording in submission. Determined by Full Bench in [2014] FWCFB 9412
	AWU	Reply-sub-5/05/16			Provisions in clause 2 determined by Full Bench [2014] FWCFB 9412 at [21-29]. AWU particularly concerned with NFF proposal to insert ' <u>that apply to the</u> employment of employees', conflates concepts of covering and applying to employees, distinction is important to maintain – as award covers an employee but may not apply because an enterprise agreement is in operation.	Para 3	

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3.	BusSA	Sub-15/04/16	3.3	3	Coverage – Definition of Wine Industry Definition changed (creating inconsistency) – Definition in ED does not include ‘the planting of wine grape vines’.	Para 11.1.1	
4.	BusSA	Sub-15/04/16	3.3	3	Coverage - Definition of Wine Industry <i>Parties asked whether wine industry should be defined by reference to the Wine Industry Award or by reference to definition in Schedule G?</i> Supports definition of wine industry according to the <i>Wine Industry Award 2016</i> – most appropriate mechanism to ensure the definition remains current.	Para 11.2.1	
	AWU	Sub-17/04/16			Subject to not disturbing existing coverage arrangements, consideration could be given to linking the exclusions specifically to the coverage of other relevant awards – reflecting approach taken in cl.4.2 of the <i>Building and Construction General On-site Award 2010</i> .	Para 4	Example provided in submission.
		Reply-sub-5/05/2016			Relies on Sub -17/04/2016 , potentially better approach to draft the exclusion from coverage including for the wine industry.	Para 4	
	NFF	Sub-14/04/16			Reference to definition in sch. G suitable as long as that definition is identical to that contained in the Wine Industry Award. Currently, part of the definition is missing.	Para 17	
	ABI& NSWBC	Sub-15/04/16			Supports clause as currently drafted – consistent with clause 3.3(d), which will make clearer the delineation between the two awards.	Para 19.1	

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	NFF	Reply-sub-5/05/16			Support proposal of AWU. Suggest one change to wording in first paragraph of this clause: <i>Without limiting the generality of the exclusion in clause 3.1, this award does not cover employers <u>or employees</u> covered by:</i>	Para 11-12	
	AWU	Reply-sub-5/05/16			Relies on their Sub -17/04/2016 if this proposal is not adopted agree to amendment proposed by NFF. Believes ABI submission similar effect.	Para 4, 72, 79	
5.	NFF	Sub-14/04/16	3.4(a)		Coverage 'Act' is a defined term and does not need to be spelt out in full.	Para 18	Proposed wording in submission.
	AWU	Reply-sub-5/05/16			Does not believe NFF amendment justified and notes similar wording adopted across most ED.	Para 5	
6.	NFF	Sub-14/04/16	3.5 and 3.6		Coverage Should be amended to include reference to defined term 'pastoral industry' for simplicity and ease of understanding.	Para 19 - 20	Proposed wording in submission.
	AWU	Reply-sub-5/05/16			Does not believed NFF amendment justified and notes similar wording adopted across most ED.	Para 5	
7.	NFF	Sub-14/04/16	5		Facilitative provisions Term unnecessary. If included, clause should be amended to list all terms that permit parties to agree on award variations.	Paras 21–23	Proposed wording in submission.
	AWU	Reply-sub-5/05/16			Inclusion of facilitative provision determined in [2014] FWCFB 9412 at [37-43] does not see need to depart from decision. - Does not oppose inclusion of clauses 6.4(d) and 30.3 - Does oppose inclusion of Award flexibility	Paras 6-8	

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					clause (as operates independently of facilitative provision) and Dispute resolution clause.											
	BusSA	Reply-sub-6/05/16			Agree with AWU											
8.	AWU	Sub - 17/04/2016	5.2		Facilitative provisions Reference to clause 30.3 incorrectly refers to individual agreement, not majority agreement.	Para 5										
	ABI&NS WBC	Reply-sub-6/05/16			AWU correct, 30.3 requires agreement by ‘an individual’. Additionally reference to 30.5 is incorrect, proposes following amendments:	Para 19.1										
					<table border="1"> <thead> <tr> <th>Clause</th> <th>Provision</th> <th>Agreement between an employer and:</th> </tr> </thead> <tbody> <tr> <td>30.3</td> <td>Spread of ordinary hours</td> <td>An individual</td> </tr> <tr> <td>30.5</td> <td>Method of implementing a 38 hour week</td> <td>The majority of employees</td> </tr> </tbody> </table>	Clause	Provision	Agreement between an employer and:	30.3	Spread of ordinary hours	An individual	30.5	Method of implementing a 38 hour week	The majority of employees		
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30.3	Spread of ordinary hours	An individual														
30.5	Method of implementing a 38 hour week	The majority of employees														
9.	BusSA	Sub-15/04/16	Part 2		General Employment Conditions <i>Parties are asked to consider whether award should clarify the application of various parts of award.</i> Unsure of intent of question – further clarification required from FWC	Para 11.2.2										
10.	NFF	Sub-14/04/16	6.1		Types of employment Unnecessary – duplicates existing terms.	Para 24										
	AWU	Reply-sub-5/05/16			Supports inclusion of term 6.1 and note will enhance consistency with other EDs.	Para 9.										

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11.	NFF	Sub-14/04/16	6.3(a)		Full-time employment For consistency, clause should be amended to include ‘an average of’.	Para 25	Proposed wording in submission.
	AWU	Sub - 17/04/16			Should be amended to make reference to 38 <i>ordinary</i> hours per week – otherwise overtime hours outside the span of ordinary hours in cl.30.3 could be included in the guaranteed 38 hours for the week.	Para 6	
	NFF	Reply-sub-5/05/16			Disagrees with AWU submission to restrict number of hours full-time and part-time employee engaged to work ordinary hours. Does not believe definition clause intended to deal with rates of pay. AWU amendment would change meaning.	Para 13-14	
	AWU	Reply-sub-5/05/16			Not opposed to ‘an average of 38 hours’, notes potential ambiguity Part 8 – Shearing operations which does not allow for averaging of ordinary hours for Shearers and Crutches; notes casual basis available to all but Woolclassers and Shearing Shed Experts who can be engaged by the day. Propose amendment to NFF submission to incorporate AWU Sub -17/04/2016 : “A full-time employee is an employee who is engaged to work an average of 38 <i>ordinary</i> hours per week”.	Paras 10-11	

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12.	NFF	Sub-14/04/16	6.3(b)		Full-time employment Reference to pay scales obsolete, should refer to 'the applicable rate of pay'.	Para 26	Proposed wording in submission.
	AWU	Reply-sub-5/05/16			Agrees with NFF's proposed amendment		
	BusSA	Reply-sub-6/05/16			Agree with NFF	11.3	
13.	AWU	Sub-17/04/16	6.4(a)(i)		Part-time employment Should be amended to make reference to 38 <i>ordinary</i> hours per week – otherwise overtime hours outside the span of ordinary hours in cl.30.3 could be included in the guaranteed 38 hours for the week.		Provision may be affected by AM2014/196
14.	NFF	Sub-14/04/16	6.4(b)		Part-time employment Clause should be moved into cl.6.5 as it deals with casual employment.	Para 27	
	AWU	Reply-sub-5/05/16			Agrees with NFF's proposed amendment	Para 13	
	BusSA	Reply-sub-6/05/16			Agree with NFF	11.4	
15.	NFF	Sub-14/04/16	6.4(c)		Part-time employment Should be amended to correct typographical error.	Para 28	Proposed wording in submission.
	AWU	Reply-sub-05/05/16			Agrees with NFF's proposed amendment	Para 13	
	BusSA	Reply-sub-06/05/16			Agree with NFF	11.5	

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16.	NFF	Sub-14/04/16	6.5(a)		Casual employment Current wording changes meaning of clause. Should be amended to re-insert words ‘as such’ or ‘engaged and paid as a casual employee’.	Para 29	Proposed wording in submission.
	AWU	Sub - 17/04/16			Should be amended to include ‘as such’, otherwise any employee engaged and paid by the hour can be treated as a casual.	Para 8	
	AWU	Reply-sub-05/05/16			Supports NFF’s amendment, part-time employee could also be ‘paid by the hour’.	Para 14	
	BusSA	Reply-sub-06/05/16			Agree with NFF and AWU	11.6	
17.	NFF	Sub-14/04/16	6.5(c)(i)		Casual employment <i>Clause 40.1 of this exposure draft (clause 45.1(1) of the current award) provides for Shearers to be engaged by the day and clause 40.5 (clause 45.4(g) of the current award) provides for Woolpressers to be engaged on a time work basis. Parties are asked to comment on whether this is inconsistent with clause 6.5(c)(i)</i> There is no inconsistency – clauses simply outline different options for payment of Shearer or Woolpresser. For sake of clarity and consistency with other terms of award, clause should be amended as suggested.	Paras 30–34	Proposed wording in submission. Provision may be affected by AM2014/197
	BusSA	Sub-15/04/16			No apparent inconsistency – however proposes the following amendment: ‘Casual Shearers, Crutchers and Woolpressers engaged as pieceworkers will be paid the piecework rates prescribed by this award’.	Para 11.2.3	

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	AWU	Sub-17/04/16			Given scope for payment at time work rates, clause should be amended to read: ‘Shearers, Crutchers and Woolpressers will be engaged as casual pieceworkers in accordance with the terms specified in Part 8 – Shearing Operations’.	Para 9	
	NFF	Reply-Sub-05/05/16			Note wording provided by AWU and Business SA. Contend their wording in Sub-14/04/2016 should be preferred.	Para 15	
	AWU	Reply-sub-05/05/16			Amendment proposed by NFF substantially same as AWU; Supports proposal made by BusSA suggest clearer than what proposed at para [9] AWU Sub -17/04/2016 .	Para 15	
	BusSA	Reply-sub-06/05/16			Agrees with AWU proposal Sub -17/04/16 at para [9]	11.7	
18.	NFF	Sub-14/04/16	6.6(a)		Farm and livestock hand at shearing or crutching Not easy to understand, original wording should be retained.	Para 35	
	AWU	Reply-sub-05/05/16			Submits ED wording clearer than 10.5 of current MA. ED wording should be kept.	Para 16	
19.	AWU	Sub -17/04/16	7		Breaks Clause is problematic for piggery attendants who work as shiftworkers because there is a paid crib break entitlement. Clause should be amended to exclude those who will receive the paid crib break.	Para 10	Proposed wording provided in submission.
	NFF	Reply-Sub-05/05/16			Supports AWU submission. Propose alternative form of words.	Para 16	Provided wording in submission.

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	BusSA	Reply-sub-06/05/16			Agrees with AWU, however their proposed wording unclear. Succinct references to specific clause mentioned by the AWU should be made.	11.8, 11.38	
20.	NFF	Sub-14/04/16	7.1(c)		Meal break Should be amended to retain current MA wording and meaning. Limitation that work performed during meal break attracting a double time rate should be limited to work undertaken in response to a direct instruction from employer.	Paras 36–38	
	AWU	Reply-sub-5/05/16			Does not oppose to NFF's amendment on the basis that it reflects clause 15.1(b) of the current award.	Para 17	
	BusSA	Reply-sub-6/05/16			Agree with NFF	11.9	
21.	AWU	Sub - 17/04/16	9.1		Period of payment The words 'actual ordinary' should be deleted as they indicate the payment obligation would not apply to overtime hours.	Para 11	Proposed wording provided in submission.
22.	NFF	Sub-14/04/16	10		Allowances New opening sentence states the obvious and not required.	Para 39	
	AWU	Reply-sub-5/05/16			Disagrees with NFF. New sentence helpful and should be retained.		
23.	NFF	Sub-14/04/16	10.1(a)		Allowances – all purpose All purpose allowance' should be defined as 'an allowance which is added to the minimum rate of pay before award entitlements to leave or payment of loadings (other than the casual loading) or penalties are calculated'.	Para 40	

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	AWU	Reply-sub-5/05/16			Disagrees with NFF. Definition of “all purpose allowance” is settled, amendment would be contrary to [2015] FWCFB 6656 at [110].	Para 19	
24.	NFF	Sub-14/04/16	10.1(a)(iii)		Allowances – travelling allowance <i>Clause 17.4 of the current award defines the Travelling allowance as an ‘all purposes allowance’. Parties are asked to confirm whether this is correct.</i> ‘Travelling allowances should not be treated as all-purpose allowances – they reimbursements for expenses and are inherently uncertain.	Para 41	
	ABI&NS WBC	Sub-15/04/16			Submits travelling allowance should not and cannot be construed as an all-purpose allowance as only paid in limited circumstances, and quantum of which will in many cases be unknown.	Paras 19.2 and 19.3	
	BusSA	Sub-15/04/16			Travel allowance incorrectly categorised as all-purpose allowance. Paid in situation where employee is required to travel from one place to another for purpose of work, and cannot appropriately form part of worker’s ordinary hourly rate.	Para 11.2.4	
	AWU	Sub-17/04/16			Accepts travelling allowance cannot sensibly be treated as an all-purpose allowance, more appropriately described as an expense-related allowance.	Para 12	
		Reply-sub-5/05/16				Para 20, 82	

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25.	AFEI	Sub-15/04/16	10.1(b)		Leading hand allowance Allowance expressed as precise amount, however, full weekly amount only applies to full-time employees with part-time employees entitled to allowance on pro rata basis. Clause as currently expressed may be misleading.	Paras 31–32	
	NFF	Reply-Sub-05/05/16			Agrees with AFEI, allowance payable on pro-rata basis to part time employees consistent with 6.4(a)(iii) as it applies to 10.1(a)(i)	Para 45	
	AWU	Reply-sub-05/05/16			Expression of allowance as weekly rate common in many industries. No change to ED warranted.	Para 78	
	BusSA	Reply-sub-6/05/16			Agree with AFEI	11.10	
26.	AWU	Sub - 17/04/16	10.1(c)		First aid allowance Concerned wording conveys that employee would have to actually carry out first aid duties to receive allowance. Suggested wording provided to clarify application.		Proposed wording provided in submission.
	NFF	Reply-sub-5/05/16			Notes AWU concern. Clause 10.1(a)(ii) makes clear allowance is payable for all purposes.	Para 17	
	BusSA	Reply-sub-6/05/16			Agree with AWU	11.11	
27.	NFF	Sub-14/04/16	10.1(d)		Travel allowance Subclauses 10.1(d)(i) and (ii) should be amended as suggested for the sake of clarity.	Para 42	Proposed wording in submission.
	AWU	Reply-sub-5/05/16			Agrees with both proposed amendments		

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28.	NFF	Sub-14/04/16	10.2(a)(i)		Tool and equipment allowance Should be amended as suggested for clarity.	Para 45	Proposed wording in submission.
	AWU	Reply-sub-5/05/16			See no significant difference between NFF's proposed amendment and ED, will accept either.		
29.	NFF	Sub-14/04/16	10.2(b)		Use of vehicle allowances Should be amended as suggested for clarity and consistency.	Para 46	Proposed wording in submission.
	AWU	Reply-sub-5/05/16			Not opposed to NFF's proposed amendment given 17.2(b) of current award uses the term 'instructs'.	Para 24	
30.	NFF	Sub-14/04/16	10.2(c)		Overtime meal allowance <i>Parties are asked to clarify the interaction between clauses 10.2(c)(i) and (ii). Does clause 10.2(c)(i) only apply when an employee has been notified that they are required to work overtime?</i> Does not align well with hours of work arrangements, and is only relevant in limited circumstances. Requirements should be reviewed for relevance – they duplicate other provisions in the award.	Paras 47–49	
	BusSA	Sub-15/04/16			Clause operates in substantially same way, save for notice requirement (whether employee was given notice they would be required to work overtime before leaving work the previous day, in which case cl.10.2(c)(i) will apply).	Para 11.2.5	
	AWU	Sub -17/04/16			The sub-clauses overlap and conflict. Alternative wording proposed.	Para 14	Proposed wording in submission.
Reply-sub-5/05/16		Para 83					

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	NFF	Reply-Sub-05/05/16			Reiterates submission Sub-14/04/2016	Para 18	
	AWU	Reply-sub-05/05/16			Relies on amendments proposed in Sub - 17/04/2016 para 14. Disagrees that meal allowance has no relevance in this industry. Example provided.	Paras 25-26	
	ABI&NS WBC	Reply-sub-06/05/16			Given the difference of opinion between the parties, suggest further discussion would be appropriate	19.2	
31.	NFF	Sub-14/04/16	10.2(e)		Wet weather clothing and footwear Should be amended as suggested for ease of understanding and consistency with current MA.	Para 44	Proposed wording in submission. [Note submission refers to 10.1(e)]
	AWU	Reply-sub-05/05/16			Not opposed to amendment	Para 22	
	BusSA	Reply-sub-06/05/16			Agree with AWU's submission	11.12	
32.	AWU	Sub-17/04/16	14		Annual leave Notes a number of provisions may be affected by finalisation of annual leave common proceedings.	Para 15	
33.	AWU	Sub-17/04/16	14.4(a)(i)		Annual leave loading Given farm and livestock hands and poultry workers can be required to work ordinary hours on weekend without any penalty rates, the words "as performed between Monday and Friday" should be deleted.	Para 16	

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	NFF	Reply-Sub-05/05/16			Does not agree with AWU submission to remove 'as performed between Monday and Friday'	Para 19	
	BusSA	Reply-sub-06/05/16			Agree with AWU's submission	11.14	
34.	NFF	Sub-14/04/16	14.4(a)(ii)		Annual leave loading Reference to cl.15.4(a)(i) should be amended to cl.14.4(a)(i).	Para 50	Provision may be affected by AM2014/47
	AWU	Reply-sub-05/05/16			Agree with NFF clause reference should be amended	Para 27	
	BusSA	Reply-sub-06/05/16			Agree with NFF	11.13	
35.	BusSA	Sub-15/04/16	14.7		Transfer of business Clause is due to be removed following the decision in [2015] FWCFB 3023	Para 11.1.2	
	AWU	Reply-sub-05/05/16			BusSA submission incorrect. NES Inconsistencies Full Bench only determined to remove clause 23.7(a) from current award – see PR568677	Para 80	
36.	AWU	Sub-17/04/16	14.8		Proportionate leave on termination Should be amended to include "(including annual leave loadings or penalty rates as per clause 14.4)" to ensure compliance with s.90(2) FW Act.	Para 17	
	NFF	Reply-Sub-05/05/16			Disagrees with AWU. Contends matter is being dealt with by annual leave common issue.	Para 20	

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	BusSA	Reply-sub-06/0/16			Disagrees with AWU. The proposed wording can be interpreted too broadly.	11.15, 11.39	
37.	NFF	Sub-14/04/16	18.2(b)		Substitution of certain public holidays Reference to 'in the enterprise or part of the enterprise concerned' should be moved as suggested for clarity and consistency	Para 51	Provision may be affected by AM2014/301
	AWU	Sub-17/04/16			Wording in clause 26.2(b) of current MA clearer and should be retained.	Para 18	
	NFF	Reply-Sub-05/05/16			Agrees with AWU, retain wording of current MA.	Para 21	
	AWU	Reply-sub-5/05/16			Agree with NFF's amendment	Para 28	
	BusSA	Reply-sub-6/05/16			Agree with AWU's Sub -17/04/16 at para [18].		
38.	NFF	Sub-14/04/16	18.4		Part-day public holidays Reference to Schedule F should be updated or deleted.	Para 52	Provision may be affected by AM2014/301
39.	NFF	Sub-14/04/16	23.2(b)		Farm and Livestock Hand Level 2 (FLH2) <i>'QA Programs' are not currently defined in the award, should a definition be included in the award?</i> Defining term not necessary as it is well understood in industry and can be varied according to market requirements. Greater clarity may be achieved by spelling term out in full.	Paras 53–54	
	BusSA	Sub-15/04/2016			No definition necessary, term should simply be rewritten as 'quality assurance program'. If term	Para 11.2.6	

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					has other meaning, a definition should be provided.		
	AWU	Sub - 17/04/16			Definition not required.	Para 19	
	NFF	Reply-Sub-05/05/16			Notes AWU views – prefers NFF’s own submission Sub-14/04/2016	Para 22	
	AWU	Reply-sub-05/05/16			Not opposed to replacing references to “QA Programs” with “Quality Assurance Programs” as per NFF’s submission.	Para 29, 84	
40.	NFF	Sub-14/04/16	23.2(b)		Farm and Livestock Hand Level 2 (FLH2) <i>Should ‘OH&S procedures’ be changed throughout the award to ‘WH&S procedures’ in line with current legislation?</i> No objection to change, although abbreviation ‘WHS’ more common. If necessary, words ‘work health and safety’ could be adopted.	Para 55	
	BusSA	Sub-15/04/16			Supports inclusion of wording ‘WH&S procedures’.	Para 11.2.6	
	ABI & NSWBC	Sub-15/04/16			References to ‘OH&S procedures’ should be changed to ‘work health and safety procedures’ throughout award.	Para 19.4	
	AWU	Sub-17/04/16			References should be amended to ‘WH&S procedures’.	Para 19	
	AWU	Reply-sub-5/05/16			Not opposed to replacing “OH&S procedures” with “work health and safety procedures”.	Para 29, 74	

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41.	NFF	Sub-14/04/16	24.2		Junior wages Table heading should be amended to refer to ‘% of relevant adult wage’ for consistency with cl.24.1.	Para 56	Relates to proposed amendments to clauses 24.2, 29.2, 36.2
	AWU	Reply-sub-05/05/16			Opposed to NFF’s amendment. “Adult rate” may encompass more than the “wage” rate in cl. 24.1.	Para 30	
	BusSA	Reply-sub-6/05/16			Agree with NFF	11.17	
42.	NFF	Sub-14/04/16	24.3		With Keep Rate <i>Would the alternative wording below provide greater clarity in relation to how penalty and overtime rates interact with ‘with keep’ wages by expressing the ‘with keep’ amount as a deduction (rather than part of the minimum wage)? (see also clause 27.5): “If keep is provided then the employer may deduct an amount of \$120.94 per week from the employee’s total weekly wages.”</i> Suggested wording would have the effect of changing the meaning of the clause and should not be implemented. Current wording should be retained.	Paras 57–59	
	ABI&NS WBC	Sub-15/04/16			Agree the second version of the clause is easier to understand – supports the alternative wording.	Para 19.5	
	BusSA	Sub-15/04/16			Change proposed is appropriate – provides clarity without changing the operation of cl.24.3	Para 11.2.7	

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	AWU	Sub-17/04/16			Supports amendment as it should eliminate prospect of overtime and public holiday payments being calculated on a rate which has been reduced by 'with keep' amount.	Para 20	
		Reply-sub-05/05/16				Para 31, 75, 85	
	NFF	Reply-Sub-05/05/2016			Disagrees with AWU, BusSA, ABI&NSWBC. Proposed wording would increase costs as outlined in Sub-14/04/2016	Para 23	
43.	NFF	Sub-14/04/16	25.3		Special Allowances <i>Parties are asked whether the allowances in clause 25 only apply to the Broadacre Farming and Livestock Operations stream. These allowances were found in the pre reform Pastoral Industry Award 1998 [AP792378CRV] at clause 37</i> Allowances only apply to Broadacre Farming and Livestock Operations stream, however, important to note Piggery and Poultry Operations were also covered by <i>Pastoral Industry Award 1998</i> .	Para 60	
	ABI&NS WBC	Sub-15/04/16			Clear allowances in cl.25 only apply to Broadacre Farming and Livestock Operations.	Para 19.6	
	BusSA	Sub-15/04/16			Allowances in cl. 25 should only apply to Broadacre Farming and Livestock Operations stream – pre reform award demonstrates that clause should not apply beyond Part 5.	Para 11.2.8	
	AWU	Sub-17/04/16			Disability allowance should be moved to clause 10.1 so it can apply to any employee who is exposed to these tasks.	Para 22	
		Reply-sub-05/05/2016			Relies on Sub -17/04/2016	Para 32, 76, 86	

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	ABI&NS WBC	Reply-sub-06/05/16			Disagrees with AWU's proposal to move disability allowance to 10.1, submits this would be substantive change.	Para 19.3	
44.	AWU	Sub - 17/04/16	25.3(a)		Special allowances Should be amended to read: 'in or in connection with jetting or spraying of sheep, <i>if they</i> mix the poison or handle the nozzle'.	Para 21	
	NFF	Reply-sub-5/05/16			NFF supports wording proposed by AWU in relation to clause 25.3.	Para 24	
	BusSA	Reply-sub-6/05/16			Agree with AWU's submission	11.18	
45.	NFF	Sub-14/04/16	26.3		Station cooks <i>Given that cooks are classified as an FL1, should the words 'appropriate weekly rate' in clause 18.3 be changed to the 'FL1 ordinary hourly rate'? Should these amounts also be expressed as percentages?</i> Oppose change suggested, as the weekly rate includes keep, while the FL1 ordinary hourly rate does not. Changing the clause would result in a deduction of keep from a station cook's wages – which is not the intention.	Paras 61–63	
	NFF	Reply-sub-5/05/16			Notes their views correspond with AWU and Business SA, but differ from ABI&NSWBC	Para 26.3	
	ABI& NSWBC	Sub-15/04/16			Supports change	Para 19.7	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
	BusSA	Sub-15/04/16			Cl. 18.3 relates to payment for public holidays and there is no cl.18.3 in current award. If the question is directed at cl.26.3, the change is significant and contentious. The question suggests changing from a weekly rate to an hourly rate. BusSA does not support inclusion of wording 'appropriate weekly rate'. Supports expressing amounts as percentages.	Para 11.2.9	
	AWU	Sub-17/04/16			Amendment not required.	Para 23	
		Reply-sub-5/05/16				Para 33, 77, 87	
46.	NFF	Sub-14/04/16	27.1		Overtime and penalty rates Reference to 'clause 26.1' should be amended to 'clause 26'.	Para 64	
	AWU	Reply-sub-5/05/16			Agrees with NFF reference should be to cl. 26	Para 34	
47.	AWU	Sub-10/12/15	27.3	31.4	Time off instead of payment for overtime Seeks deletion of TOIL provision as may have no effect due to s.326 FW Act	Paras 3–13	Pending outcome of AM2014/300
	AWU	Sub-17/04/16			Affected by the Award Flexibility proceedings. AWU and NFF are in ongoing discussions about model TOIL term.	Para 24	
	AWU	Sub-17/04/16	27.4		Contrary to requirement in s.323 for work to be paid for in full subject to permitted and reasonable deductions.	Para 25	
	NFF	Reply-Sub-05/05/2016			Disagrees with AWU, would be substantive change.	Para 26	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
	BusSA	Reply-sub-6/05/16			Disagrees with AWU. Cl 27.4 serves important function in award. Deletion would be substantive change.	11.19, 11.40	
	ABI& NSWBC	Reply-sub-6/05/16			ABI and NSWBC do not agree with AWU. If the Commission removes provision on basis of inconsistency with s.323, the provision should be replaced with clause requiring employees to notify a claim for overtime or time off in lieu within current timeframes listed in clause 27.4.	Para 19.4	
48.	NFF	Sub-14/04/16	27.5		Overtime and penalty rates Clause should be amended to refer to overtime payments being calculated on minimum weekly rate for simplicity and ease of understanding	Para 65	Proposed wording in submission
	AWU	Sub-17/04/16			Proposes alternative wording to make clearer.	Para 26.	
	AWU	Reply-sub-5/05/16			AWU prefers their wording in Sub -17/04/2016 para 26 to NFF.	Para 35	
	NFF	Reply-sub-5/05/16			Submits alternative wording: <i>Overtime and public holiday rates are calculated on the ordinary hourly rate before any deduction is made for keep</i>	Para 27	Proposed wording in submission
	BusSA	Reply-sub-6/05/16			Agree with NFF and AWU's submissions.	11.20	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
49.	NFF	Sub-14/04/16	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		Overtime and penalty rates – various Identified clauses and tables imply that all hours worked on weekends (in particular Sunday) are overtime hours. However, under MA overtime hours are those worked in excess of ordinary hours (152 hours over four weeks) regardless of day or time. Clauses and tables should be amended to clarify that overtime is only payable after 152 hours have been worked in a four week period.	Paras 66–7-	Proposed wording and examples in submission
	AWU	Reply-sub-05/05/16			NFF’s general submission re overtime misconceived, proposed amendments should not be made. Examples provided.	Para 36	
50.	NFF	Sub-14/04/16	27.6		Public holidays Reference to ‘Farm’ should be amended to ‘farm’.	Para 71	
	AWU	Reply-sub-5/05/16			Agree with correction proposed by NFF	Para 37	
	BusSA	Reply-sub-6/05/16			Agree with NFF	11.21	
51.	NFF	Sub-14/04/16	29.2		Junior wages Heading should be amended to ‘% of relevant adult wage’ for ease of understanding and consistency with cl.29.1.	Para 72	Relates to proposed amendments to clauses 24.2, 29.2, 36.2
	AWU	Reply-sub-05/05/16			Opposed to NFF’s amendment. The “adult rate” may encompass more than the “wage” rate.	Para 38	
	BusSA	Reply-sub-06/05/16			Agree with NFF	11.17	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
52.	AWU	Sub-17/04/16	30.2		Ordinary hours of work Should be amended to make reference to <i>ordinary</i> hours and that the employee is paid <i>the full weekly rate for that week</i> .	Para 27	Proposed wording in submission
	NFF	Reply-Sub-05/05/16			Contends AWU's proposed wording would change meaning of clause. ED should be unchanged.		
	AWU	Reply-sub-05/05/16			Prefers AWU amendment		
53.	NFF	Sub-14/04/16	30.3		Ordinary hours of work Amendment required regarding provision for agreement between employee and employer to improve ease of understanding.	Para 73	Proposed wording and examples in submission
	AWU	Reply-sub-05/05/16			Not opposed to NFF's amendment	Para 39	
54.	FWO	Corro-02/03/15	31.1 31.5	35.3 and 35.9	Shiftwork definitions May be unclear under which circumstances an employee should be considered a shiftworker, as 'shiftworker' is not a defined term.	Item 29; p.8	
55.	NFF	Sub-14/04/16	31.1		<i>Parties are asked to comment on whether the award should include a definition of 'shiftworker' in order to clarify which employees are shiftworkers (for the purposes of shift loading) and which employees are dayworkers (working outside the spread of ordinary hours)</i> Definition of 'shiftworker' not necessary.	Para 74	
	BusSA	Sub-15/04/16			Definition of 'day shift' needs to be implemented to avoid confusion highlighted by FWO. Approach of the Horticultural MA should	Para 11.2.10	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
					be adopted – where ‘day shift’ is determined by employer. Alternatively, approach in the Mining MA could be adopted, incorporated a similar definition of ‘shiftworker’.		
	NFF	Reply-Sub-05/05/16			Oppose insertion of definition of day shift.	Para 30	
	AWU	Sub-17/04/16			Draft conflates concepts of ‘non-continuous work’ and ‘non-successive shifts’, which may have unintended effect of removing entitlement to higher rates of pay for employees who perform less than a full week of shifts in a continuous work enterprise. Draft confines entitlement to paid crib breaks to continuous workers, in contrast to other provisions of award eg: cl.35.6(a). Amendments proposed to rectify issues.	Paras 28–31	Proposed wording and examples in submission
	AWU	Reply-sub-5/05/16			Relies on Sub -17/04/2016 in reply to NFF. In reply to BusSA opposes inclusion of “day shift”, would amount to substantive change.	Para 40, 88	
	NFF	Reply-sub-5/05/16			In reply to AWU submission, contends ‘non-successive shifts’ is a new term and concept in the ED	Para 29	
	ABI & NSWBC	Reply-sub-6/05/16			Due to different views of parties believes further discussion appropriate.	Para 19.5	
56.	AWU	Sub-17/04/16	31.2(e)		Ordinary hours and roster cycles–shiftworkers Should be amended to include reference to ‘per shift’	Para 32	Proposed wording in submission
	BusSA	Reply-sub-6/05/16			Agrees with AWU	11.22	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
57.	NFF	Sub-14/04/16	31.6		Shiftwork Reference to clause 33 should be amended to reflect full heading.	Para 75	
	AWU	Reply-sub-05/05/16			Does not oppose NFF's amendment	Para 40	
58.	NFF	Sub-14/04/16	32 and 33		Overtime and penalty rates; Saturday and Sunday Penalty rates Minor amendments proposed to reduce risk of misinterpretation and to correct typographical errors identified.	Paras 80–81	Proposed wording and examples in submission
	AWU	Reply-sub-5/05/16			Does not agree with any of NFF's amendments, relies on Sub -17/04/16 para [33-38]	Para 41	
59.	NFF	Sub-14/04/16	32.2		Overtime and penalty rates Should be adjusted to avoid misleading. Suggest that all work on weekends attracts overtime.	Para 77	
	AWU	Sub -17/04/16			'All hours' should be deleted from table given clause is only concerned with overtime.	Para 33	
	BusSA	Reply-sub-6/05/16			Agrees with AWU	11.23	
	NFF	Reply-sub-5/05/16			Notes AWU's submission but refers to their submission Sub-14/04/16	Para 31	
60.	NFF	Sub-14/04/16	32.3		Overtime and penalty rates Should be moved to cl.33 as this refers directly to Saturday and Sunday overtime rates	Para 78	
61.	AWU	Sub-17/04/16	32.6		Overtime and penalty rates Clause unnecessary.	Para 34	
	BusSA	Reply-sub-6/05/16			Agrees with AWU	1.24	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
62.	NFF	Sub-14/04/16	32.8		Overtime meal allowance Does not align well with hours of work arrangements, and is only relevant in limited circumstances. Requirements should be reviewed for relevance – they duplicate other provisions in award.	Para 76	<i>Submission refers to clause 32.7, assumed reference should be 32.8</i>
63.	AWU	Sub-17/04/16	32.9		Paid breaks during overtime Should be amended to read: ‘For overtime which follows working of ordinary hours, an employee will be allowed a meal break of 30 minutes paid at ordinary rates’.	Para 35	
	BusSA	Reply-sub-6/05/16			Agrees with AWU	11.25	
	ABI&NSWBC	Reply-sub-6/05/16			Disagrees with AWU proposal. ED is clear.	19.6	
64.	AWU	Sub-17/04/16	33		Saturday and Sunday penalty rates Table for day workers should state: ‘Sunday – ordinary hours worked by agreement’. Given shiftworkers on ‘non-continuous work’ can seemingly perform ordinary hours on a Sunday, words ‘continuous shifts’ should be deleted. Second footnote referring to a major portion of the shift being on a Sunday should be deleted as there is no corresponding provision for Saturday night shifts or shifts on public holiday.	Paras 36–38	
	ABI&NSWBC	Reply-sub-06/05/16			ABI&NSWBC disagree with AWU, not replicated for Saturday night shifts or shifts on public holidays. Would be substantive change.	Para 19.7	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
	NFF	Reply-Sub-05/05/16			Notes changes proposed by AWU 'clause 33 – Day workers' and refer to Sub-14/04/16 – supports other aspects of AWU proposal in relation to shiftworkers.	Para 32-33	
65.	NFF	Sub-14/04/16	34		Payment for public holidays <i>The overtime rates that apply for work in excess of rostered hours on a public holiday in accordance with clause 32.1 are less than that provided for ordinary hours on a public holiday. Is this correct?</i> Overtime worked on public holidays is paid at overtime rate – based on minimum weekly rate with relevant overtime loading applied.	Para 82	Provision may be affected by AM2014/301
	BusSA	Sub-15/04/16			Correct – in line with pre-reform award.	Para 11.2.11	
	AWU	Reply-sub-5/05/16			Illogical and unfair for overtime hours on public holidays to be paid at lower rate than ordinary hours. Should be 250% of ordinary hourly rate for all hours worked.	Para 42, 89	
66.	NFF	Sub-14/04/16	36.2		Junior wages Heading should be amended to '% of relevant adult wage' for ease of understanding and consistency with cl.29.1.	Para 83	Relates to proposed amendments to clauses 24.2, 29.2, 36.2
	AWU	Reply-sub-05/05/2016			Opposed to NFF's amendment for same reason as for clause 24.2 and 29.2. "Adult rate" may encompass more than "wage" rate in clause 24.1		
	BusSA	Reply-sub-06/05/2016			Agree with NFF	11.17	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
67.	NFF	Sub-02/03/15	38	42	Overtime Restore 'milking' as an activity akin to feeding and watering of stock for the purposes of overtime on Sundays.	para 4(e)	No longer pressed (transcript – 9 Oct15 at PN66).
68.	NFF	Sub-14/04/2016	38		Overtime and penalty rates Heading should be amended to 'Overtime and public holidays'	Para 84	
	AWU	Reply-sub-5/05/2016			Agree with NFF's amendment	Para 44	
69.	AWU	Sub-02/03/15	38.1	42.3	Overtime Currently no penalty rate for employees on poultry farms who work ordinary hours on a Saturday. Intend to seek a variation to clause 42.3 so that it reads: "The rate of pay for overtime will be time and a half, provided that time and a half will be paid for all work performed on Saturday and double time will be paid for all work performed on Sunday except in the case of feeding or watering the stock when such work will be paid for at the time rate of time and a half."	para 6-10	No longer pressed (transcript – 9 Oct15 at PN66).
70.	AWU	Sub-17/04/16	38.1(a)		Overtime Insert 'worker' after 'poultry'.	Para 39	
	NFF	Reply-sub-5/05/16			Supports AWU amendment to 38.1(a)	Para 24	
	BusSA	Reply-sub-6/05/16			Agrees with AWU	11.26	
71.	AWU	Sub-17/04/16	38.1(c)		Overtime Party still in discussions with NFF about potential insertion of model TOIL provision.	Para 40	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
72.	AWU	Sub-17/04/16	39.2(c)(ii)		Minimum daily payment Second dot point should read: ‘the employee is advised by the employer of a starting time with more than 24 hours’ notice’.	Para 41	
	NFF	Reply-sub-5/05/16			Supports AWU’s amendment to 39.2(c)(ii)	Para 35	
	BusSA	Reply-sub-6/05/16			Agrees with AWU	11.27	
73.	AWU	Sub-13/03/15	39.5	44.4(b)	Insertion of employment conditions for learners .	para 2	Being determined by Full Bench in AM2015/23
	SCAA	Sub-04/03/16			Concerned with practicalities of AWU’s proposal. In favour of initiatives to attract and retain labour to shearing industry but does not regard award as appropriate instrument for what is essentially an ‘attraction’ and ‘retention’ strategy.	Para 6-13	Proposed wording in submission.
	NFF	Sub-04/03/16			Party submits following proposed terms are about permitted parts: (a) term which define “learner shearer”; and (b) terms which provide a guaranteed minimum rate of pay for learner shearers. Terms which restrict the use of stands in a shed to learner shearers are not terms about permitted matters.	Para 11-45	Proposed wording in submission.
74.	NFF	Sub-02/03/15	40	45	Woolclassers’ formula Seeks to clarify the method for calculating the Woolclassers’ formula.	para 4(b)	Determined by Full Bench in AM2015/23

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
75.	NFF	Sub-02/03/15	40	45	Rate for crutching stud ewes Seek to clarify the method for calculating the rate for crutching stud ewes.	para 4(c)	Determined by Full Bench in AM2015/23
76.	AWU	Sub-13/03/15	40	45	Rate for crutching stud sheep and rams Seek insertion of higher rates for crutching stud sheep and rams.	para 2	Determined by Full Bench in AM2015/23
77.	NFF	Sub-14/04/16	40.2		Additional rates Heading should be amended to ‘Other shearing rates’ as not all rates are additional, and minor amendments made to the table for greater clarity	Paras 85–87	Proposed wording and examples in submission
	AWU	Reply-sub-05/05/16			Agree with NFF’s amendments to heading and tables in 40.2 given they reflect 45.1 of current award.	Para 45	
78.	NFF	Sub-14/04/16	40.3, Sch A.2		Rates for crutching and Schedule A.2 – Crutching formula Current wording suggests piecework rates for crutching to be paid in addition to shearing rates. No basis for change – activities different in nature and two rates are not paid together. Amendments proposed to clarify payment in relation to crutching.	Paras 88–91	Proposed wording and examples in submission
	AWU	Reply-sub-5/05/16			Agree with NFF’s amendments to clarify there are separate rates for crutching and shearing	Para 46	
	BusSA	Reply-sub-6/05/16			Agrees with NFF	11.28	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES	
79.	NFF	Sub-14/04/16	40.3(b)		<p>Rates for crutching – lack of amenities allowance <i>This wage related allowance is currently adjusted in accordance with changes in standard rate at time of annual wage review. Parties are asked to comment on whether this allowance should be expressed as 51.5% of the standard rate?</i> Allowance should be expressed as dollar figure. Method of calculation for allowances could be included in Schedule C. Should be amended to specify allowance is paid in addition to piecework rates.</p>	Paras 92–94	Proposed wording in submission	
		Reply-sub-5/05/16				Para 36		
	BusSA	Sub-15/04/16				Support proposed change	Para 11.2.12	
	AWU	Sub-17/04/16				Does not support change.	Para 42, 90	
	AWU	Reply-sub-05/05/16				Agree with NFF’s proposed amendments.	Para 47	
80.	NFF	Sub-14/04/16	40.3(c)		<p>Special crutching rates Reference to clause 40.3 should be amended to cl.40.3(a).</p>	Para 95		
	AWU	Reply-sub-5/05/16				Agrees with NFF	Para 48	
81.	NFF	Sub-14/04/16	40.4		<p>Rates for Shed hands Reference to ‘Shed hands’ should all be in lower case.</p>	Para 96	Example in submission	
	AWU	Reply-sub-05/05/16				Note NFF concerns re inappropriate use of capitals, however reference should remain as capital letter is used in cl/ 39.	Para 49	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
82.	AWU	Sub - 17/04/16	40.5(g)		Rates for Woolpressers Correct cross-reference at end of this clause is 40.5 (a).	Para 43	
	NFF	Reply-sub- 5/05/16			Agree with AWU	Para 37	
83.	NFF	Sub-14/04/16	40.9(f)		Woolclassers allowances formula Clause should make clear allowances payable to woolclassers are built into their weekly rate and not payable in addition to woolclassers' rate – reference to Schedule A may assist.	Para 97	
	AWU	Reply-sub- 5/05/16			Noting NFF's concern, AWU proposes preamble sentence be amended to: <i>"Allowances included in the Woolclassers' weekly rate are calculated in accordance with the following formula..."</i>	Para 50	
84.	NFF	Sub-14/04/16	41	46.1	Special allowances (other than Woolclassers and Shearing shed experts) Wording of current award should replace proposed wording for cl. 41.1 to 41.3 of ED to reduce risk of unintentional changes to meaning.	Para 98	
	AWU	Reply-sub- 5/05/16			Satisfied with new drafted provision subject to amendment to 41.2 (below).	Para 51	
85.	AWU	Sub-17/04/16	41.2		Special allowances (other than Woolclassers and Shearing shed experts) Wording in cl 46.2 of MA clearer, should be retained.	Para 44	
	NFF	Reply-sub- 5/05/16			Agree with AWU, % should be retained	Para 38	
	BusSA	Reply-sub- 6/05/16			Agree with AWU	11.29	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
86.	NFF	Sub-14/04/16	42.3(a)(ii)		Allowance for delays for Woolclassers paid at piecework rate Meaning may have changed in terms of limiting circumstances in which clause applies. Term 'Act of God' should be retained.	Paras 99–100	Example in submission.
	AWU	Reply-sub-5/05/16			Agree to NFF's proposed amendment which reflects clause 47.3(a) of the current award.	Para 52	
	BusSA	Reply-sub-6/05/16			Agrees with NFF	11.30	
87.	NFF	Sub-14/04/16	43.2		Alteration of starting times Title should be removed as subclause (c) does not deal with starting times, and minor amendments made to assist with drafting of clause.	Paras 101–102	Proposed wording in submission.
	AWU	Reply-sub-5/05/16			43.2	Agree with NFF's amendment	Para 53
88.	NFF	Sub-14/04/16	44.2(b)		Where there is a joint mess Reference to 'payable' should be removed.	Para 103	
	AWU	Reply-sub-5/05/16			Agrees with NFF's amendment	Para 54	
	BusSA	Reply-sub-6/05/16			Agrees with NFF	11.31	
89.	NFF	Sub-14/04/16	44.7(b)		Allotment of stands 'Subject to clause 44.7(a)' should be inserted at the beginning of the clause.	Para 104	
	AWU	Sub-17/04/16			words 'subject to the foregoing' should be retained because they clarify that stands allocated to a 'learner shearer' can be excluded from drawing of lots.	Para 45	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
	BusSA	Reply-sub-6/05/16			Agrees with AWU and NFF	11.32	
	NFF	Reply-sub-5/05/16			Notes AWU submission, prefers NFF wording	Para 39	
	AWU	Reply-sub-5/05/16			Notes NFF's submission is consistent with para 45 of AWU Sub -17/04/2016	Para 55	
90.	NFF	Sub-14/04/16	45.1		Hours of work and overtime rates for Shed hands and Woolpresser-shed hands Minor amendments proposed to assist with readability of clause.	Paras 105	Proposed wording in submission.
	BusSA	Reply-sub-06/05/16			Agree with NFF	11.33	
	AWU	Reply-sub-05/05/16			Disagree proposed amendments would make ED clearer.	Para 56	
91.	NFF	Sub-14/04/16	45.5		Hours of work and overtime rates for Shed hands and Woolpresser-shed hands Replace 'the' with 'all'	Para 106	Proposed wording in submission.
	BusSA	Reply-sub-6/05/16			Agree with NFF	11.33	
	AWU	Reply-sub-5/05/16			Not opposed to NFF's amendment	Para 53	
92.	NFF	Sub-14/04/16	46.1(b)		Payment for public holidays <i>Should clause 46.1(b) also apply to Woolpresser-shed hands?</i> Description of shed hands in cl.46.1(b) also applies to Woolpresser-shed hands.	Para 107	
	BusSA	Sub-15/04/16			Current clause appears appropriate. Clause 39.1 lists possible employment categories and there is no distinction between 'shed hand' and	Para 11.2.13	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
					‘woolpresser-shed hand’. Clause 39.2 details general shed hands and woolpresser-shed hands as performing substantially the same functions.		
	AWU	Sub-17/04/16			Clause should also refer to Woolpresser and shed-hands.	Para 46	
		Reply-sub-5/05/16			AWU submission aligns with NFF and BusSA	Para 58, 91	
93.	NFF	Sub-14/04/16	46.1(c)		Payment for public holidays Clause significantly increases public holiday rate of pay for shearing shed experts. Rate should be 2.6% of appropriate minimum hourly rate (not 20% of appropriate minimum weekly rate).	Para 108	
	AWU	Sub-17/04/16			The reference to 1/38th of appropriate minimum weekly rate in cl 51.1 (c) of MA has been changed to 20% of the weekly rate per hour. This seems reasonable on a merit level but perhaps extends beyond the scope of redrafting process.	Para 47	
	NFF	Reply-Sub-05/05/16			Relies on Sub-14/04/16	Para 40	
	AWU	Reply-sub-05/05/16			AWU notes both NFF, submits NFF’s proposal to insert reference to 2.6% involves opportunistic rounding, more accurate percentage would be 2.63%	Para 59	
94.	NFF	Sub-14/04/16	A.1		Rates for Shearers – if not found employee Heading ‘Rates for flock sheep (wethers, ewes and lambs)’ should be carried over from clause 45.1 of current MA. Further minor amendments proposed to improve readability of clause.	Paras 109–110	Proposed wording and examples in submission.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
	AWU	Reply-sub-5/05/16			Does not oppose NFF's proposal to insert 'Rates for flock sheep (wethers, ewes and lambs)'	Para 60	
95.	NFF	Sub-14/04/16	A.1.2		Minimum wages Clause should be amended to take same form as cl.45.1(h) in current MA. Same clause should also be included in cl.40 of ED.	Paras 111–112	
	AWU	Reply-sub-5/05/16			Considered NFF's submission and finds no issue with wording of ED.	Para 61	
96.	NFF	Sub-14/04/16	A.4		Woolpresser's formula References to 'per week' should be removed	Para 113	Examples in submission.
	AWU	Reply-sub-5/05/16			Agree with NFF's proposed amendments	Para 62	
97.	NFF	Sub-14/04/16	B.1		Ordinary hourly rate Definition should be amended as suggested if 'all purpose allowance' is to be a defined term	Para 114	Proposed wording in submission.
	AWU	Reply-sub-5/05/16			Does not agree with NFF's amendment. ED reflects approach adopted across numerous other EDs.	Para 35	
	BusSA	Reply-sub-6/05/16			Agree with NFF	11.34	
98.	NFF	Sub-14/04/16	B.2.3		Full-time and part time adult station cooks – additional overtime rates Keep is provided free of charge to station cooks and reference to the deduction of keep should be deleted.	Para 115	
	AWU	Reply-sub-5/05/16			Agree with NFF's amendment 'with keep' should be deleted.	Para 64	
	BusSA	Reply-sub-6/05/16			Agree with NFF	11.35	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
99.	NFF	Sub-14/04/16	B.3.3		Full-time and part time junior station cooks – additional overtime rates Keep is provided free of charge to station cooks and reference to deduction of keep should be deleted.	Para 116	
	AWU	Reply-sub-5/05/16			Agree with NFF's amendment 'with keep' should be deleted.	Para 65	
100.	NFF	Sub-14/04/16	B.4		Pig Breeding and Raising – Piggery attendant employees May be appropriate to consider inserting junior rates for Piggery operations for consistency with other parts of award.	Para 117	
	AWU	Reply-sub-5/05/16			In reply to NFF's submission – is not opposed to inclusion of junior rates for piggery attendants.	Para 66	
	BusSA	Reply-sub-6/05/16			Agree with NFF	11.36	
101.	AWU	Sub - 17/04/16	B.4.1		Pig Breeding and Raising – Piggery attendant employees Award is ambiguous in terms of whether a day worker can work ordinary hours on a Sunday. Clause should be amended to exclude shiftworkers (given their rates are comprehensively dealt with in Schedule B.4.2) and to insert a 200% Sunday column.	Paras 48–49	
	NFF	Reply-sub-5/05/16			In reply to AWU – supports exclusion of shiftworkers and addition of 200% Sunday column provided column applies to 'Sunday – overtime hours'	Para 41	

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102.	AWU	Sub - 17/04/16	B.4.2		Pig Breeding and Raising – Piggery attendant employees Columns headed ‘Noncontinuous afternoon or night shift’ should be changed to “non-successive afternoon or night shift”. Second footnote should also be amended and third footnote deleted.	Para 50	
	NFF	Reply-sub-5/05/16			Does not support introduction of “non-successive shifts” term	Para 42	
103.	AWU	Sub - 17/04/16	B.4.4		Casual piggery attendant adult employees (all employees including shiftworkers)—ordinary and penalty rates A 225% column should be added for ordinary hours worked by agreement on Sunday and shiftworkers should be excluded rather than included given their rates are in Schedule B.4.5.	Para 51	
	NFF	Reply-Sub-05/05/16			In reply to AWU – support exclusion of shiftworkers and introduction of 225% Sunday column provided the table heading reads ‘Sunday – overtime hours’.	Para 43	
104.	AWU	Sub - 17/04/16	B.4.5		Casual piggery attendant adult employees—shiftworkers—ordinary and penalty rates Reference to ‘non-continuous’ should be ‘non-successive’, footnote 2 amended and footnote 3 deleted.	Para 52	
105.	AWU	Sub - 17/04/16	B.5 and B.6		Poultry Farming—poultry farm worker adult and junior employees Casual overtime rates should be included in the ED given these are often contentious.	Para 53	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
106.	NFF	Sub-14/04/16	B.6.2		Full-time and part-time junior poultry farm worker employees – ordinary, penalty rates and overtime Rounding errors identified in rates outlined for PW1 under 16 years. Table should clarify that overtime is only payable after 152 hours are worked in a four week period.	Para 118	Proposed wording in submission.
	AWU	Reply-sub-5/05/16			Does not agree with NFF's insertion		
107.	NFF	Sub-14/04/16	B.6.3		Casual junior poultry farm worker employees – ordinary, penalty rates and overtime Rounding errors identified in rates outlined for PW1 under 16 years.	Para 119	Proposed alterations in submission.
108.	NFF	Sub-14/04/16	B.7		Shearing operations – shearers Tables are highly complex and do not aid understanding – they confuse calculation of rates and are not appropriate in circumstances.	Para 120	
109.	NFF	Sub-14/04/16	B.7.2		Casual crutchers – not found – ordinary and penalty rates Tables are highly complex and do not aid understanding – they confuse calculation of rates and are not appropriate in circumstances. There is also no reference to crutching rates for rams and ram stags. Some of figures are wrong. Any reference in the Schedule should only be to cross reference the award.	Paras 121–122	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
	AWU	Reply-sub-5/05/16			Does not oppose inclusion of rates tables but accept they may require further refinement. Agree with NFF that rates for crutching of rams and ram stags should be inserted.	Para 68	
110.	NFF	Sub-14/04/16	C.1		Wage related allowances Leading hand allowances should be corrected as follows: (a) 11 to 20 employees: \$33.98 (b) More than 20 employees: \$42.70	Para 123	
	AWU	Reply-sub-05/05/16			Agree that leading hand rates from clause 10.1(b) have not been accurately reflected in table.	Para 69	
111.	NFF	Sub-14/04/16	C.2.2		Adjustment of expense related allowances Reference to ‘all groups’ should be amended to the ‘eight capital cities weighted average’ to avoid confusion or potential misunderstanding around what groups constitute ‘all groups’.	Paras 124–125	Example in submission.
	AWU	Reply-sub-5/05/16			Does not oppose NFF’s proposed amendments	Para 70	
	BusSA	Reply-sub-06/05/16			Agree with NFF	11.37	
112.	NFF	Sub-14/04/16	Sched E		National Training Wage <i>Parties are asked to identify “any training program which applies to the same occupation and achieves essentially the same training outcome as an existing apprenticeship in an award as at 25 June 1997” that they consider should not be covered by this Schedule</i> Changes to Commonwealth vocational education	Paras 126–129	Proposed wording in submission.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
					and training model necessitate updating of language in relation to training packages – definition of ‘training’ and ‘training package’ should be amended as suggested.		
113.	NFF	Sub-14/04/16	Sched F		2015 Part-day Public Holidays Notes clause likely to be revised following proceedings in AM2014/301.	Para 130	Provision may be affected by AM2014/301
114.	NFF	Sub-14/04/16	Sched G		Definitions and interpretation ‘All purposes’ definition should be amended as proposed; Reference to ‘Shearing shed’ in definition of ‘woolclasser’ should be lower case, not a defined term.	Paras 131 and 133	Proposed wording in submission.
	AWU	Reply-sub-5/05/16			Oppose NFF’s amendment to definition of ‘all purposes’, has been determined by Full Bench	Para 71	
115.	NFF	Sub-02/03/15	Sched G	3	Definitions Amend definition of ‘broadacre field crops’ to reflect generic crop descriptors rather than to specific crops.	para 4(a)	Determined by Full Bench in AM2015/23
116.	NFF	Sub-14/04/16	Sched G		Definitions and interpretation – Wine Industry <i>Parties are asked to confirm whether this is the appropriate definition of wine industry for the purpose of clause 3.3(a). It is inconsistent with the definition in the Wine Industry Award 2016. ‘Wine industry’ definition missing ‘the planting of wine grape vines’ – should be reinserted;</i>	Para 132	Proposed wording in submission.
	NFF	Sub-14/04/16			Moving definitions to Sched G unnecessary, creates difficulty. Definitions clause should remain in body of award.	Para 12	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
	BusSA	Sub-15/04/16			Definition inappropriate – see further comments in response to cl.3.3(a) [item 4]	Para 11.2.15	
		Reply-sub-6/05/16			Disagree with NFF. Easy to navigate if all relevant definitions are contained in same schedule.	8.26, 11.1	
	AWU	Reply-sub-5/05/16			Satisfied with approach of putting definitions in the schedule, no amendment necessary.	Para 2	
117.	BusSA	Sub-15/04/16	Sched G		<p>Definitions and interpretation <i>Parties are asked to clarify if ‘keep’ only applies to farm and livestock hands in accordance with clause 24.3 or does the provision in clause 10.2(g) apply to other employees? If it applies to shearing operations, how does it interact with the definition ‘found employees?’</i> ‘Keep’ only applies to farm and livestock hands. Reference to ‘keep’ is specific to Part 5 (Part 8 does not have a like reference). Allowances in part are specific to that part unless otherwise stated.</p>	Para 11.2.14	
	AWU	Reply-sub-5/05/16			The “keep” provisions do not apply to employees covered by Part 8 – Shearing Operations. The “found” provisions apply to these employees.	Para 92	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
118.	AWU	Sub - 17/04/16	Sched G		Definitions and interpretation Definition of ‘continuous service’ should not include a provision which indicates continuous service is broken if an employee is absent from work due to a sickness or accident for more than 4 weeks in a year.	Para 54	
	NFF	Reply-sub- 5/05/2016			Does not support AWU, believes definition of ‘continuous service’ could be amended as follows: (dot point 3): ‘takes long service leave, annual leave, personal/carers leave, public holidays, compassionate leave and community service leave; or’	Para 44	
119.	NFF	Sub-02/03/15		New clause	Insert an annual salaries provision.	para 4(d)	Considered by Full Bench in AM2015/23

NOTE: This award has been the subject of a separately constituted Full Bench, see Decision [\[2015\] FWCFB 8810](#)

List of abbreviations (in alphabetical order)

Act	<i>Fair Work Act 2009</i>
ABI&NSWBC	Australian Business Industrial and the NSW Business Chamber
AFEI	Australian Federation of Employers and Industries
AWU	The Australian Workers’ Union
BusSA	Business SA
ED	Exposure Draft of <i>Pastoral Award 2016</i>
FWC	Fair Work Commission
FWO	Fair Work Ombudsman
MA	Modern Award
NFF	National Farmers’ Federation
SCAA	Shearing Contractors’ Association of Australia

