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	Incorporate changes resulting from [2016] FWCFB 3500 , PR579800 and PR579540	24, 25, 29, 36, 40, 41, 42, Schedule B, Schedule C
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	Incorporates changes resulting from [2017] FWCFB 3541	6
	Incorporate changes resulting from PR581528	Schedule D
	Incorporate changes resulting from PR583041	14, Schedule H, Schedule I
	To correct errors in the calculation of crutching rates in accordance with PR579800	B.8.2
	Note added	Schedule B
<p>Red text indicates changes made to the draft since the previous published version, or issues that remain unresolved. Underlined text indicates new text that is to be included. Strikethrough text indicates existing text that is to be deleted.</p>		

EXPOSURE DRAFT

Pastoral Award 2016

This exposure draft has been prepared by staff of the Fair Work Commission based on the *Pastoral Award 2010* as at 18 July 2016. This exposure draft does not seek to amend any entitlements under the *Pastoral Award 2010* but has been prepared to address some of the structural issues identified in modern awards.

The review of this award in accordance with s.156 of the *Fair Work Act 2009* is being dealt with in matter [AM2014/239](#) and [AM2015/23](#). Additionally a number of common issues are being dealt with by the Commission which may affect this award. Transitional provisions have not been included in this exposure draft pending the outcome of the review.

This draft does not represent the concluded view of the Commission in this matter.

No examples have been included in this exposure draft. Parties are asked to submit [examples](#) that clarify the operation of particular provisions.

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DRAFT

Part 1—Application and Operation

1. Title and commencement

1.1 This industry award is the *Pastoral Award 2016*.

Clause 1.2 amended in accordance with [\[2017\] FWCFB 3433](#) at [328].

1.2 ~~This modern award, as varied, commenced operation on 1 January 2010.~~
This modern award commenced operation on 1 January 2010. The terms of the award have been varied since that date.

1.3 A variation to this award does not affect any right, privilege, obligation or liability that a person acquired, accrued or incurred under the award as it existed prior to that variation.

1.4 Schedule G—Definitions sets out definitions that apply in this award.

1.5 Neither the making of this award nor the operation of any transitional arrangements is intended to result in a reduction in the take-home pay of employees covered by the award. On application by or on behalf of an employee who suffers a reduction in take-home pay as a result of the making of this award or the operation of any transitional arrangements, the Fair Work Commission may make any order it considers appropriate to remedy the situation.

2. The National Employment Standards and this award

2.1 The [National Employment Standards](#) (NES) and this award contain the minimum conditions of employment for employees covered by this award.

2.2 Where this award refers to a condition of employment provided for in the NES, the NES definition applies.

2.3 The employer must ensure that copies of the award and the NES are available to all employees to whom they apply, either on a notice board which is conveniently located at or near the workplace or through accessible electronic means.

3. Coverage

3.1 This industry award applies to employers throughout Australia in the pastoral industry and their employees in the classifications set out in this award to the exclusion of any other modern award.

3.2 **Pastoral industry** means all employers and employees who are engaged in or in connection with:

- (a) the management, breeding, rearing or grazing of livestock or poultry;

- (b) the shearing and crutching of sheep and the classing and pressing of wool on farms;
- (c) dairying;
- (d) hatchery work;
- (e) the sowing, raising or harvesting of broadacre field crops and other crops grown as part of a broadacre mixed farming enterprise;
- (f) the treatment of land for any of these purposes; or
- (g) clearing, fencing, well sinking, dam sinking or trenching on such farms or properties ~~except in connection with work in clauses 3.3(a) to (e)~~.

3.3 Without limiting the generality of the exclusion, this award does not cover employees covered by:

- (a) the Aquaculture Industry Award 2016, except where the production of freshwater species is incidental to a broadacre mixed farming enterprise to which this award would otherwise apply;
- (b) the Horticulture Award 2016;
- (c) 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;
- (d) the Silviculture Award 2016, except where carried on as a part of a broadacre mixed farming enterprise;
- (e) the Sugar Industry Award 2016; and
- (f) the Wine Industry Award 2016.

3.3 ~~The award does not cover employers in the following industries:~~

- ~~(a) the wine industry;~~
- ~~(b) silviculture and afforestation except where carried on as a part of a broadacre mixed farming enterprise;~~
- ~~(c) sugar farming or sugar cane growing, sugar milling, sugar refining, sugar distilleries and/or sugar terminals;~~
- ~~(d) the horticulture industry, as defined in the *Horticulture Award 2016*; or~~
- ~~(e) any work in or in connection with the production and processing of fish, aquaculture and marine products including:~~
 - ~~(i) fish purse seining or polling;~~
 - ~~(ii) fish farming;~~
 - ~~(iii) marine farming;~~

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- ~~(iv) aquaculture,~~
 - ~~(v) pisciculture,~~
 - ~~(vi) mariculture,~~
 - ~~(vii) cultivation of live sea and freshwater products,~~
 - ~~(viii) 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,~~
 - ~~(ix) holding, containing, penning, or harvesting of live fish or marine products or marine vegetation,~~
 - ~~(x) cleaning, purging, flushing, packing, freezing, processing, preserving, smoking, treatment of fish or marine products,~~
 - ~~(xi) 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.~~

3.4 This award does not cover:

- (a) employees excluded from award coverage by the ~~Act Fair Work Act 2009 (Cth) (the Act)~~;
- (b) employees who are covered by a modern enterprise award or an enterprise instrument (within the meaning of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)), or employers in relation to those employees; or
- (c) employees who are covered by a State reference public sector modern award or a State reference public sector transitional award (within the meaning of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)), or employers in relation to those employees.

3.5 This award covers any employer which supplies labour on an on-hire basis in the industry set out in clauses 3.1 and 3.2 in respect of on-hire employees in classifications covered by this award, and those on-hire employees, while engaged in the performance of work for a business in that industry. This subclause operates subject to the exclusions from coverage in this award.

3.6 This award covers employers which provide group training services for trainees engaged in the industry and/or parts of industry set out at clauses 3.1 and 3.2 and those trainees engaged by a group training service hosted by a company to perform work at a location where the activities described herein are being performed. This subclause operates subject to the exclusions from coverage in this award.

3.7 Where an employer is covered by more than one award, an employee of that employer is covered by the award classification which is most appropriate to the

work performed by the employee and to the environment in which the employee normally performs the work.

NOTE: Where there is no classification for a particular employee in this award it is possible that the employer and that employee are covered by an award with occupational coverage.

4. Award flexibility

4.1 Notwithstanding any other provision of this award, an employer and an individual employee may agree to vary the application of certain terms of this award to meet the genuine individual needs of the employer and the individual employee. The terms the employer and the individual employee may agree to vary the application of, are those concerning:

- (a) arrangements for when work is performed;
- (b) overtime rates;
- (c) penalty rates;
- (d) allowances; and
- (e) leave loading.

4.2 The employer and the individual employee must have genuinely made the agreement without coercion or duress. An agreement under this clause can only be entered into after the individual employee has commenced employment with the employer.

4.3 The agreement between the employer and the individual employee must:

- (a) be confined to a variation in the application of one or more of the terms listed in clause 4.1; and
- (b) result in the employee being better off overall at the time the agreement is made than the employee would have been if no individual flexibility agreement had been agreed to.

4.4 The agreement between the employer and the individual employee must also:

- (a) be in writing, name the parties to the agreement and be signed by the employer and the individual employee and, if the employee is under 18 years of age, the employee's parent or guardian;
- (b) state each term of this award that the employer and the individual employee have agreed to vary;
- (c) detail how the application of each term has been varied by agreement between the employer and the individual employee;

- (d) detail how the agreement results in the individual employee being better off overall in relation to the individual employee's terms and conditions of employment; and
- (e) state the date the agreement commences to operate.

4.5 The employer must give the individual employee a copy of the agreement and keep the agreement as a time and wages record.

4.6 Except as provided in clause 4.4(a) the agreement must not require the approval or consent of a person other than the employer and the individual employee.

4.7 An employer seeking to enter into an agreement must provide a written proposal to the employee. Where the employee's understanding of written English is limited the employer must take measures, including translation into an appropriate language, to ensure the employee understands the proposal.

4.8 The agreement may be terminated:

- (a) by the employer or the individual employee giving 13 weeks' notice of termination, in writing, to the other party and the agreement ceasing to operate at the end of the notice period; or
- (b) at any time, by written agreement between the employer and the individual employee.

NOTE: If any of the requirements of [s.144\(4\)](#), which are reflected in the requirements of this clause, are not met then the agreement may be terminated by either the employee or the employer, giving written notice of not more than 28 days (see [s.145](#) of the Act).

4.9 The notice provisions in clause 4.8(a) only apply to an agreement entered into from the first full pay period commencing on or after 4 December 2013. An agreement entered into before that date may be terminated in accordance with clause 4.8(a), subject to four weeks' notice of termination.

4.10 The right to make an agreement pursuant to this clause is in addition to, and is not intended to otherwise affect, any provision for an agreement between an employer and an individual employee contained in any other term of this award.

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:
7.2(b)	Meal break	An individual
7.3(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
30.3 30.5	Spread of ordinary hours	An individual
<u>30.5</u>	<u>Method of implementing a 38 hour week</u>	<u>The majority of employees</u>
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
43.2(a)	Hours of work for Shearers and Crutchers	The majority of employees

Part 2—General Employment Conditions

Parties are asked to consider whether the award should clarify the application of the various parts of the award. Further submissions have been invited but the provisional views are set out below. See [\[2017\] FWCFB 3433](#) at [123]-[159].

Part 2—General Employment Conditions may be affected by [AM2015/23](#), a proposal to insert an annualised salaries clause in accordance with [\[2015\] FWCFB 8810](#).

6. Types of employment

6.1 Employees under this award will be employed in one of the following categories:

- (a) full-time;
- (b) part-time; or
- (c) casual.

6.2 At the time of engagement an employer will inform each employee of the terms of their engagement and in particular whether they are to be full-time, part-time or casual.

6.3 Full-time employees

- (a) A full-time employee is an employee who is engaged to work an average of 38 hours per week over a four week period.
- (b) A full-time employee must be provided with a written statement setting out their classification, applicable rate of pay scale and terms of engagement.

6.4 Part-time employment

- (a) A part-time employee is an employee who:
 - (i) is engaged to work less than an average of 38 hours per week over a four week period;
 - (ii) has reasonably predictable hours of work; and
 - (iii) receives on a pro rata basis, equivalent pay and conditions to those of full-time employees who do the same kind of work.

~~(b) An employee who does not meet the definition of a part-time employee in clause 6.4(a) and who is not a full-time employee will be paid as a casual employee in accordance with clause 6.5. *[Moved to clause 6.5(b)]*~~

- (b) At the time of engagement the employer and the part-time employee will agree in writing on ~~the~~ a regular pattern of work, specifying at least:
 - (i) the hours worked each day;
 - (ii) which days of the week the employee will work; and
 - (iii) the actual starting and finishing times each day.
- (c) Changes in hours may only be made by agreement in writing between the employer and employee. Any agreed variation to the regular pattern of work will be recorded in writing.
- (d) All time worked in excess of the hours mutually arranged will be overtime and paid for at the appropriate overtime rate.
- (e) A part-time employee employed under the provisions of this clause must be paid for ordinary hours worked at the ordinary hourly rate prescribed for the class of work performed.

(f) Minimum engagement

An employer is required to roster a part-time employee for a minimum of three consecutive hours on any shift.

6.5 Casual employment

Casual employment provisions may be affected by [AM2014/197](#)

A Full Bench found a model casual conversion clause should be inserted into modern awards without existing conversion clauses. Any further written submissions, including whether a conversion clause requires adaptation to meet the circumstances of particular awards, are to be filed by 2 August 2017. See [\[2017\] FWCFB 3541](#) at [381]-[382].

- (a) A casual employee is an employee engaged as such and paid by the hour.
- (b) An employee who does not meet the definition of a part-time employee in clause 6.4(a) and who is not a full-time employee will be paid as a casual employee in accordance with clause 6.5.
- (c) An employer when engaging a casual must inform the employee that they are employed as a casual, stating:
 - (i) by whom the employee is employed;
 - (ii) their hours of work;
 - (iii) their classification level; and
 - (iv) their rate of pay.
- (d) **Casual pieceworkers**
 - (i) Shearers, Crutchers and Woolpressers ~~will be~~ engaged as casual pieceworkers ~~and will be~~ paid piecework rates in accordance with Part 8—Shearing Operations. ~~the piecework rates prescribed by this award.~~
 - (ii) For the purpose of the NES, the base rate of pay for a pieceworker is the base rate of pay as defined in the NES.
 - (iii) For the purpose of the NES, the full rate of pay for a pieceworker is the full rate of pay as defined in the NES.
- (e) **Casual loading**
 - (i) For each hour worked a casual employee, other than a casual pieceworker, must be paid:
 - the ordinary hourly rate prescribed for the class of work performed; and
 - a loading of **25%** of the ordinary hourly rate.
 - (ii) The casual loading is paid instead of annual leave, personal/carer's leave, notice of termination, redundancy benefits and the other attributes of full-time or part-time employment.
- (f) Casual employees must be paid at the termination of each engagement, but may agree to be paid weekly or fortnightly.

(g) Minimum engagement

On each occasion a casual employee, other than a casual pieceworker, is required to attend for work, casual employees are entitled to a minimum payment of three hours' work at the appropriate rate.

6.6 Farm and livestock hand at shearing or crutching

(a) Subject to clause 6.6(b), during any time an employee engaged on a weekly basis under Part 5—Broadacre Farming and Livestock Operations is employed in shearing or crutching operations of the principal employer, Part 8—Shearing Operations will not apply.

(b) Exception

(i) Clause 6.6(a) will not apply to any farm and livestock hand engaged by the week who:

- works in the employer's shearing shed; and
- who has been engaged by the employer during the period commencing one week before the actual shearing or crutching begins; and
- who is discharged during the week after the shearing or crutching actually ends.

Full Bench proposed the following amendment to clause 6.6(b)(ii). See [\[2017\] FWCFB 3433](#) at [170].

(ii) ~~In this case~~ **In the circumstances set out in clause 6.6(b)(i)**, the employee will be paid station hand rates when performing work covered by Part 5 of this award and shearing rates when performing work covered by Part 8 of this award.

7. Breaks

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

- (a)** employees engaged ~~on~~ **in** shearing operations, who ~~are~~ **will be** entitled to the breaks prescribed ~~for the work~~ in Part 8—Shearing Operations; **and**
- (b)** piggery attendants engaged as shiftworkers, who are entitled to the breaks prescribed in Part 6—Pig Breeding and Raising.

7.2 Meal break

- (a)** A meal break of between 30 minutes and 60 minutes will be allowed each day, to be taken not later than five hours after commencing ordinary hours of work.
- (b)** If there is agreement between the employer and an individual employee, the meal break may be taken at a time agreed.

- (c) All work performed ~~under the direction~~ on the instruction of the employer during a recognised meal break will be paid for at **200%** of the ordinary hourly rate. Payment will continue at this rate until the employee is released for a meal break of not less than 30 minutes.

7.3 Paid rest break

- (a) Employees will be allowed a paid rest break of 10 minutes each morning.
- (b) If agreement is reached between the employer and employee for an additional rest break, the rest break will be unpaid and in addition to the employee's ordinary hours of work.

8. Higher duties

- (a) An employee engaged for more than two hours during one day or shift on duties carrying a higher minimum wage than their ordinary classification must be paid the higher minimum wage for the day or shift.
- (b) If the employee works at the higher classification for two hours or less during one day or shift, they must be paid the higher minimum wage for the time worked at the higher classification.

9. Payment of wages

9.1 Period of payment

Wages must be paid weekly or fortnightly according to the ~~actual-ordinary~~ hours worked each week or fortnight, or according to the applicable piecework payment.

9.2 Method of payment

Wages must be paid by cash, cheque or electronic funds transfer into the employee's bank or other recognised financial institution account.

9.3 Payment of wages on termination of employment

Payment of wages on termination is being considered in matter [AM2016/8](#), see [draft determination \(at attachment A of Statement\)](#)

On termination of employment, wages due to an employee must be paid on the day of termination or forwarded to the employee by post on the next working day.

NOTE: Regulations 3.33(3) and 3.46(1)(g) of *Fair Work Regulations 2009* set out the requirements for pay records and the content of payslips including the requirement to separately identify any allowance paid.

10. Allowances

Rates updated as a result of AWR 2017

Employers must pay to an employee the allowances the employee is entitled to under this clause. See Schedule C for a summary of monetary allowances and method of adjustment.

10.1 Wage related allowances

(a) All purpose allowances

Allowances paid for **all purposes** are included in the rate of pay of an employee who is entitled to the allowance, when calculating any penalties or loadings or payment while they are on annual leave. The following allowances are paid for all purposes under this award:

- (i) leading hand allowance (clause 10.1(b)); ~~and~~
- (ii) first aid allowance (clause 10.1(b)(ii)); ~~and~~.
- ~~(iii) travelling allowance (clause 10.1(d)).~~

(b) Leading hands

(i) A leading hand in charge of two or more people must be paid as follows:

In charge of	\$ per week
2–6 employees	21.63
7–10 employees	25.21
11–20 employees	35.93
More than 20 employees	45.14

~~(ii) The allowance contained in clause 10.1(b)(i) will apply to part-time employees on a pro rata basis.~~

(c) First aid allowance

The Full Bench's provisional view is to vary clause 10.1(c) as follows. Parties may provide further feedback by 28 July 2017. See [\[2017\] FWCFB 3433](#) at [113] and [171].

An employee appointed by their employer to perform first aid duty as required in addition to their usual duties, and holding a current recognised first aid qualification, such as one from St John Ambulance or similar body, must be paid an allowance of **\$2.63** per day ~~to carry out such work~~.

~~(d) Travelling allowance~~ *[Moved to clause 10.2(b)]*

- ~~(i) Where an employee who is required to travel from one place to another for the purpose of work, the time occupied in travelling will be counted as time worked and paid for as such.~~
- ~~(ii) Time spent by an employee travelling from the employee's home to the principal place of employment and return will not be regarded as time worked.~~

- ~~(iii) An employee who is compelled by their duties to spend the night away from home or the property at which the employee is employed (whichever is the employee's normal place of sleeping during employment), will be reimbursed by the employer for the demonstrable cost of suitable accommodation.~~
- ~~(iv) The provisions of clause 10.1(d) will not apply where the employer provides the employee with suitable accommodation free of charge.~~

10.2 Expense-related allowances

The Full Bench expressed the provisional view that if an employee is required to purchase a saddle they will be reimbursed the cost of the saddle as per clause 10.2 but will not receive a weekly allowance in clause 25.1(b). See [\[2017\] FWCFB 3433](#) at [135]-[137]. The Full Bench seek further submissions on its provisional view.

(a) Tool and equipment allowance

- (i) If the employer requires employees to supply their own tools and equipment, ~~they~~ employees must be reimbursed for the cost of supplying those tools and equipment.
- (ii) The provisions of this clause do not apply where the tools and equipment are paid for by the employer.

The Full Bench expressed the provisional view that if an employee is entitled to the allowance in (b)(iii) they will not also be entitled to the allowance in clause 41.1. See [\[2017\] FWCFB 3433](#) at [153]-[154]. The Full Bench seek further submissions on its provisional view.

(b) Travelling allowance *[Moved from clause 10.1(d)]*

- (i) Where an employee ~~who~~ is required to travel from one place to another for the purpose of work, the time occupied in travelling will be counted as time worked and paid for as such.
- (ii) Time spent by an employee travelling from the employee's home to the principal place of employment and return will not be regarded as time worked.
- (iii) An employee who is compelled by their duties to spend the night away from home or the property at which the employee is employed (whichever is the employee's normal place of sleeping during employment), will be reimbursed by the employer for the demonstrable cost of suitable accommodation.
- (iv) The provisions of clause 10.2(b) will not apply where the employer provides the employee with suitable accommodation free of charge.

(c) Use of vehicle allowance

An employee will be paid an allowance of **\$0.78** per kilometre when ~~required~~ instructed by the employer to use their own vehicle during working hours to

relocate materials, equipment, or personnel either within the normal work location or on public thoroughfares.

(d) Overtime meal allowance

The Full Bench suggested redrafting clause 10.2(d) to clearly identify the circumstances in which an employee will be entitled to a meal allowance. Clause 32.8 will also need to be redrafted. See [\[2017\] FWCFB 3433](#) at [148].

- (i) If an employee is required to work overtime after working ordinary hours (except where the period of overtime is less than one and a half hours):
 - the employee will be paid **\$13.07** for the first and any subsequent meals; or
 - the employer will supply the employee with a meal.
- (ii) An employee required to work overtime for more than two hours after the employee's ordinary finishing time without having been notified before leaving work on the previous day that they will be required to work overtime:
 - will be provided with a suitable meal free of cost; and
 - if the work extends into a second meal break, another meal; or
 - in the event of the meal not being supplied the employee is entitled to a payment of **\$13.07** for each meal not supplied.

Parties were asked to clarify the interaction between clauses 10.2(d)(i) and (ii). Does clause 10.2(d)(i) only apply when an employee has been notified that they are required to work overtime? This will be discussed further at a subsequent conference along with the interaction issue identified above for clause 32.8. See [\[2017\] FWCFB 3433](#) at [187].

(e) Reimbursement of expenses

An employer who authorises an employee to incur expenses in the course of their employment, will reimburse the employee the expense upon provision of a tax invoice and receipt.

(f) Wet weather clothing and footwear

- (i) An employee who is required to work in a wet place must be provided with protective clothing and footwear by the employer.
- (ii) If the an employee who is required to work in a wet place is not provided with ~~the~~ protective clothing and footwear, the employer will reimburse the employee for the reasonable cost of providing ~~the~~ their own protective clothing and footwear.
- (iii) If ~~the~~ protective clothing and footwear is provided and paid for by the employer, it will remain the property of the employer.

(iv) ‘Wet place’ is defined in Schedule G—Definitions and interpretation.

(g) Protective clothing

- (i) If the employer requires an employee to supply his or her own protective clothing, the employer must reimburse the employee for the cost of supplying the protective clothing.
- (ii) The provisions of clause 10.2(g)(i) do not apply where the protective clothing is paid for by the employer.
- (iii) Any protective clothing that is paid for by the employer remains the property of the employer.

(h) Charges for accommodation, meat, goods, and services

- (i) If the employer provides an employee with living premises for the use of a “without keep” employee and the employee’s household, the employer may charge an amount agreed between them in writing for the use of the premises and/or power supplied to the premises.
- (ii) The employer may charge to an employee:
 - the cost of goods or services supplied to the employee at the employee’s request and paid for by the employer; and
 - the cost of goods purchased by the employer for the employee at the employee’s request.
- (iii) If the employer supplies an employee with meat, the employer may charge the employee an amount mutually agreed upon.
- (iv) If the employer sells groceries or stores to the employee, the prices charged must not exceed the cost price with carriage added.

See Schedule C for a summary of monetary allowances.

11. Supported wage system

For employees who because of the effects of a disability are eligible for a supported wage, see Schedule D—Supported Wage System.

12. National training wage

Clause 12 substituted per [PR593825](#)

- (a) Schedule E to the *Miscellaneous Award 2010* sets out minimum wage rates and conditions for employees undertaking traineeships.
- (b) This award incorporates the terms of Schedule E to the *Miscellaneous Award 2010* as at 1 July 2017. Provided that any reference to “this award” in Schedule

E to the Miscellaneous Award 2010 is to be read as referring to the Pastoral Award 2010 and not the Miscellaneous Award 2010.

13. Superannuation

13.1 Superannuation legislation

- (a) Superannuation legislation, including the *Superannuation Guarantee (Administration) Act 1992* (Cth), the *Superannuation Guarantee Charge Act 1992* (Cth), the *Superannuation Industry (Supervision) Act 1993* (Cth) and the *Superannuation (Resolution of Complaints) Act 1993* (Cth), deals with the superannuation rights and obligations of employers and employees. Under superannuation legislation individual employees generally have the opportunity to choose their own superannuation fund. If an employee does not choose a superannuation fund, any superannuation fund nominated in the award covering the employee applies.
- (b) The rights and obligations in these clauses supplement those in superannuation legislation.

13.2 Employer contributions

An employer must make such superannuation contributions to a superannuation fund for the benefit of an employee as will avoid the employer being required to pay the superannuation guarantee charge under superannuation legislation with respect to that employee.

13.3 Voluntary employee contributions

- (a) Subject to the governing rules of the relevant superannuation fund, an employee may, in writing, authorise their employer to pay on behalf of the employee a specified amount from the post-taxation wages of the employee into the same superannuation fund as the employer makes the superannuation contributions provided for in clause 13.2.
- (b) An employee may adjust the amount the employee has authorised their employer to pay from the wages of the employee from the first of the month following the giving of three months' written notice to their employer.
- (c) The employer must pay the amount authorised under clauses 13.3(a) or (b) no later than 28 days after the end of the month in which the deduction authorised under clauses 13.3(a) or (b) was made.

13.4 Superannuation fund

Unless, to comply with superannuation legislation, the employer is required to make the superannuation contributions provided for in clause 13.2 to another superannuation fund that is chosen by the employee, the employer must make the superannuation contributions provided for in clause 13.2 and pay the amount authorised under clauses 13.3(a) or (b) to one of the following superannuation funds or its successor:

- (a) Prime Super;
- (b) CareSuper;
- (c) AustSafe Super;
- (d) AustralianSuper;
- (e) any superannuation fund to which the employer was making superannuation contributions for the benefit of its employees before 12 September 2008, provided the superannuation fund is an eligible choice fund and is a fund that offers a MySuper product or is an exempt public sector superannuation scheme; or
- (f) a superannuation fund or scheme which the employee is a defined benefit member of.

Part 3—Leave, Public Holidays and Other NES Entitlements

14. Annual leave

14 amended in accordance with [PR583041](#). (14.4 – 14.8 renumbered as 14.5 – 14.7 and 14.10 - 14.11; new 14.4 inserted; 14.6 renamed and substituted, 14.7 - 14.8 inserted; 14.9 renamed and substituted; 14.12 inserted,)

14.1 Annual leave is provided for in the NES.

14.2 Conversion to hourly entitlement

An employer may reach agreement with the majority of employees concerned to convert the annual leave entitlement in s.87 of the Act to an hourly entitlement for administrative ease (e.g. 152 hours for a full-time employee entitled to four weeks' annual leave).

14.3 Payment for period of annual leave

- (a) An employee (other than a pieceworker) under this award, before going on annual leave, must be paid the wages they would have received in respect of the ordinary hours the employee would have worked had the employee not been on leave during the relevant period.
- (b) Clause 14.3(a) will apply instead of the base rate of pay as referred to in s.90(1) of the Act.

NOTE: Where an employee is receiving overaward payments such that the employee's base rate of pay is higher than the rate specified under this award, the employee is entitled to receive the higher rate while on a period of paid annual leave (see ss.16 and 90 of the Act).

14.4 Electronic funds transfer (EFT) payment of annual leave

Despite anything else in this clause, an employee paid by electronic funds transfer (EFT) may be paid in accordance with their usual pay cycle while on paid annual leave.

14.5 Annual leave loading

An employee must also be paid a loading calculated on the wages prescribed by this award. The loading must be as follows:

The Full Bench determined that clause 14.4(a)(i) [re-numbered 14.5(a)(i)] should be varied as follows. See [\[2017\] FWCFB 3433](#) at [197].

(a) Other than shiftworkers

- (i) An employee other than a shiftworker must be paid a loading equal to **17.5%** of the wages prescribed by this award for the ordinary hours of work ~~as performed between Monday and Friday~~.
- (ii) Where an employee is rostered to work ordinary weekly hours on days which attract penalty rates and the employee would have earned a greater amount than the amount provided in clause ~~15.4(a)(i)~~ **14.5(a)(i)** but for the period of leave then the employee will be paid the amount they would have earned for the ordinary hours worked instead of the **17.5%** loading.

(b) Shiftworkers

An employee who would have worked on shiftwork had they not been on leave must be paid a loading equal to **17.5%** of the wages prescribed by this award or the shift loading including relevant weekend penalty rates, whichever is the greater but not both.

14.6 Excessive leave accruals: general provision

Note: Clauses 14.6 to 14.8 contain provisions, additional to the National Employment Standards, about the taking of paid annual leave as a way of dealing with the accrual of excessive paid annual leave. See Part 2.2, Division 6 of the [Act Fair Work Act](#).

- (a) An employee has an **excessive leave accrual** if the employee has accrued more than 8 weeks' paid annual leave.
- (b) If an employee has an excessive leave accrual, the employer or the employee may seek to confer with the other and genuinely try to reach agreement on how to reduce or eliminate the excessive leave accrual.
- (c) Clause 14.7 sets out how an employer may direct an employee who has an excessive leave accrual to take paid annual leave.
- (d) Clause 14.8 sets out how an employee who has an excessive leave accrual may require an employer to grant paid annual leave requested by the employee.

14.7 Excessive leave accruals: direction by employer that leave be taken

- (a) If an employer has genuinely tried to reach agreement with an employee under clause 14.6(a) but agreement is not reached (including because the employee refuses to confer), the employer may direct the employee in writing to take one or more periods of paid annual leave.
- (b) However, a direction by the employer under paragraph (a):
 - (i) is of no effect if it would result at any time in the employee's remaining accrued entitlement to paid annual leave being less than 6 weeks when any other paid annual leave arrangements (whether made under clause 14.6, 14.7 or 14.8 or otherwise agreed by the employer and employee) are taken into account; and
 - (ii) must not require the employee to take any period of paid annual leave of less than one week; and
 - (iii) must not require the employee to take a period of paid annual leave beginning less than 8 weeks, or more than 12 months, after the direction is given; and
 - (iv) must not be inconsistent with any leave arrangement agreed by the employer and employee.
- (c) The employee must take paid annual leave in accordance with a direction under paragraph (a) that is in effect.
- (d) An employee to whom a direction has been given under paragraph (a) may request to take a period of paid annual leave as if the direction had not been given.

Note 1: Paid annual leave arising from a request mentioned in paragraph (d) may result in the direction ceasing to have effect. See clause 14.7(b)(i).

Note 2: Under section 88(2) of the ~~Act Fair Work Act~~, the employer must not unreasonably refuse to agree to a request by the employee to take paid annual leave.

14.8 Excessive leave accruals: request by employee for leave

- (a) Clause 14.8 comes into operation from 29 July 2017.
- (b) If an employee has genuinely tried to reach agreement with an employer under clause 14.6(a) but agreement is not reached (including because the employer refuses to confer), the employee may give a written notice to the employer requesting to take one or more periods of paid annual leave.
- (c) However, an employee may only give a notice to the employer under paragraph (b) if:
 - (i) the employee has had an excessive leave accrual for more than 6 months at the time of giving the notice; and
 - (ii) the employee has not been given a direction under clause 14.7(a) that, when any other paid annual leave arrangements (whether made under

clause 14.6, 14.7 or 14.8 or otherwise agreed by the employer and employee) are taken into account, would eliminate the employee's excessive leave accrual.

- (d) A notice given by an employee under paragraph (b) must not:
 - (i) if granted, result in the employee's remaining accrued entitlement to paid annual leave being at any time less than 6 weeks when any other paid annual leave arrangements (whether made under clause 14.6, 14.7 or 14.8 or otherwise agreed by the employer and employee) are taken into account; or
 - (ii) provide for the employee to take any period of paid annual leave of less than one week; or
 - (iii) provide for the employee to take a period of paid annual leave beginning less than 8 weeks, or more than 12 months, after the notice is given; or
 - (iv) be inconsistent with any leave arrangement agreed by the employer and employee.
- (e) An employee is not entitled to request by a notice under paragraph (b) more than 4 weeks' paid annual leave in any period of 12 months.
- (f) The employer must grant paid annual leave requested by a notice under paragraph (b).

14.9 Annual leave in advance

- (a) An employer and employee may agree in writing to the employee taking a period of paid annual leave before the employee has accrued an entitlement to the leave.
- (b) An agreement must:
 - (i) state the amount of leave to be taken in advance and the date on which leave is to commence; and
 - (ii) be signed by the employer and employee and, if the employee is under 18 years of age, by the employee's parent or guardian.

Note: An example of the type of agreement required by clause 14.9 is set out at Schedule H. There is no requirement to use the form of agreement set out at Schedule H.

- (c) The employer must keep a copy of any agreement under clause 14.9 as an employee record.
- (d) If, on the termination of the employee's employment, the employee has not accrued an entitlement to all of a period of paid annual leave already taken in accordance with an agreement under clause 14.9, the employer may deduct from any money due to the employee on termination an amount equal to the

amount that was paid to the employee in respect of any part of the period of annual leave taken in advance to which an entitlement has not been accrued.

14.10 Transfer of business

Where a business is transferred from one employer to another, employees formerly employed by the old employer will be deemed to have served any applicable probationary period with that employer. Employees will not be required to serve any probationary period for any purpose in relation to their employment with the new employer.

14.11 Proportionate leave on termination

On termination of employment, an employee must be paid for leave accrued (including shift loadings) that has not been taken at the appropriate wage calculated in accordance with this award.

14.12 Cashing out of annual leave

- (a) Paid annual leave must not be cashed out except in accordance with an agreement under clause 14.12.
- (b) Each cashing out of a particular amount of paid annual leave must be the subject of a separate agreement under clause 14.12.
- (c) An employer and an employee may agree in writing to the cashing out of a particular amount of accrued paid annual leave by the employee.
- (d) An agreement under clause 14.12 must state:
 - (i) the amount of leave to be cashed out and the payment to be made to the employee for it; and
 - (ii) the date on which the payment is to be made.
- (e) An agreement under clause 14.12 must be signed by the employer and employee and, if the employee is under 18 years of age, by the employee's parent or guardian.
- (f) The payment must not be less than the amount that would have been payable had the employee taken the leave at the time the payment is made.
- (g) An agreement must not result in the employee's remaining accrued entitlement to paid annual leave being less than 4 weeks.
- (h) The maximum amount of accrued paid annual leave that may be cashed out in any period of 12 months is 2 weeks.
- (i) The employer must keep a copy of any agreement under clause 14.12 as an employee record.

Note 1: Under section 344 of the ~~Act Fair Work Act~~, an employer must not exert undue influence or undue pressure on an employee to make, or not make, an agreement under clause 14.12.

Note 2: Under section 345(1) of the ~~Act Fair Work Act~~, a person must not knowingly or recklessly make a false or misleading representation about the workplace rights of another person under clause 14.12.

Note 3: An example of the type of agreement required by clause 14.12 is set out at Schedule I. There is no requirement to use the form of agreement set out at Schedule I.

15. Personal/carer's leave and compassionate leave

Personal/carer's leave and compassionate leave are provided for in the NES.

16. Parental leave and related entitlements

Parental leave and related entitlements are provided for in the NES.

17. Community service leave

Community service leave is provided for in the NES.

18. Public holidays

Public holidays provisions may be affected by [AM2014/301](#)

18.1 Public holiday entitlements are provided for in the NES.

18.2 Substitution of certain public holidays

The Full Bench expressed a provisional view that there is no inconsistency between clause 34.3 and clause 18.2 for piggery attendants. See [\[2017\] FWCFCB 3433](#) at [159].

- (a) By agreement between the employer and the majority of employees in the enterprise or part of the enterprise concerned, an alternative day may be taken as the public holiday instead of any of the prescribed days.
- (b) An employer and an individual employee ~~in the enterprise or part of the enterprise concerned~~ may agree to the employee taking another day as the public holiday instead of the day which is being observed as the public holiday in the enterprise or part of the enterprise concerned.

18.3 Employees required to work on a public holiday will be paid in accordance with clauses 27.6, 34, 38.2 or 46.

18.4 Part-day public holidays

18.4 inserted on 21 September 2016

For provisions relating to part-day public holidays see 0.

19. Termination of employment

19.1 Notice of termination is provided for in the NES.

19.2 Notice of termination by an employee

The notice of termination required to be given by an employee is the same as that required of an employer except that there is no requirement on the employee to give additional notice based on the age of the employee concerned. If an employee fails to give the required notice the employer may withhold from any monies due to the employee on termination under this award or the NES, an amount not exceeding the amount the employee would have been paid under this award in respect of the period of notice required by this clause less any period of notice actually given by the employee.

19.3 Job search entitlement

Where an employer has given notice of termination to an employee, an employee must be allowed up to one day's time off without loss of pay for the purpose of seeking other employment. The time off is to be taken at times that are convenient to the employee after consultation with the employer.

20. Redundancy

20.1 Redundancy pay is provided for in the NES.

20.2 Transfer to lower paid duties

Where an employee is transferred to lower paid duties by reason of redundancy, the same period of notice must be given as the employee would have been entitled to if the employment had been terminated and the employer may, at the employer's option, make payment instead of an amount equal to the difference between the former ordinary time rate of pay and the ordinary time rate of pay for the number of weeks of notice still owing.

20.3 Employee leaving during notice period

An employee given notice of termination in circumstances of redundancy may terminate their employment during the period of notice. The employee is entitled to receive the benefits and payments they would have received under this clause had they remained in employment until the expiry of the notice, but is not entitled to payment instead of notice.

20.4 Job search entitlement

- (a) An employee given notice of termination in circumstances of redundancy must be allowed up to one day's time off without loss of pay during each week of notice for the purpose of seeking other employment.
- (b) If the employee has been allowed paid leave for more than one day during the notice period for the purpose of seeking other employment, the employee must, at the request of the employer, produce proof of attendance at an interview or they will not be entitled to payment for the time absent. For this purpose a statutory declaration is sufficient.
- (c) This entitlement applies instead of clause 19.3.

Part 4—Consultation and Dispute Resolution

21. Consultation

21.1 Consultation regarding major workplace change

- (a) **Employers to notify**
 - (i) Where an employer has made a definite decision to introduce major changes in production, program, organisation, structure or technology that are likely to have significant effects on employees, the employer must notify the employees who may be affected by the proposed changes and their representatives, if any.
 - (ii) **Significant effects** include termination of employment; major changes in the composition, operation or size of the employer's workforce or in the skills required; the elimination or diminution of job opportunities, promotion opportunities or job tenure; the alteration of hours of work; the need for retraining or transfer of employees to other work or locations; and the restructuring of jobs. Provided that where this award makes provision for alteration of any of these matters an alteration is deemed not to have significant effect.
- (b) **Employers to discuss change**
 - (i) The employer must discuss with the employees affected and their representatives, if any, the introduction of the changes referred to in clause 21.1(a), the effects the changes are likely to have on employees and measures to avert or mitigate the adverse effects of such changes on employees and must give prompt consideration to matters raised by the employees and/or their representatives in relation to the changes.
 - (ii) The discussions must commence as early as practicable after a definite decision has been made by the employer to make the changes referred to in clause 21.1(a).

- (iii) For the purposes of such discussion, the employer must provide in writing to the employees concerned and their representatives, if any, all relevant information about the changes including the nature of the changes proposed, the expected effects of the changes on employees and any other matters likely to affect employees provided that no employer is required to disclose confidential information the disclosure of which would be contrary to the employer's interests.

21.2 Consultation about changes to rosters or hours of work

- (a) Where an employer proposes to change an employee's regular roster or ordinary hours of work, the employer must consult with the employee or employees affected and their representatives, if any, about the proposed change.
- (b) The employer must:
 - (i) provide to the employee or employees affected and their representatives, if any, information about the proposed change (for example, information about the nature of the change to the employee's regular roster or ordinary hours of work and when that change is proposed to commence);
 - (ii) invite the employee or employees affected and their representatives, if any, to give their views about the impact of the proposed change (including any impact in relation to their family or caring responsibilities); and
 - (iii) give consideration to any views about the impact of the proposed change that are given by the employee or employees concerned and/or their representatives.
- (c) The requirement to consult under this clause does not apply where an employee has irregular, sporadic or unpredictable working hours.
- (d) These provisions are to be read in conjunction with other award provisions concerning the scheduling of work and notice requirements.

22. Dispute resolution

- 22.1** In the event of a dispute about a matter under this award, or a dispute in relation to the NES, in the first instance the parties must attempt to resolve the matter at the workplace by discussions between the employee or employees concerned and the relevant supervisor. If such discussions do not resolve the dispute, the parties will endeavour to resolve the dispute in a timely manner by discussions between the employee or employees concerned and more senior levels of management as appropriate.
- 22.2** If a dispute about a matter arising under this award or a dispute in relation to the NES is unable to be resolved at the workplace, and all appropriate steps under clause 22.1 have been taken, a party to the dispute may refer the dispute to the Fair Work Commission.

- 22.3** The parties may agree on the process to be utilised by the Fair Work Commission including mediation, conciliation and consent arbitration.
- 22.4** Where the matter in dispute remains unresolved, the Fair Work Commission may exercise any method of dispute resolution permitted by the Act that it considers appropriate to ensure the settlement of the dispute.
- 22.5** An employer or employee may appoint another person, organisation or association to accompany and/or represent them for the purposes of this clause.
- 22.6** While the dispute resolution procedure is being conducted, work must continue in accordance with this award and the Act. Subject to applicable occupational health and safety legislation, an employee must not unreasonably fail to comply with a direction by the employer to perform work, whether at the same or another workplace, that is safe and appropriate for the employee to perform.

Part 5—Broadacre Farming and Livestock Operations

23. Classifications

23.1 Farm and livestock hand level 1 (FLH1)

An employee at this level includes:

- (a) Station hand with less than 12 months' experience in the industry;
- (b) Station cook;
- (c) Station cook's offsider; and
- (d) Cattle farm worker grade A who:
 - works under direct supervision either individually or in a team environment;
 - understands and undertakes basic quality control/assurance procedures including the ability to recognise basic quality deviations/faults; and
 - understands and utilises basic statistical process control procedures.

Indicative of the tasks which an employee at this grade may perform are the following:

- routine mustering;
- routine fence repairs;
- aerial stock sighting;
- repetitive packing and/or unpacking; and
- kitchen/cooking assistance not involving food preparation.

- (e) Feedlot employee level 1 with less than three months' experience in the industry.
- (f) Dairy operator grade 1A with less than 12 months' experience in the industry who:
 - uses their knowledge and skills to perform set procedures such as milking and attending to livestock, haymaking, fencing.

Indicative of the tasks which an employee at this level may perform are the following:

- operate milking plant and equipment in a safe manner;
- identify and report equipment not operating normally;
- work co-operatively as part of a team;
- read and record instrument information i.e. milk vat temperatures and cow numbers; and
- understand the principles of safe working.

23.2 Farm and livestock hand level 2 (FLH2)

An employee at this level includes:

- (a) Cattle farm worker grade B who:
 - performs work above and beyond the skills of a cattle farm worker grade A and to the level of their training;
 - is responsible for the quality of their own work subject to routine supervision;
 - works under routine supervision either individually or in a team environment; and
 - exercises discretion within their level of skills and training.

Indicative of the tasks which an employee at this level may perform are the following:

- receive, check, despatch and record goods received and sent;
- assist a tradesperson;
- basic non-trades daily maintenance of equipment used by the employee;
- sort and cut out stock;
- sort and brand yarded stock;
- fence repairs;
- kitchen/cooking assistance not involving unsupervised food preparation;

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- boundary riding;
- forklift, overhead crane, winch or tractor operation; and
- household domestic work other than childcare or child education.

(b) Feedlot employee grade 1 with more than three months' experience in the industry who:

- works under direct supervision with regular checking of their work.

Indicative of the tasks which an employee at this level may perform are the following:

- perform cattle handling procedures;
- perform cattle health and welfare procedures;
- assist with euthanasing livestock;
- assist with performance of cattle post-mortem procedures;
- transport, handle and store chemicals applicable to primary work area;
- prepare and apply chemicals applicable to primary work area;
- operate moving plant and equipment competently and efficiently;
- perform grain processing procedures;
- perform feed manufacture and delivery procedures;
- perform hygiene and housekeeping procedures associated with the primary work area;
- perform feedlot and environment maintenance procedures;
- possess understanding of industry QA quality assurance P programs and all site operating procedures; and

Parties are to consider the proposed variations regarding 'occupational health and safety' and provide any comments by Friday 28 July 2017. See [\[2017\] FWCFB 3433](#) at [382].

- carry out workplace OH&S procedures.

23.3 Farm and livestock hand level 3 (FLH3)

An employee at this level includes:

(a) Station hand who:

- has at least 12 months' experience in the industry as a station hand; but
- does not conform to the definition of senior station hand (FLH5) in clause 23.5.

(b) Dairy operator grade 1B with 12 months' experience in the industry who:

- uses their knowledge and skills to perform set procedures such as milking and attending to livestock, haymaking, fencing.

Indicative of the tasks which an employee at this level may perform are the following:

- operate milking plant and equipment, in a safe manner;
- identify and report equipment not operating normally;
- work co-operatively as part of a team;
- read and record instrument information i.e. milk vat temperatures and cow numbers; and
- understands the principles of safe working.

23.4 Farm and livestock hand level 4 (FLH4)

An employee at this level includes:

(a) Feedlot employee level 2 who:

- has two years' experience in the feedlot industry; and
- works under routine supervision with intermittent checking of their work.

Indicative of the tasks which an employee at this level may perform are the following:

- utilise ability to make independent work decisions at this level;
- perform cattle handling procedures;
- perform cattle health and welfare procedures;
- euthanase livestock;
- perform cattle post-mortem procedures;
- select livestock for specific markets;
- transport, handle and store chemicals applicable to primary work area;

- prepare and apply chemicals applicable to primary work area;
- operate moving plant and equipment competently and efficiently;
- perform grain processing procedures;
- perform feed manufacture and delivery procedures;
- perform hygiene and housekeeping procedures associated with the primary work area;
- perform feedlot and environment maintenance procedures;
- possess understanding of industry QA quality assurance programs and all site operating procedures; and

Parties are to consider the proposed variations regarding 'occupational health and safety' and provide any comments by Friday 28 July 2017. See [\[2017\] FWC FB 3433](#) at [382].

- carry out workplace OH&S procedures.

23.5 Farm and livestock hand level 5 (FLH5)

An employee at this level includes:

(a) Dairy operator grade 2 who:

- has two years' experience in the industry;
- uses their knowledge and skills to multiple operations involving basic levels of problem solving and decision making; and
- has an appreciation of the overall processes involved in a dairy farm.

Indicative of the tasks which an employee at this level may perform are the following:

- operate milking plant and equipment, undertake multiple functions, produce a quality outcome e.g. farm machinery;
- maintain machinery, undertake adjustments and size changes;
- solve problems and make decisions within given guidelines;
- know general scientific terminology and assist with processes such as machine repair, artificial insemination, fertiliser mix design etc.;
- operate standard measuring equipment;
- operate computerised systems using menu options;
- contribute to the team in a specific role, providing input and assisting other team members; and

- work at times without supervision.

(b) Senior station hand is an employee who:

- has at least two years' experience in the industry; and
- is capable of performing efficiently without supervision any of the tasks reasonably required of them.

Indicative of the tasks which an employee at this level may perform are the following:

- drive, maintain and operate farm vehicles and machinery;
- animal husbandry;
- stock handling;
- irrigation work; and
- use of chemicals.

23.6 Farm and livestock hand level 6 (FLH6)

An employee at this level includes:

(a) Feedlot employee level 3 who:

- has Certificate III qualifications;
- has worked in the feedlot industry for at least two years; and
- works with limited supervision with checking of their work related to overall progress.

Indicative of the tasks which an employee at this level may perform are the following:

- utilise ability to make independent work decisions;
- utilise Certificate III qualifications daily in the employee's primary work area;
- perform cattle handling procedures;
- perform cattle health and welfare procedures;
- euthanase livestock;
- perform cattle post-mortem procedures;
- select livestock for specific markets;
- transport, handle and store chemicals applicable to primary work area;
- prepare and apply chemicals applicable to primary work area;

- operate moving plant and equipment competently and efficiently;
- perform grain processing procedures;
- perform feed manufacture and delivery procedures;
- perform hygiene and housekeeping procedures associated with the primary work area;
- perform feedlot and environment maintenance procedures;
- possess understanding of industry QA [quality assurance](#) programs and all site operating procedures; and

Parties are to consider the proposed variations regarding 'occupational health and safety' and provide any comments by Friday 28 July 2017. See [\[2017\] FWC/CFB 3433](#) at [382].

- carry out workplace OH&S procedures.

23.7 Farm and livestock hand level 7 (FLH7)

An employee at this level includes:

(a) Senior dairy operator grade 1 who:

- uses their knowledge and skills to coordinate the operation of a farm process or area of expertise e.g. milking and animal attendance, pasture and farm maintenance, breeding programs and artificial insemination area.

Indicative of the tasks which an employee at this level may perform are the following:

- overview of all farm operations;
- show strong planning and organising abilities, develop work plans to achieve objectives;
- operate computer equipment and software packages requiring set-up and basic function operation;
- maintain equipment requiring modification, part replacement and overhauls;
- gather information, generate a range of options and implement a course of action to solve problems;
- demonstrate a comprehensive understanding of the dairy industry monitoring the industry through literature;
- use measuring equipment requiring calibration and measurement conversion;
- use established scientific processes in at least one area of specification;
- co-operate with other team members, establish priorities and work goals; and

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- work with others to develop their competencies.

(b) Feedlot employee level 4 who:

- has Certificate III qualifications;
- has worked in the feedlot industry for at least two years; and
- works with limited supervision with checking of their work related to overall progress.

Indicative of the tasks which an employee at this level may perform are the following:

- utilise ability to make independent work decisions;
- utilise Certificate III qualifications daily in the employee's primary work area;
- perform cattle handling procedures (where livestock operation is the primary work area);
- perform cattle health and welfare procedures (where livestock operation is the primary work area);
- euthanase livestock (where livestock operation is the primary work area);
- perform cattle post-mortem procedures (where livestock operation is the primary work area);
- select livestock for specific markets;
- transport, handle and store chemicals applicable to primary work area;
- prepare and apply chemicals applicable to primary work area;
- operate moving plant and equipment competently and efficiently;
- perform grain processing procedures (where feeding and milling operations is the primary work area);
- perform feed manufacture and delivery procedures (where feeding and milling operations is the primary work area);
- perform hygiene and housekeeping procedures associated with the primary work area;
- perform feedlot and environment maintenance procedures (where feedlot and environment maintenance operations is the primary work area);
- possess understanding of industry QA quality assurance programs and all site operating procedures;

Parties are to consider the proposed variations regarding 'occupational health and

safety' and provide any comments by Friday 28 July 2017. See [\[2017\] FWCFCB 3433](#) at [382].

- carry out workplace OH&S procedures.

23.8 Farm and livestock hand level 8 (FLH8)

An employee at this level includes:

(a) Senior dairy operator grade 2 who:

- under the direction of the owner or manager uses their expertise and skills in order to supervise and maintain the operation of a dairy farm.

Indicative of the tasks which an employee at this level may perform are the following:

- set and monitor work goals;
- anticipate potential problems/issues and determine the best course of action;
- approach the resolution of conflict using objectivity and reason, differentiating between the two;
- supervise other grades;
- where appropriate, seek to develop team performance and cohesion, taking into account competencies and the needs of team members;
- keep abreast of dairy industry trends and changes;
- where necessary, exercise foresight in relation to farm needs and make recommendations to farm management; and
- operate scientific processes necessary to achieve farm objectives.

24. Minimum wages

Rates updated as a result of AWR 2017

24.1 Adult wages

The following wages apply to adult farm and livestock hands classified under clause 23—Classifications of this award:

Wage group	Minimum weekly rate \$	Minimum hourly rate \$
FLH1	694.90	18.29
FLH2	714.90	18.81
FLH3	725.20	19.08

Wage group	Minimum weekly rate \$	Minimum hourly rate \$
FLH4	742.30	19.53
FLH5	755.60	19.88
FLH6	767.80	20.21
FLH7	809.10	21.29
FLH8	869.30	22.88

24.2 Junior wages

Age of employee	% of relevant adult rate
Under 16 years	50
At 16 years	60
At 17 years	70
At 18 years	80
At 19 years	90
At 20 years	100

24.3 With Keep Rate

If keep is provided then the employer may deduct an amount of ~~minimum wage will be the rates prescribed above less \$125.13 per week~~ from the employee's total weekly wages.

See Schedule B.2 for a summary of hourly rates of pay including overtime and penalties.

25. Special allowances

Full Bench expressed the provisional view that if an employee is required to purchase a saddle they will be reimbursed for the cost of the saddle as per clause 10.2 but will not receive a weekly allowance. See [\[2017\] FWCFB 3433](#) at [135]-[137].

25.1 Where a station hand is required by the employer to find their own horse ~~and/or saddle~~, the employee will be paid ~~a~~ weekly allowances of ~~\$7.26.÷~~

~~(a) — \$7.26 for the horse.÷; and~~

~~(b) — \$5.80 for the saddle.~~

25.2 When a station hand is required by the employer to provide their own dog which is used as a cattle or sheep dog for station purposes, the employer will pay to the employee:

- (a) an allowance mutually agreed upon for each dog; and
- (b) the amount of any licence or registration fee which must be paid by the employee for a period during which the dog is used.

25.3 Employees will be paid **\$3.20** per day in addition to their ordinary rate for each day upon which they are engaged:

- (a) in or in connection with jetting or spraying of sheep, ~~who either~~ **if they** mix the poison or handle the nozzle; or
- (b) in swabbing sheep for more than three days in any one week.

26. Ordinary hours of work and rostering

26.1 The average ordinary working hours for a farm and livestock hand will be fixed by agreement between the employer and the employees but will not exceed an average of 38 hours per week over a four week period.

The Full Bench expressed a provisional view that part-time station cooks are not excluded from clause 26.1 they are excluded from clause 26.2. See [\[2017\] FWCFB 3433](#) at [129]-[130].

26.2 The ordinary hours of work of farm and livestock hands (other than station cooks) will not exceed 152 hours in any consecutive period of four weeks.

26.3 Station cooks

- (a) A cook who is required to work for more than five and a half days in any one week will be paid, in addition to the weekly wage of this award, the following overtime rates:
 - (i) for work on six full days—an amount of 3/22nds of the appropriate weekly rate;
 - (ii) for work on six full days and one half day—an amount equal to 3/11ths of the appropriate weekly rate; or
 - (iii) for work on seven full days—an amount equal to 9/22nds of the appropriate weekly rate.
- (b) No overtime will be worked nor will an employee perform work on the employee's day and/or half day off without the permission of or under the instructions of the employer or their authorised representative.

27. Overtime and penalty rates

This provision may be affected by [AM2014/300](#) – see [draft determination](#).

The Full bench directed the parties to file a joint paper regarding overtime with regards to clause 27.2, clause 38.1 and Schedule B. This is due by 28 July 2017. See [\[2017\] FWCFB](#)

3433 at [210]

27.1 All time worked by an employee in excess of the ordinary hours in clause ~~26.1~~ **26** will be regarded as overtime.

27.2 The rate of pay for overtime for a farm and livestock hand will be:

For overtime worked	Overtime rate % ordinary hourly rate
Monday to Saturday	150
Sunday—all hours—feeding and watering stock	150
Sunday—all hours—other than feeding and watering stock	200

27.3 Time off instead of payment for overtime

An employee may elect to take time off duty, with pay, for a period equal to the overtime worked.

27.4 No employee will be entitled to payment for overtime, or equivalent time off instead, unless:

(a) the employee makes a claim to the employer or their authorised representative either within two weeks after the overtime is alleged to have been performed; or

(b) by the next date of payment of the employee’s wages,

whichever is the later.

27.5 Overtime and public holiday rates are calculated on the ordinary hourly rate before any deduction is made for keep. ~~For the purpose of computing payment for overtime work for an employee engaged on ‘with keep’ terms, the cash value of the employee’s wages must be deemed to be not less than the wage prescribed in this award for a similar class of employee with the value of keep added.~~

27.6 Public holidays

A farm and livestock hand required to work on a public holiday will be paid **200%** of the ordinary hourly rate.

Part 6—Pig Breeding and Raising

28. Classifications

28.1 General duties

A piggery attendant at all classification levels may be required to undertake any duty or combination of duties listed below, as may be required at each enterprise, to the full limit of the employee's ability, training and/or licensing:

- apply and adhere to quarantine control procedures;
- clean and maintain protective footwear and clothing;
- clean and maintain administration and amenities buildings and associated fittings and equipment;
- maintain an adequate environment for the well-being of stock;
- clean accommodation pens, fittings and equipment;
- provide feed and water for stock;
- tend to routine husbandry of all stock;
- apply animal identification systems;
- move, draft and weigh stock;
- remove and dispose of effluent;
- dispose of deceased stock;
- mix and mill feed;
- care for sick or injured stock;
- maintain herd health status at an acceptable level;
- operate farm-related vehicles, plant, machinery and equipment (if appropriately licensed);
- detect oestrous and mate breeding stock;
- diagnose pregnancy in breeding stock;
- assist sows and piglets at farrowing;
- remove faulty or damaged equipment and fittings;
- install new or replacement equipment and fittings;
- maintain a recording system and interpret data;

- transport stock, feed and equipment (if appropriately licensed);
- maintain sheds, fixtures and fittings, fences and surrounds;
- maintain machinery and equipment; and
- perform other duties as required.

Piggery attendants at all levels including PA3 and above may additionally be required to:

- select replacement breeding stock;
- make decisions on drug usage;
- destroy sick or injured stock in a humane manner;
- conduct post mortem examinations of deceased stock;
- order stores and equipment; and
- perform other duties as required.

28.2 Piggery attendant level 1 (PA1)

Parties are to consider the proposed variations regarding 'occupational health and safety' and provide any comments by Friday 28 July 2017. See [\[2017\] FWCFB 3433](#) at [382].

(a) A piggery attendant level 1 (PA1) is:

- an employee undertaking up to 38 hours' induction training which may include information on the enterprise, conditions of employment, introduction to supervisors and fellow workers, training and career path opportunities, farm layout, production program, work and record keeping procedures and ~~occupational work~~ health and safety; or
- any person employed as general hand in a general capacity to perform basic tasks such as moving the stock from place to place, cleaning the establishment and the feeding of stock.

(b) An employee at this level:

- is generally a new recruit to the industry who performs simple or routine tasks essentially of a manual nature and to the level of their training;
- exercises minimal skills, knowledge and decision making;
- works under direct supervision, and is given regular direction or guidance and whose results are constantly monitored;
- is undertaking structured training so as to enable them to work at PA2 level; and

- after adequate instruction the employee, may be required to undertake any task(s) listed in clause 28.1.

28.3 Piggery attendant level 2 (PA2)

(a) A piggery attendant level 2 (PA2) is:

- an employee appointed by the employer to this level who has completed up to three months' structured training so as to enable the employee to work within the scope of this level.

(b) An employee at this level:

- may have limited experience in the pig industry, and generally performs simple straightforward tasks, using well established techniques and practices in pig husbandry;
- exercises skills requiring some knowledge of established techniques and minimal routine decision making;
- works under frequent direct supervision and guidance;
- has work regularly inspected and the final result usually checked; and
- may be required to undertake any task(s) listed in clause 28.1.

28.4 Piggery attendant level 3 (PA3)

(a) A piggery attendant level 3 (PA3) is:

- an employee appointed by the employer to this level; and
- who performs a range of different but straightforward tasks using well established techniques and practices under routine supervision.

(b) An employee at this level:

- exercises skills requiring knowledge or relevant experience in piggery procedures and is required to make decisions within the employee's knowledge and competence on day-to-day management of pigs;
- works under general supervision, is responsible for the quality of their own work and receives limited guidance relating to more unusual features or new tasks;
- may work individually or as part of a team, or may supervise the duties of employees at an equal or lower level;
- may be subject to routine performance checks; and
- may be required to undertake any task(s) listed in clause 28.1.

28.5 Piggery attendant level 4 (PA4)

(a) A piggery attendant level 4 (PA4) is:

- an employee appointed by the employer to this level; and
- who has completed a minimum of:
 - one year of adult relevant experience in the industry;
 - an accredited stockperson training course certificate; or
 - equivalent formal training recognised by the employer, plus six months' relevant adult experience in the industry.

(b) An employee at this level:

- performs a range of straightforward tasks using well established techniques and practices under limited supervision and is responsible for maintaining the quality and quantity of their work;
- exercises skills requiring sound knowledge of and experience in piggery procedures and requires instruction only on management decisions that vary from established practices and principles;
- exercises some individual judgment and initiative within established principles and practices;
- may work individually or as part of a team or may supervise the duties of employees at an equal or lower level;
- assists in the provision of on-the-job training to a limited degree; and
- may be required to undertake any task(s) listed in clause 28.1.

28.6 Piggery attendant level 5 (PA5)

(a) A piggery attendant level 5 (PA5) is:

- an employee appointed by the employer to this level who has completed a minimum of:
 - two years' adult relevant experience in the industry; or
 - an accredited apprenticeship or equivalent formal training plus one year of relevant adult experience in the industry.

(b) An employee at this level:

- performs a range of tasks using well established techniques and practices under minimal supervision and is responsible for maintaining the quality and quantity of work undertaken individually or as part of a team;
- exercises skills requiring sound knowledge of and experience in piggery procedures and displays considerable individual judgment and initiative within established principles and practices;

- may work individually or as part of a team or may supervise and co-ordinate the duties of employees at an equal or lower level;
- understands and applies quality control techniques; and
- may be required to undertake any task(s) listed in clause 28.1.

28.7 Senior piggery attendant level 6 (PA6)

(a) A Senior piggery attendant level 6 (PA6) is:

- an employee appointed by the employer who has completed a minimum of:
 - three years' relevant adult experience in the industry; or
 - an accredited traineeship or equivalent formal training plus two years' relevant adult experience in the industry.

(b) An employee at this level:

- performs a range of tasks that may vary from established techniques and practices under minimal supervision and guidance and must be competent in all facets of duties required;
- may be required to work alone, lead work units and/or co-ordinate, supervise and/or train new employees;
- may require extensive individual judgment and initiative within established management guidelines;
- understands and applies quality control and assurance techniques;
- may supervise and/or train employees at all levels up to and including PA5; and
- may be required to undertake any task(s) listed in clause 28.1.

28.8 Senior piggery attendant level 7 (PA7)

(a) A Senior piggery attendant level 7 (PA7) is:

- an employee appointed by the employer who has completed a minimum of:
 - three years' adult experience in the pig breeding industry; and
 - has completed the New South Wales Technical and Further Education Rural Trades Course or other Trades Certificate and/or course(s) accredited and recognised by the Pig Industry Training Council.

(b) An employee at this level:

- performs a range of tasks relating to the purchase, installation and programmed maintenance of plant, fittings and fixtures and mechanical, hydraulic or electrical equipment and machinery;

- exercises discretion within the scope of this level and the employee’s qualifications/training;
- provides trade guidance and assistance to levels PA5 and PA6 as part of a work team;
- works with minimal direction or supervision and is responsible for the quality of their own work;
- exercises trade skills relevant to the requirements of the level;
- co-ordinates and supervises non-trades employees within a work team; and
- may be required to undertake any task(s) listed in clause 28.1.

29. Minimum wages

Rates updated as a result of AWR 2017

29.1 Adult wages

The following wages apply to adult piggery attendants classified under clause 28—
Classifications of this award:

Wage group	Minimum weekly rate \$	Minimum hourly rate \$
PA1	694.90	18.29
PA2	714.40	18.80
PA3	742.30	19.53
PA4	767.90	20.21
PA5	787.80	20.73
PA6	809.10	21.29
PA7	834.40	21.96

29.2 Junior wages

Age of employee	% of relevant adult rate
Under 16 years	50
At 16 years	60
At 17 years	70
At 18 years	80
At 19 years	90
At 20 years	100

See Schedule B.4 for a summary of hourly rates of pay including overtime and penalties.

30. Ordinary hours of work

- 30.1 Ordinary hours for piggery attendants will not exceed 152 hours in any four week period.
- 30.2 If an employee works less than 38 hours in one week of any four week period then the employer will use its best endeavours to ensure that the employee is paid for 38 hours work during any week.
- 30.3 ~~Unless an agreement is reached between the employer and employee,~~ The spread of ordinary hours will not exceed eight per day between 6.00 am and 6.00 pm Monday to Friday, unless otherwise agreed by the employer and employee.
- 30.4 No employee will be required to work more than 12 ordinary hours per day.
- 30.5 Agreement may be reached between an employer and the majority of employees at a workplace about the method of implementing a 38 hour week at the workplace.

31. Shiftwork and rostering

31.1 Shiftwork definitions

- (a) **Afternoon shift** means any shift finishing after 6.00 pm and at or before midnight.

The Full Bench intends to have further discussions regarding 'continuous work' provisions in clause 31.1(b) and (c). See [\[2017\] FWCFB 3433](#) at [228] and [231].

- (b) **Continuous work** means work carried out:
- (i) on consecutive shifts of employees;
 - (ii) over 24 hours a day;
 - (iii) for at least six consecutive days; and
 - (iv) without interruption, except during breakdowns, meal breaks or due to unavoidable causes beyond the control of the employer.
- (c) **Non-continuous work** means work carried by a shiftworker who works on an afternoon or night shift which does not continue:
- (i) for at least five successive afternoons or nights on a five day site or six successive afternoons or nights on a six day site; or
 - (ii) for at least the number of ordinary hours prescribed by one of the alternative arrangements in clauses 31.1(f)(ii) or (iii) of this award;

- (d) **Night shift** means any shift finishing after midnight and at or before 8.00 am.
- (e) **Rostered shift** means a shift of which the employee concerned has had at least 48 hours notice.
- (f) **Permanent night shift** is where an employee who:
 - (i) during a period of engagement on shift, works night shift only; or
 - (ii) remains on night shift for a longer period than four consecutive weeks; or
 - (iii) works on a night shift which does not rotate or alternate with another shift or with day work so as to give them at least one third of their working time off night shift in each shift cycle.

31.2 Ordinary hours and roster cycles—shiftworkers

- (a) By agreement between the employer and the majority of employees concerned, the span of hours over which shifts may be worked may be altered by up to one hour at either end of the span.
- (b) The ordinary hours of shiftworkers will average 38 per week inclusive of crib time and must not exceed 152 hours in 28 consecutive days.
- (c) If the employer and the majority of employees concerned agree, a roster system may operate on the basis that the weekly average of 38 ordinary hours is achieved over a period which exceeds 28 consecutive days but does not exceed a maximum of 26 weeks.
- (d) In any arrangement of ordinary working hours where the ordinary working hours are to exceed eight on any shift, the arrangement of hours will be subject to agreement between the employer and the majority of employees in the plant or work section or sections concerned.
- (e) Subject to clause 31.2(f), ordinary hours of work must not exceed 10 hours per shift inclusive of crib time.
- (f) By agreement between the employer, the majority of employees in the work section or sections concerned and where an employee or employees nominate, ordinary hours not exceeding 12 on any day may be worked.
- (g) Except at the regular changeover of shifts, an employee must not be required to work more than one shift in each 24 hours.
- (h) **Breaks**
 - (i) **Continuous work**

Shiftworkers on continuous work as defined in clause 31.1(b) will be allowed a 20 minute crib break each shift, which will be counted as time worked.

(ii) Other than continuous work

Shiftworkers who are not engaged in continuous work as defined in clause 31.1(b):

- will work ordinary hours continuously except for meal breaks at the discretion of the employer; and
- must not be required to work for more than five hours without a break for a meal.

31.3 Rosters

Shift rosters will specify the commencing and finishing times of ordinary working hours of the respective shifts.

31.4 Variation by agreement

- (a) Subject to clause 31.2 the method of working shifts may in any case be varied by agreement between the employer and the majority of employees concerned.
- (b) The time of commencing and finishing shifts once having been determined may be varied:
- (i) by agreement between the employer and the majority of employees concerned to suit the circumstances of the establishment; or
 - (ii) in the absence of agreement by five days' notice of alteration given by the employer to the employees.

31.5 Afternoon or night shift allowances

Shift	Penalty rate % ordinary hourly rate
Afternoon or non-permanent night	115
Permanent night shift—all hours	130
Non-continuous afternoon or night—first 3 hours	150
Non-continuous afternoon or night—after first 3 hours	200

31.6 A shiftworker required to work on Saturdays, Sundays or public holidays must not receive the shift penalty in clause 31.5 on those days. The provisions of clauses 33—Saturday and Sunday penalty rates and 34—Payment for public holidays will apply instead.

32. Overtime and penalty rates

Full Bench proposed amending the heading in clause 32 to 'Overtime'. See [\[2017\] FWCFB 3433](#) at [240].

32.1 All time worked by piggery attendants before the ordinary commencing time or after the ordinary finishing time or in excess of ordinary hours of work in any one day or in any one week will be regarded as overtime.

32.2 Overtime will be paid at the following rates:

For overtime worked	Overtime rate % ordinary hourly rate
Monday to Saturday—first two hours	150
Monday to Saturday—after first two hours	200
Sunday—all hours	200

32.3 A minimum payment of three hours' overtime on a Saturday or Sunday is payable except for work which is continuous with ordinary duty.

32.4 In computing overtime each day's work will stand alone.

32.5 Employees will work reasonable overtime to meet the needs of the enterprise.

~~**32.6** No employer or employee will be party to payment for overtime where such overtime is not actually worked. The assignment of overtime by an employer will be based on specific work requirements and the practice of 'one in all in' overtime must not apply.~~

32.6 Recall to duty

- (a) An employee recalled to work overtime after leaving the employer's business premises (whether notified before or after leaving the premises) must be paid for a minimum of four hours' work at the appropriate rate for each time the employee is so recalled.
- (b) The employee must not be required to work the full four hours if the job they were recalled to perform is completed within a shorter period.

32.7 Overtime meal allowance

- (a) Where overtime is unplanned and not notified the day or days beforehand, a payment will be made of **\$13.07** after two hours of overtime if work will continue beyond the meal break. Alternatively the employer may supply the employee with a meal.
- (b) Where an employee is notified the day or days prior to an overtime day, the meal allowance is not payable unless the overtime is cancelled. Where cancellation occurs and notice of cancellation is not given at least the day before the planned overtime, the employee will be paid the meal allowance.

32.8 Paid breaks during overtime

The Full Bench suggested redrafting clause 32.8 to clearly identify the circumstances in

which an employee will be entitled to a meal break. Clause 10.2(d) will also need to be redrafted. See [\[2017\] FWCFB 3433](#) at [148].

(a) Meal break

Before starting overtime an employee will be allowed a meal break of 30 minutes which will be paid for at ordinary rates.

(b) Crib time

An employee working overtime will be allowed a crib time of 20 minutes without deduction of pay after each four hours of work.

33. Saturday and Sunday penalty rates

The Full Bench proposes to delete the fourth row in the table in clause 33 because it is accurately captured in clause 32.2. See [\[2017\] FWCFB 3433](#) at [249].

For work performed by piggery attendants on a Saturday or a Sunday, the following rates apply:

For time worked:	Penalty rate % ordinary hourly rate
Day workers	
Saturday—ordinary hours worked by agreement	150
Sunday—all hours	200
Shiftworkers	
Saturday ¹	150
Sunday—continuous shifts ²	200
¹ Provision in substitution for and not cumulative upon shift allowances in clause 31.5.	
² Where the major portion of the rostered shift is on a Sunday.	

34. Payment for public holidays

This provision may be affected by [AM2014/301](#)

34.1 A piggery attendant who is a day worker required to work on a public holiday will be paid **250%** of the ordinary hourly rate for a minimum of three hours and up to the usual rostered hours. For time worked in excess of the ordinary rostered hours overtime rates will apply.

The Full Bench has provided the AWU a further opportunity to clarify whether it seeks to vary clause 34.1 regarding public holiday rates. See [\[2017\] FWCFB 3433](#) at [254].

- 34.2** A shiftworker required to work on a public holiday will be paid **200%** of the ordinary hourly rate for a minimum of three hours and up to the usual rostered hours.

The Full Bench expressed a provisional view that there is no inconsistency between clause 34.3 and clause 18.2 for piggery attendants. See [\[2017\] FWC FB 3433](#) at [159].

- 34.3** By agreement between an employer and the employees, time off instead of payment for public holidays may be accrued for public holiday work. That is, the employee will receive ordinary time payment for the hours worked on the said holiday and accrue time to be taken at a mutually agreed time.

Part 7—Poultry Farming

35. Classifications

35.1 Poultry farm worker level 1 (PW1)

- (a) A poultry farm worker level 1 (PW1) includes:
- General hands.
- (b) An employee at this level:
- may undertake training for any task;
 - may be trained in more than one specific area, depending on the employee's application to these tasks;
 - may be engaged in collecting and grading eggs; and
 - has less than 12 months' experience in the industry.

35.2 Poultry farm worker level 2 (PW2)

- (a) A poultry farm worker level 2 (PW2) includes:
- (i) an employee with more than 12 months' experience in the industry who performs the duties of a poultry farm worker level 1 and may be required to perform any of the following duties:
- collect and grade eggs;
 - care for sheds and litter, maintain egg records, cull flocks of poultry as required;
 - remove waste product;
 - drive and/or operate farm plant and equipment; and
 - pick-up work and associated general duties as a farm hand.
- (ii) Hatchery assistants who:

- rotate eggs in incubators;
- check eggs;
- undertake sexing and beak trimming;
- sort and grade eggs and day-old poultry;
- fumigate and vaccinate;
- clean and sanitise hatchery incubators, hatchers and associated equipment; and
- perform any work undertaken by a farm hand.

(b) An employee at this level may be engaged at or in connection with mixing poultry food or grain crushing.

35.3 Poultry farm worker level 3 (PW3)

(a) A poultry farm worker level 3 (PW3) includes:

(i) Stock hands who:

- are other than hatchery employees or employees engaged in pick up work; and
- have been and are substantially engaged in actually handling livestock for a period of six months.

(ii) Farm maintenance workers who perform:

- pipefitting work;
- tack welding; and
- other minor maintenance work which involves the significant use of tools.

(iii) Farm transporters who:

- have their principal duties centred on a poultry farm or hatchery;
- may work as a stock hand, farm hand or hatchery assistant;
- transport livestock and/or eggs from farm to farm and from farm to hatchery or return and related activities;
- remove and transport litter and sawdust for poultry farms; and
- are qualified front-end loader operators.

(b) An employee at this level:

- will also perform any task undertaken by a farm hand; and

- may operate a front-end loader as part of their general duties.

35.4 Poultry farm worker level 4 (PW4)

- (a) A poultry farm worker level 4 (PW4) includes:
- Authorised testers;
 - Certified rural tradespersons who:
 - have been employed for a period of not less than four years' relevant employment in a rural industry; and
 - have completed the Rural Trades Course at TAFE or similar course or courses approved by the Rural Apprenticeship Training Committee upon application.

36. Minimum wages

Rates updated as a result of AWR 2017

36.1 Adult wages

The following wages apply to adult poultry workers classified under clause 35—
Classifications of this award:

Wage group	Minimum weekly rate \$	Minimum hourly rate \$
PW1	694.90	18.29
PW2	725.20	19.08
PW3	755.60	19.88
PW4	809.10	21.29

36.2 Junior wages

Age of employee	% of relevant adult rate
Under 16 years	50
At 16 years	60
At 17 years	70
At 18 years	80
At 19 years	90
At 20 years	100

See Schedule B.5 and B.7 for a summary of hourly rates of pay including overtime and

penalties

37. Ordinary hours of work and rostering

The ordinary hours of work of poultry farm workers must not exceed 152 hours in any consecutive period of four weeks.

38. Overtime and public holidays penalty rates

This provision may be affected by [AM2014/300](#) – see [draft determination](#).

38.1 Overtime

- (a) All time worked by a poultry workers in excess of the ordinary hours in clause 37 will be regarded as overtime.
- (b) The rate of pay for overtime for a poultry farm worker will be:

For overtime worked	Overtime rate % ordinary hourly rate
Monday to Saturday	150
Sunday—all hours—feeding and watering stock	150
Sunday—all hours—other than feeding and watering stock	200

- (c) **Time off instead of payment for overtime**

An employee may elect to take time off duty, with pay, for a period equal to the overtime worked.

38.2 Public holidays

A poultry worker required to work on a public holiday will be paid **200%** of the ordinary hourly rate.

Part 8—Shearing Operations

39. Classifications

39.1 Employees engaged for work in a shed, other than Woolclassers and Shearing shed experts, will be engaged on a casual basis in one or more of the following categories:

- Shearer;
- Crutcher;
- Shed hand;

- Woolpresser; or
- Shearing cook.

A composite of these categories may apply where the employee has mixed functions, except Shearers.

39.2 Shed hands or Woolpresser-shed hands

- (a) A Sshed hand or Woolpresser-shed hand may be required to work as a generally useful hand in or about the shearing shed either during the crutching or shearing or when crutching or shearing is not taking place.
- (b) Shed hands, Woolpressers and Woolpresser-shed hands will be paid by the run (as defined in clause 43.1(b)).
- (c) **Minimum daily payment**
 - (i) Employees will be guaranteed a minimum daily payment for two runs on any day on which the employee attends for duty; except
 - if on the day of cut out work continues beyond the normal lunch break then payment will be made for four runs; or
 - if sheep are voted wet at the commencement of the third or fourth run, then they will be paid for all completed runs on that day together with the run due to commence or partly completed at the time sheep are voted wet.
 - (ii) Minimum payment per day will not apply where an employee is not required to attend for work because of wet weather, provided that:
 - the employee is advised on each preceding day that they will not be required to attend; or
 - if the employee is advised by the employer of a starting time with more than 24 hours' notice.
- (d) When an employee has mixed functions (e.g. as Woolpresser and Sshed hand) they will be paid at the rate that attracts the higher minimum rate of pay under this award.
- (e) Woolpresser-shed hands and Sshed hands will weigh, brand, store and carry wool to the press without extra payment.
- (f) An employer may direct a Sshed hand to carry out the duties of a Woolpresser, provided that:
 - (i) the employee will only be required to perform those duties of a Woolpresser that are within the limits of that employee's skill, competence and training;

- (ii) the performance of such duties does not involve either an alteration to the employee's classification or a major and substantial change in the duties normally performed by the employee; and
- (iii) the direction will be given only in the pursuit of the efficient conduct of a shearing or crutching operation in circumstances of unavailability of a contracted Woolpresser for a limited period.

39.3 Woolpressers

- (a) A Woolpresser or Woolpresser-shed hand will:
 - (i) press as soon as possible all the wool shorn or crutched from the relevant shearing or crutching;
 - (ii) weigh, brand and store the wool; and
 - (iii) press and close the bales in the manner and, as nearly practicable, to the weight directed by the overseer, and remove all clippings and string from the inside of the bales and clear away such clippings and string and all loose wool from the portion of the shed occupied for woolpressing.
- (b) An employer may direct a Woolpresser to carry out the duties of a Sshed hand, provided that:
 - (i) the employee will only be required to perform those duties of a Sshed hand that are within the limits of that employee's skill, competence and training; and
 - (ii) the performance of such duties does not involve either an alteration in the employee's classification or a major and substantial change in the duties normally performed by the employee.

39.4 Shearing cooks

- (a) Shearing cooks will prepare and cook up to five meals per day, including morning and afternoon tea, for an agreed number of persons.
- (b) The total number of persons for whom an employee is to cook, on the average of the shearing or crutching, will not be:
 - (i) less than the minimum number agreed upon; or
 - (ii) more than the maximum number agreed upon.
- (c) If any of the employees for whom the Shearing cook is to cook for, strike or wilfully cease work against the direction of the employer, the Shearing cook will be entitled to payment of wages in respect only of those employees who do not strike or cease work.
- (d) The Shearing cook will provide at the cook's own expense such suitable assistant or assistants as may be necessary for the proper cooking and serving of food.

- (e) Shearing cooks may be engaged per half day.
- (f) On the day prior to the commencement of shearing or crutching, should the Shearing cook be required to prepare the evening meal or clean and prepare the kitchen for a normal start on the following day, payment will be made at **50%** of the daily or piecework rate.
- (g) On the day of cut out a Shearing cook will be guaranteed **50%** of the daily or piecework rate. However should shearing proceed after the normal midday meal break, a full day's wages will be payable.
- (h) Where a Shearing cook is engaged to cook for non-resident employees and prepares morning and afternoon tea and a midday meal they will receive **50%** of the daily or piecework rate.
- (i) Where clause 39.4(h) applies, employees will be required to contribute a maximum of **50%** of the rate established pursuant to clause 40.6 of this award.

39.5 — ~~Shearers and learner Shearers~~

- ~~(a) Shearers will be engaged to shear and/or crutch sheep.~~
- ~~(b) A learner Shearer will be engaged as such on production of proof that they qualify for such status.~~

39.5 Shearers and learner shearers

- (a) **Shearers**
Shearers will be engaged to shear and/or crutch sheep.
- (b) **Learner shearers**
 - (i) A learner will mean a shearer or intending shearer who has not yet shorn five thousand sheep.
 - (ii) A learner who starts in a shed as a learner may continue to be regarded as a learner under this clause for a run of sheds, although they become a shearer, not a learner, before the run of sheds is completed.
 - (iii) It will be obligatory upon such learner to produce to their employer or intended employer a certificate, log book or equivalent in the following form showing the number of sheep they have shorn:

LEARNER'S CERTIFICATE TO BE PRESENTED AT EACH SHEARING

Issued to

Home address

Date of issue of certificate

Age

<u>Date</u>	<u>Station</u>	<u>Total sheep shorn</u>	<u>Average tally per day (whole days)</u>	<u>Signature of owner or manager or shed overseer</u>	<u>Signature of learner</u>	<u>Total sheep shorn prior to issue of this certificate</u>

- (iv) The earnings of a learner shearer will not be less than they would have received had they been employed for the same period as an adult shed hand, plus the combs and cutters allowance of \$20.81 per week. The agreement of such specified learner will be endorsed “learner” at the time it is signed.

39.6 Crutchers

Crutchers will be engaged to crutch sheep, either a full crutch or other crutch.

39.7 Woolclassers

The classification and duties structure is as follows:

(a) Woolclasser level 1

Woolclasser level 1 (W1) may be required to undertake woolclassing duties only. These duties, which will be carried out in accordance with the directions and orders of the owner or nominated representative, will be as follows:

- (i) to classify the wool and advise and report generally as a wool expert, according to the industry agreed code of practice as published by the Australian Wool Exchange Limited or its successors;
- (ii) to instruct the woolrollers and supervise the skirting and rolling of the fleece;
- (iii) to instruct and supervise the piece-pickers, the pickers-up as far as concerns their duty in picking up the fleeces and all other persons engaged in the handling of the wool;
- (iv) to instruct the Woolpressers and exercise a general supervision over the pressing, weighing and branding of the bales;
- (v) to keep the shed wool book, or see that it is kept by the Woolpresser or woolweigher, to the satisfaction of the employer, and, where required, to write up the station permanent wool and weight book daily (one copy only); and
- (vi) to complete waybills if and when required.

(b) Woolclasser level 2

A Woolclasser level 2 (W2) may be required to undertake:

- (i) woolclassing duties, being any of the duties outlined in relation to Woolclasser level 1; and
- (ii) woolrolling, where such work is incidental to the duties of a Woolclasser, and other Shed hand work where such work is a minor and incidental part of the duties of the Woolclasser. In the interest of efficient performance of work by the Woolclasser, such woolrolling will not be performed in a shed where more than 900 fleeces per day are shorn.

(c) Woolclasser level 3

A Woolclasser level 3 (W3) may be required to undertake:

- (i) woolclassing duties, being any of the duties described for Woolclasser level 1 above;
- (ii) woolrolling or other Shed hands work as described for Woolclasser level 2 above;
- (iii) overseeing or management of the board, provided that a Woolclasser must not do overseeing nor take the management of the board in addition to doing woolclassing in any shed where more than twelve Shearers are employed;
- (iv) bookkeeping; and
- (v) experting, as described in clause 39.8, provided that except in the case of an emergency, a Woolclasser must not act as an expert in addition to doing woolclassing in a shed where more than six Shearers are employed at any one time.

39.8 Shearing shed experts

(a) Shearing shed expert level 1

A Shearing shed expert level 1 (E1) may be required to perform experting duties only. The duties of a Shearing shed expert will include:

- (i) attending to the shearing shed machinery;
- (ii) engine driving;
- (iii) the grinding of combs and cutters; and
- (iv) such other duties as may be agreed upon by the employer and the employee at the time of the employee's engagement.

(b) Shearing shed expert level 2

A Shearing shed expert level 2 (E2) may be required to perform:

- (i) experting duties as described for Shearing shed expert level 1;

- (ii) woolrolling or other Shed hands work where such work is a minor and incidental part of the duties of an expert. In the interest of efficient performance of work, such woolrolling must not be performed in a shed where more than 900 fleeces per day are shorn;
- (iii) overseeing or management of the board; and
- (iv) bookkeeping.

40. Minimum wages

Rates updated as a result of AWR 2017

40.1 The minimum rates for Shearers will be:

Minimum rates for shearing (by machine)	Not found employee ¹ \$	If found employee ¹ \$
Flock sheep—wethers, ewes and lambs—rate per 100	301.96	271.40
Flock sheep—wethers, ewes and lambs—rate per day	225.60	195.04

¹ These rates are calculated in accordance with clause A.1.

40.2 **Additional Other shearing rates**

Description	% of applicable rate
Rams (other than special stud rams) and ram stags	200% of flock sheep rate
Stud ewes and their lambs	125% of flock sheep rate
Double-fleeced sheep	133.33% of the rate prescribed appropriate to the class of sheep
Hand shearing	7.5% added to the rate for each class of sheep
Shearers providing <u>required to provide</u> their own stud combs	25% added to the rate for each class of sheep
Special studs	As agreed

40.3 **Rates for crutching**

The following rates are arrived at by the formula in clause A.2 ~~and paid in addition to the shearing rates contained in this clause.~~

The Full Bench noted there was an unclear proposal to vary clause A.1.2 or clause 40.3 but it was unclear what variation was sought so it will be discussed further. See [\[2017\] FWCFB 3433](#) at [272].

(a) **Piecework rates—if not found employee:**

	Per 100 \$ At sheds	Per 100 \$ Other than at sheds
Full crutching: shearing the inside parts of the legs, between the legs, and around and above the tail. In addition when required: <ul style="list-style-type: none"> • removing wool that has been struck by blowfly; • lifting the bottom leg and shearing that leg prior to turning the sheep around and above the tail; and/or • giving up to two blows above the tail 	87.57	75.49
All other crutching	69.45	60.39
For wiggging or ringing	33.22	33.22
For either wiggging or ringing in addition to crutching	9.06	9.06
For wiggging and ringing	54.35	54.35
For wiggging and ringing in addition to crutching—crutching rate plus	15.10	15.10
For cleaning the belly of any ewe above the teats (no more than two blows of the machine or shears)—crutching rates plus	7.55	7.55

(b) **Lack of amenities allowance**

An allowance of **\$9.69** per person per day will be paid for the lack of amenities when crutching is performed other than at sheds in addition to the piecework rates in clause 40.3(a).

(c) **Special crutching rates**

- (i) For crutching stud ewes and their lambs—one and a quarter of the rates prescribed in clause 40.3(a).
- (ii) For crutching rams and ram stags—double the rates prescribed in clause 40.3(a).

(d) **If found employee**—the rates prescribed above less the amount of **\$30.56**, which is arrived at by adding the Shearing cook’s daily rate to one fifth of the Shearers’ ration component.

40.4 Rates for Sshed hands

(a) If not found employee:

Adults	Weekly rate \$	Per run rate \$
For adults with less than 65 work days' experience as a <u>S</u> shed hand	1082.25	54.11
For adults with 65 or more work days' experience as a <u>S</u> shed hand	1138.38	56.92

- (b) These amounts are arrived at by using the formula in clause A.3.1.
- (c) The rates for junior Sshed hands are arrived at using the formula in clause A.3.2.
- (d) **If found employee**—the rates prescribed above less the amount of **\$30.56**, which is arrived at by adding the Shearing cook's daily rate to one fifth of the Shearers' ration component.

40.5 Rates for Woolpressers—if not found employee:

(a) **Piecework**

	\$
By hand—per bale	18.14
By hand—per kilo	0.1190
By power—per bale	12.09
By power—per kilo	0.0793

These rates are arrived at by using the formula in clause A.4.

- (b) For weighing and branding bales—**\$0.40** per bale extra.
- (c) If the total sum which the Woolpresser would receive under the rates in clause 40.5(a) amounts to less than **\$60.20** per run multiplied by the number of runs that a time work employee would have been paid for, the employer will pay the deficiency to the employee.
- (d) **If found employee**—the rates prescribed above less the amount of **\$30.56**, which is arrived at by adding the Shearing cook's daily rate to one fifth of the Shearers' ration component.
- (e) Woolpressers engaged at piecework rates will, for all wool pressed by them, be paid wholly per bale or wholly per kilogram and will for greasy wool per kilogram be paid for an average of 140 kg per bale if the bales pressed average less than that weight.
- (f) The minimum rate to be paid for woolpressing for employees engaged at time work rates will be **\$60.20** per run if not found employee. If found employee,

rates will be the rate prescribed less **\$30.56** per day, which is arrived at by adding the Shearing cook's daily rate to one fifth of the Shearers' ration component.

- (g) Provided that where a Woolpresser engaged at time work would have earned more at a particular shearing than the minimum calculation (by multiplying the per run rate by the number of runs the Woolpresser would have been paid for) if the Woolpresser had been engaged at piecework rates, then the Woolpresser will be paid at the piecework rate pursuant to clause ~~40.4(e)~~ **40.5(a)**.

40.6 Rates for Shearing cooks

- (a) The minimum rates to be paid to employees for acting as Shearing cook in connection with shearing or crutching operations will be **\$18.92** per day per found employee for every person excepting themselves for whom the employee cooks.
- (b) If the total amount which the Shearing cook would receive under this clause for the term of the employment amounts to less than **\$246.00** per day per found employee for the work, after paying the necessary offsidars, the employer will pay the deficiency to the employee.
- (c) A Shearing cook engaged for a half day will be paid **50%** of the rate per day per found employee for every person for whom the employee cooks.
- (d) The minimum rates for Shearing cooks are arrived at by the formula provided in clause A.5.

40.7 Woolclassers piecework rates

- (a) For carrying out the duties described in clause 39.7 of this award, a Woolclasser will be paid at the rate of **\$343.33** per 1,000 sheep and/or lambs.
- (b) All rams and/or ram stags' wool classed will be paid for at double the rate in clause 40.7(a).

40.8 Woolclassers guaranteed weekly minimum rates

If the piecework earnings from woolclassing over the whole of the employment are less than the relevant weekly amount for the same period, the employer will pay the Woolclasser not less than the minimum weekly rate set out below.

40.9 Woolclassers and Shearing shed experts

- (a) The following minimum weekly rates will apply to Woolclassers and Shearing shed experts classified under clause 39—Classifications:

Classification	Minimum weekly rate
	\$
Shearing shed expert level 1	1,145.66
Shearing shed expert level 2	1,272.95

Classification	Minimum weekly rate
	\$
Woolclasser level 1 ¹	1,272.95
Woolclasser level 2 ¹	1,373.30
Woolclasser level 3 ¹	1,438.55
¹ Woolclasser minimum weekly rates are arrived at according to the formulae provided in clause A.6	

(b) Piecework rate

The piecework rate formula is: \$1,373.30 (Woolclasser level 2) ÷ 4 = **\$343.33**.

(c) Shearing shed experts

- (i) E1**—Expert level 1 (experting only) will be paid at **90%** of the Woolclasser level 1 rate. The E1 rate is **\$1,145.66** per week.
- (ii) E2**—Expert level 2 (experting plus any additional duties except woolclassing) will be paid at Woolclasser level 1 rate. The E2 rate is **\$1,272.95** per week.

(d) For the purpose of this clause:

- (i)** employment will be deemed to begin at the time at which the employee is instructed to arrive at the station, but if the employee does not arrive until later, then at the time of arrival;
- (ii)** the number of stands to be taken is the maximum number of stands actually occupied by Shearers during the shearing;
- (iii)** in calculating the guaranteed amount in respect of employment for part of a week, the employee will be entitled to **20%** of the prescribed weekly rate for each day or part of a day;
- (iv)** employment of experts and Woolclassers will be by the day unless a longer period of engagement is agreed. Unless the Woolclasser or expert has been notified the previous day that their attendance is not required for that day, then providing they present themselves as ready, able and willing to work prior to commencement of work then they will be paid for that day at **20%** of the appropriate minimum weekly rate specified in this clause; and
- (v)** all employees are entitled to work as expeditionary employees.

- (e)** At the commencement of shearing the employer or a representative will appoint a certain day upon which the employer will, in each and every week, if so required, pay to the employee any sum not exceeding **75%** of the amount due over and above one week's earnings.

(f) **Woolclassers allowances formula**

Allowances payable to **included in the** Woolclassers' **weekly rate** ~~under clause 40.9~~ are calculated in accordance with the following formula:

Allowance	\$ per week
Conditions	113.29
Enterprise flexibility	160.60
Woolrolling	80.28
Bookkeeping	52.20

See clause B.8 for a summary of rates of pay, including overtime and penalties for Shearers.

41. Special allowances (other than Woolclassers and Shearing shed experts)

41.1 Allowance where sleeping quarters are not provided

The Full Bench proposed the following amendment to clause 41.1. See [\[2017\] FWCFB 3433](#) at [259].

If the employee does not reside at their **home or** usual place of residence and is forced to obtain and pay for sleeping quarters away from the employer's premises because the employer is unable to provide sleeping quarters at the premises for the employee during a shearing or crutching, the employer will:

- (a) arrange for sleeping quarters for the employee to be supplied elsewhere at the employer's expense; or
- (b) pay to the employee an allowance of **\$48.79** per night during the employee's employment that the employee is forced to obtain and pay for sleeping quarters; and
- (c) provide or pay for the transport of the employee between the sleeping quarters and the shed where the distance is one kilometre or more walking distance between the employee's sleeping quarters and the shed.

41.2 An allowance of **\$16.10** 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**, ~~such hour where the total travel time to and from the sleeping quarters and the shed exceeds one hour per day.~~

41.3 If an employee resides at their home or usual place of residence and travels daily to the shed during a shearing or crutching, the following provisions will apply:

(a) Travelling allowance—Shearers or Crutchers only

A travelling allowance of **\$14.48** per day will be paid to an employee where the distance between the shed and the employee's place of residence exceeds 65 kilometres by the most direct practicable route upon which the employee so travels.

(b) Vehicle allowance—all employees

If an employee, by prior arrangement and agreement with an employer, uses their own motor vehicle to travel to and from the shed, the employee will be paid **\$0.78** per kilometre for travel by the most direct practicable route between the shed and the employee's normal place of residence.

41.4 Clause 41.3(a) and 41.3(b) of this award will not apply in any case where the employer offers the employee suitable accommodation at the shed and the employee chooses not to use it.

41.5 Breakdown of machinery—allowance for delays and termination of agreements

(a) If a Shearer or Crutcher or a piecework Woolpresser:

- (i)** is stopped from working through a breakage or failure of machinery, except from any cause over which the employer has no control, and
- (ii)** the total period of all such stoppages which occur in any one week exceeds two hours working time,

the employer will pay to the employee an allowance at the rate of:

- **\$176.76** per day in the case of not found employees and
- **\$146.20** per day in the case of found employees,

for every day or part of a day beyond two hours' of working time in any one week as long as there are sheep fit to shear.

(b) The not found breakdown rate is calculated as the old breakdown rate multiplied by the new Shearers rate per 100 divided by the old Shearers rate per 100 (less found deduction if found employee).

42. Special allowances for Woolclassers

42.1 Fares and travelling allowances for expeditionary employees

(a) An employee will be reimbursed all fares, or be compensated for motor vehicle expenses at a rate of **\$0.78** per kilometre, to travel the most direct route to and from the shed at the commencement and conclusion of a period of engagement at a shed from the closest of:

- (i)** the employee's place of residence;

- (ii) the employee's previous place of work; or
 - (iii) the place of engagement.
- (b) In cases where the employee is discharged for incompetence or misconduct or breaches of the agreement signed before commencement of the shed, no return fares nor return expense allowance will be paid.
 - (c) When an employer offers an employee accommodation in accordance with this award, and the employee does not use the accommodation, the allowances in clause 42.1 will not be payable.
 - (d) The vehicle allowance, as specified above in clause 42.1(a), applies only where an employee actually uses their vehicle to travel to and from the shed.
 - (e) The fares, as specified above in clause 42.1(a), are paid only where they are actually incurred and this does not include airfares unless agreed at the time of engagement.
 - (f) An allowance at the rate of **\$69.68** per day will be paid by the employer to the employee for all expenses incurred (other than fares) while the employee is actually proceeding to and from the place of employment.
 - (g) The allowance will be calculated at the rate of **\$2.90** per hour from the time of departure of the employee from the place of engagement or from the permanent residence until the employee arrives at the place of employment.
 - (h) When an employee is about to return from the place of employment the allowance will be calculated on the same basis from the time of departure until arrival at the place of engagement or permanent residence.

42.2 Allowance for delay between commencement of sheds on the same holding

The following allowance applies where two sheds are situated on the same holding and are the property of the same owner and where the work at the second shed starts immediately after the work at the first is completed and the same Woolclasser (but not a Shearing shed expert) is employed for the two sheds:

- (a) A Woolclasser will be paid an allowance for any delay between the cut out of the one shed and the starting of the other, calculated at the delay rate set out in clause 42.3.
- (b) Should, however, properties intervene, such sheds must not be considered as sheds on the same holding, and no allowance will be payable.

42.3 Allowance for delays for Woolclassers paid at piecework rate

- (a) In the event of the employer failing to start shearing on the day fixed by the contract the employer will pay the employee for the time kept idle, a daily amount of **10%** of the appropriate guaranteed weekly minimum rate for the classification of the employee; provided:

The Full Bench proposed the following amendment to clause 42.3(a)(ii). See [\[2017\] FWCFB](#)

3433 at [264]-[265].

- (i) the Woolclasser is ready to start on the day fixed; and
 - (ii) the failure to start is not caused by wet weather or other unforeseen natural causes such as fire, flood, or earthquake **or any other act of God.**
- (b) The number of stands to be taken into account when calculating the allowance will be the maximum number of stands actually occupied by Shearers during the shearing.
- (c) The allowance set out in this clause will be in full satisfaction of all claims by the employee arising out of the failure to start on the part of the employer.
- (d) The rates in clause 42.3 will only apply where an employee is paid the piecework rate.

43. Hours of work for Shearers and Crutchers

43.1 Ordinary hours

- (a) The ordinary hours of work for Shearers and Crutchers will be 38 per week, Monday to Friday.
- (b) The hours will not exceed eight per day and will be worked in two hour groupings called runs. The run times are Monday to Friday as follows:
- 7.30 am–9.30 am
 - 10.00 am–12.00 pm
 - 1.00 pm–3.00 pm
 - 3.30 pm–5.30 pm

43.2 ~~Alteration of starting times~~ Clause 43.1 will be read subject to the provisions of clause 43.3 and the following:

- (a) if agreement between the employer and the majority of employees exists there may be an alteration of the starting time by a maximum of two hours' to allow for work to be completed in extenuating circumstances;
- (b) work will not commence prior to 5.30 am or later than 7.30 am except where sheep have not been presented for shearing or crutching due to inclement weather;
- (c) runs will be of two hours duration and be worked continuously except for tea and lunch breaks;
- (d) circumstances for which alteration to the starting time in accordance with clause 43.2 may be made are limited to:
- ~~to~~ **assist**ing travel arrangements (e.g. day of cut out and travel home);

- ~~to~~ ensure^{ing} daylight requirements where shed lighting is not available;
 - ~~for~~ stock welfare; and
 - when rising flood water creates exceptional circumstances; and
- (e) the entitlements in this clause are non-cumulative.

43.3 Restrictions on working eight hours

The restriction on working eight hours will not apply:

- (a) where the tail end of a mob of ewes with lambs or unweaned lambs are in the pens at 5.30 pm on Friday awaiting shearing (or crutching), the shearing (or crutching) may, at the option of the employer, be continued for not more than half an hour, but so far only as may be necessary for the purpose of shearing (or crutching) the said ewes and/or lambs;
- (b) if not more than three sheep per Shearer/Crutching are left in the pens at 5.30 pm on Friday they may, at the option of the employer, be shorn (or crutched) then for the purpose of cutting out a particular flock; or
- (c) if on the day of the cut out, there remains in the pens after the last run of the day, the number of sheep as could be ordinarily shorn (or crutched) in 60 minutes, the shearing (or crutching), at the option of the employer, may be continued until the sheep are shorn (or crutched). If the option of the employer is taken and work time exceeds 30 minutes, all time workers will receive an additional two hours' (one run) payment.

43.4 Special conditions regarding the hours of work of Shearers and Crutchers

This provision may be affected by [AM2014/300](#)

- (a) Where a Shearer or Crutching has not completed 38 hours work during the preceding week, or eight hours per day if the shearing commenced later in the week, by reason of the fact that sheep presented for shearing or crutching are voted wet or sheep are not presented for shearing or crutching because of rain or sweating, a Shearer or Crutching may be required by the employer to work on the Saturday and/or Sunday immediately succeeding the week in which work could not be performed for these reasons only, provided that:
 - (i) any work performed on a Saturday or a Sunday pursuant to clause 43.4 must be performed in accordance with the run schedules in clause 43.1(b);
 - (ii) any work performed on a weekend pursuant to clause 43.4 must be performed from the commencement of the first available run after the condition of the sheep permit their shearing or crutching except that by agreement between the employer and the employee another or other mutually convenient run or runs available on that weekend may be substituted;

- (iii) the work on Saturday and/or Sunday will only replace the time lost during the preceding week; and
- (iv) reasonable notice of the need to work on the weekend will be given.
- (b) A signal will be given three minutes (one minute in the case of crutching) before the end of each run and no Shearer (or Crutcher) will catch another sheep during that run after the signal has been given.
- (c) The employee will finish the shearing (or crutching) of any sheep they are shearing (or crutching) at the end of each run.
- (d) The employer and employee will record and retain at the appropriate place of employment a written record in the tally book when make-up time is worked, if sheep are determined wet during the normal course of shearing in the preceding Monday to Friday.
- (e) The tally book will show those employees who worked make-up time, the date of the work and the number of runs worked during the weekend. The employer will retain this written record for a period of not less than six years.

44. Special conditions relating to shed employees

Rates updated as a result of AWR 2017

44.1 Mess and cook

- (a) If a mess is established for found employees, not found employees may, with the approval of the employer join the mess and provide their own food and related items (joint mess).
- (b) The employer will, however, have the right to supply a sufficient quantity of food to start the mess, the food to be paid for by the persons comprising the mess.

44.2 Where there is a joint mess

- (a) The employer must engage a competent cook for the mess on terms not less advantageous to the cook than those prescribed by this award.
- (b) The employer may charge each not found employee the amount of their share of the wages actually payable to the cook. The amount ~~payable~~ **charged** must not exceed the rate per day per member of the mess prescribed in this award.
- (c) If an employer elects to supply food and like items, the employer may deduct the price of the items from the wages of those supplied with the items.
- (d) If the employer discharges a not found member of the mess who does not have sufficient credit to satisfy what that employee owes to the mess account, the employer will make up the deficiency, except so far as the employee's share of

the mess account has been increased by goods purchased elsewhere than from the employer.

44.3 Condition of sheep

The employee may refuse to shear sheep without any responsibility for delay in the following circumstances:

(a) Wet sheep

- (i) if the overseer and the shed representative agree that the sheep are too wet to shear or crutch; or
- (ii) if in the employee's honest opinion, the sheep are so wet as to be likely to injure the employee, and the employee informs the overseer to that effect; or
- (iii) if in the honest opinion of a majority of Shearers (or Crutchers) excluding any learner by vote on a secret ballot it is determined that the sheep are too wet to shear or crutch.

The supervisor may request that the vote be delayed until after the Shearers (or Crutchers) have shorn (or crutched) two sheep each and that the ballot papers have been counted in the presence of the supervisor. The supervisor may request that further votes be taken in relation to sheep which have been voted wet in the same day.

(b) Infected sheep

The employee may refuse to shear (or crutch) sheep where the sheep are:

- (i) cancerous;
- (ii) suffering from scabby mouth;
- (iii) suffering from any wound or sore other than maggots;
- (iv) suffering from a disease communicable to the employee; or
- (v) affected by prickly pear, unless the employer provides the employee with such basil or other gloves and coverings as are necessary.

The employee will put any affected sheep appearing on the board down the chute.

44.4 Conditions of sheep—employer requirements

- (a) The employer will so far as is practicable and reasonable in the particular circumstances prevent from entering the shed:
 - (i) any cancerous sheep;
 - (ii) any sheep that has an offensive wound or sore, other than from maggots (unless properly treated with antiseptic);

- (iii) any sheep suffering from scabby mouth;
- (iv) any sheep suffering from any disease communicable to the employee.
- (b) The employer need not pen sheep for shearing (or crutching) which in the honest opinion of the employee should not be shorn or crutched because they are too wet to be shorn (or crutched), without responsibility for any delay.
- (c) The employer may also withdraw sheep which have been penned for shearing (or crutching) when, in the employer's honest opinion, the wool is too wet for pressing, without responsibility for any delay.

44.5 Transport to be provided in certain circumstances

- (a) If the employees sleep at the employer's premises and the shearing shed is one kilometre or more walking distance from the employee's sleeping quarters, the employer must provide transport for the employees between the shed and sleep quarters before the start of the day's work and at the end of the day's work.
- (b) In all cases where the shearing shed is half a kilometre or more walking distance from the employees' huts, the employer must provide transport from the shed to the huts and from the huts to the shed for the midday meal.

44.6 Combs, cutters and handpiece

- (a) It will be the responsibility of the employee to provide themselves with combs and cutters and a suitable handpiece.
- (b) If a Shearer chooses to use a handpiece supplied by the employer or a contractor, the employer or contractor may make a charge to the Shearer for the use of the handpiece equivalent to the amount the Shearer is reimbursed for the handpiece through the shearing formula (see clause A.1).
- (c) Where combs or cutters are damaged or broken during shearing operations due to contact with tags or foreign matter, the employer will replace or provide compensation for such combs and cutters on a fair wear and tear basis.

44.7 Allotment of stands

- (a) The employer may nominate the stand or stands to be occupied by learners.
- (b) Subject to clause 44.7(a) Lots will be drawn for the stands in the presence of the overseer before work is commenced at a shearing or crutching, and the employees will abide by the result of the drawing.

44.8 Provision of sheep

- (a) The total number of sheep to be shorn (or crutched) at the shearing (or crutching) will not be more than the maximum number agreed upon nor less than the minimum number agreed upon nor will the number of Shearers employed exceed the number agreed upon.

- (b) The employer will be ready to commence shearing (or crutching) on the date appointed and will keep the Shearers (or Crutchers) fully supplied with sheep until the completion of the shearing (or crutching).
- (c) The employer, however, will not be bound to furnish the agreed minimum number of sheep or to be ready or to keep the employee fully supplied if prevented by any cause unavoidable by them. The employer will inform the employee, as soon as is reasonably possible, whether, and to what extent, the employee will be or is likely to be so prevented.
- (d) When the employer is a contractor shearing or crutching sheep under contract with an owner or the owner's agent, the failure of the owner or agent to keep the contractor supplied with sheep for shearing (or crutching) will not be deemed to be a cause unavoidable by the contractor unless the owner or agent is prevented from supplying sheep because of any unavoidable cause.

44.9 Yarding sheep for shearing

- (a) At shearing operations the employer will, unless prevented by any cause unavoidable by the employer, yard the sheep for shearing at least four hours before the time of their being shorn so as to overcome any fullness or sweat in the sheep and the employee will shear the sheep without delay.
- (b) This clause will not apply in the case of:
 - (i) ewes within two months of lambing;
 - (ii) ewes with lambs up to three months old; or
 - (iii) sheep which have previously been yarded for shearing but have been turned out because they are too wet to shear.

44.10 Posting of tallies

Each day, the employer will make available to each employee the employee's tally or bale weight for each run worked in a day.

45. Hours of work and overtime rates for Sshed hands and Woolpresser—shed hands

45.1 The working hours of a Sshed hand or of a Woolpresser-shed hand will be the same as the working hours of the Shearers or Crutchers. However, additional time each day may be necessary to:

- finish the picking up, rolling of fleeces and picking of the pieces on the tables; and
- ~~the rolling of fleeces,~~
- ~~the picking of the pieces on the tables; and~~
- sweep the floor of the shed.

- 45.2** Such additional time after the cessation of shearing or crutching on Friday and on the day of the cut out may be necessary:
- to do the work described in clause 45.1;
 - to wash down the floor of the shed and the wool tables; and
 - to put away any wool that is underneath; and
 - in the case of Woolpresser-shed hand, such additional time as may be necessary on the day of the cut out to finish the pressing.
- 45.3** If on any day, except the day of the cut out, the additional time exceeds a total of 30 minutes, the whole of the additional time on that day will be treated as overtime.
- 45.4** Overtime will be paid for at the rate of **150%** of the ordinary hourly rate.
- 45.5** Penners-up will work without overtime payment for ~~the~~ all time additional to the working hours of the Shearers or Crutchers as may be necessary to keep the Shearers or Crutchers supplied with sheep.

46. Payment for public holidays

- 46.1** Where work is performed on a public holiday the following rates will be paid:
- (a) for Shearers, Crutchers, Woolpressers and Woolclassers—**200%** of the piecework rate;
 - (b) for ~~S~~shed hands and Woolpresser-shed hands—**200%** of the ordinary hourly rate; and
 - (c) for Shearing shed experts—an amount calculated at the rate per hour of 2.630% of the appropriate minimum ~~weekly~~ hourly rate in addition to any amount otherwise payable to the employee.

Schedule A—Shearing Operations—Methods for calculating Minimum Rates

Rates updated as a result of AWR 2017

A.1 Rates for Shearers—if not found employee

A.1.1 Rates for flock sheep (wethers, ewes and lambs)

The minimum rate for Shearers shearing 100 flock sheep (if not a found employee) is arrived at by the following formula:

Shearer's formula	\$
<i>Minimum rate</i>	763.44
Plus 20% piecework allowance—min rate x 20%	152.69
Plus 25% casual loading—min rate x 25%	190.86
<i>Subtotal</i>	1106.99
Plus shearing industry allowance ¹	217.12 per week
Plus rations ¹	58.18 per week
Plus allowance for combs/cutters ¹	104.00 per week
Plus payment for handpiece ¹	23.51 per week
<i>Weekly total for casual piecework Shearer with own handpiece (500 sheep)</i>	1509.80
Rate per 100 conversion—total divided by 5	301.96
¹ The industry allowance, rations, combs/cutters and handpiece components are expense related allowances adjusted in accordance with clause C.2.	

The Full Bench noted there was an unclear proposal to vary clause A.1.2 or clause 40.3 but it was unclear what variation was sought so it will be discussed further. See [\[2017\] FWCFB 3433](#) at [272].

A.1.2 'If found' rates are calculated by deducting **\$30.56** from the 'not found' rate. This amount is arrived at by adding the Shearing cook's daily rate to one fifth of the Shearers' ration component. The Shearing cook's daily rate is calculated in accordance with clause A.5.

A.1.3 Engagement by the day

The per day rate for 'not found' employees is calculated by multiplying the old 'not found' employee daily rate by the Shearers rate per 100 divided by the old Shearers rate per 100.

A.2 Crutching formula

The rates in clause 40.3(a) are arrived at by the formula in clause A.2 ~~and paid in addition to the shearing rates contained in clause 40.1.~~

Full crutching at sheds	29% of Shearers per 100 rate
All other crutching at sheds	23% of Shearers per 100 rate
Full crutching other than at sheds	25% of Shearers per 100 rate
All other crutching other than at sheds	20% of Shearers per 100 rate
Wigging or ringing	11% of Shearers per 100 rate
Wigging or ringing in addition to crutching	3% of Shearers per 100 rate
Wigging and ringing	18% of Shearers per 100 rate
Wigging and ringing in addition to crutching	5% of Shearers per 100 rate
Cleaning bellies etc.	2.5% of Shearers per 100 rate

A.3 Shed hands formula

A.3.1 Shed hands (adult) formula

These amounts are arrived at by using the following formula:

	\$
<i>With less than 65 work days' experience in the industry</i>	
Minimum rate—which is 84.56% of Shearer's minimum rate	645.56
Plus 25% casual loading—new minimum wage rate x 25%	161.39
Plus shearing industry allowance ¹	217.12
Plus rations ¹	58.18
<i>Total</i>	1082.25
Per run—divide by 20	54.11
<i>With more than 65 work days' experience in the industry</i>	
Minimum rate which is 90.44% of Shearer's minimum rate	690.46
Plus 25% casual loading—new minimum wage rate x 25%	172.62
Plus shearing industry allowance ¹	217.12
Plus rations ¹	58.18
<i>Total</i>	1138.38
Per run—divide by 20	56.92
¹ The industry allowance and rations components are expense related allowances adjusted in accordance with clause C.2.	

A.3.2 Shed hands (junior) formula

	\$ per run
Under 18 years	
<i>With less than 65 work days' experience as a <u>S</u>shed hand</i>	
70% of equivalent adult rate	37.88
<i>With 65 work days' or more experience as a <u>S</u>shed hand</i>	
70% of equivalent adult rate	39.84
18–20 years	
<i>With less than 65 work days' experience as a <u>S</u>shed hand</i>	
90% of equivalent adult rate	48.70
<i>With 65 work days' or more experience as a <u>S</u>shed hand</i>	
90% of equivalent adult rate	51.23

A.4 Woolpresser's formula

These minimum rates for Woolpressers—if not found are arrived at using the following formula:

	Piecework	Time work
	\$	\$
<i>Minimum rate</i>	685.91	743.01
Plus 20% piecework allowance—min rate x 20%	137.18	-
Plus 25% casual loading—min rate x 25%	171.48	185.75
<i>Subtotal</i>	994.57	
Plus shearing industry allowance ¹	217.12	217.12
Plus rations ¹	58.18	58.18
<i>Total per week</i>	1269.87	1204.06
Per run—total divided by 20		60.20
By hand—per bale = total divided by 70	18.14	-
By hand—per kilo = by hand per bale rate divided by 152.4	0.1190	-
By power—per bale = by hand per bale rate x 2/3	12.09	-
By power—per kilo = by power per bale rate divided by 152.4	0.0793	-

¹ The industry allowance and rations components are expense related allowances adjusted in accordance with clause C.2.

A.5 Shearing cook's formula

The minimum rates for Shearing cooks are arrived at by the following formula:

Shearing cook's formula	\$
<i>Minimum rate</i>	744.10
Plus 25% casual loading—min rate x 25%	186.03
Plus 20% long hours allowance—min rate x 20%	151.07
Plus 69.58% of shearing industry allowance ¹	151.07 per week
<i>Total</i>	1230.02
Daily rate—total divided by 5	246.00
Per employee per day rate = daily rate divided by 13	18.92
¹ The industry allowance component is an expense related allowance adjusted in accordance with clause C.2.	

A.6 Woolclassers formula

A.6.1 Woolclasser level 1 formula

The Woolclasser level 1 minimum weekly rate is arrived at according the following formula:

	\$
Base	799.25
Plus casual loading of 25% (of base)	199.81
<i>Subtotal</i>	999.06
Plus conditions allowance ¹	113.29
Plus enterprise flexibility (including hours) and wet weather allowance ¹	160.60
<i>Total</i>	1272.95
Rounded to the nearest five cents	1272.95
¹ The conditions, enterprise flexibility and wet weather components are wage related allowances calculated in accordance with clause C.1.	

A.6.2 Woolclasser level 2 formula

The Woolclasser level 2 minimum weekly rate is arrived at according to the following formula:

	\$
Base	799.25
Woolrolling and other shed hands work	80.28
<i>Subtotal 1</i>	879.53
Plus casual loading of 25% (of subtotal 1)	219.88
<i>Subtotal 2</i>	1099.41
Plus conditions allowance ¹	113.29

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	\$
Plus enterprise flexibility (including hours) and wet weather allowance ¹	160.60
<i>Total</i>	1373.30
Rounded to the nearest five cents	1373.30
¹ The conditions, enterprise flexibility and wet weather components are wage related allowances calculated in accordance with clause C.1.	

A.6.3 Woolclasser level 3 formula

The Woolclasser level 3 minimum weekly rate is arrived at according to the following formula:

	\$
Base	799.25
Woolrolling and other S shed hands work	80.28
Bookkeeping, overseeing, experting ¹	52.20
<i>Subtotal 1</i>	931.73
Plus casual loading of 25% (of subtotal 1)	232.93
<i>Subtotal 2</i>	1164.66
Plus conditions allowance ¹	113.29
Plus enterprise flexibility (including hours) and wet weather allowance ¹	160.60
<i>Total</i>	1438.55
Rounded to the nearest five cents	1438.55
¹ The booking keeping, conditions, enterprise flexibility and wet weather components are wage related allowances calculated in accordance with clause C.1.	

Schedule B—Summary of Rates of Pay

Rates updated as a result of AWR 2017

B.1 reformatted to renumber paragraphs as B.1.1 and B.1.2; B.1.2 amended, note added to the tables.

B.1 Ordinary hourly rate

Parties are to provide any objections to the proposal to insert the following footnote:

^x**Ordinary hourly rate** includes the industry allowance payable to all employees for all purposes.

Submissions are due by 28 July 2017, see [\[2017\] FWCFB 3433](#) at [362].

NOTE: Employers who meet their obligations under this schedule are meeting their obligations under the award.

B.1.1 Ordinary hourly rate is the minimum hourly rate of pay for an employee plus any allowance payable for all purposes to which the employee is entitled. Where an allowance is payable for all purposes in accordance with clause 10.1(a), this forms part of the employee’s ordinary hourly rate and must be added to the minimum hourly rate prior to calculating penalties and overtime.

B.1.2 The rates in the tables below are based on the **minimum hourly rates** in accordance with clauses 24, 29, 36 and 40. Consistent with clause B.1.1, all purpose allowances need to be added to the rates in the table where they are applicable.

B.2 Broadacre Farming and Livestock Operations—Farm and livestock hand adult employees

B.2.1 Full-time and part-time farm and livestock hand adult employees—ordinary and penalty rates

	Ordinary hours	Public holiday
	% of ordinary hourly rate ¹	
	100%	200%
	\$	\$
FLH1	18.29	36.58
FLH2	18.81	37.62
FLH3	19.08	38.16
FLH4	19.53	39.06
FLH5	19.88	39.76
FLH6	20.21	40.42
FLH7	21.29	42.58

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	Ordinary hours	Public holiday
	% of ordinary hourly rate ¹	
	100%	200%
	\$	\$
FLH8	22.88	45.76
<p>With keep – \$125.13 per week is deducted where keep is provided in accordance with clause 24.3.</p> <p>¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.</p>		

B.2.2 Full-time and part-time farm and livestock hand adult employees—overtime rates

	Monday to Saturday	Sunday	
		feeding & watering stock	other than feeding & watering stock
	% of ordinary hourly rate ¹		
	150%	150%	200%
	\$	\$	\$
FLH1	27.44	27.44	36.58
FLH2	28.22	28.22	37.62
FLH3	28.62	28.62	38.16
FLH4	29.30	29.30	39.06
FLH5	29.82	29.82	39.76
FLH6	30.32	30.32	40.42
FLH7	31.94	31.94	42.58
FLH8	34.32	34.32	45.76
<p>With keep – \$125.13 per week is deducted where keep is provided in accordance with clause 24.3.</p> <p>¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2.</p>			

B.2.3 Full-time and part-time adult station cooks—additional overtime rates

	Minimum weekly rate	Work on 6 full days	Work on 6 full days & 1 half day	Work on 7 full days
	% of ordinary weekly rate ²			
	100%	3/22nds ¹	3/11ths ¹	9/22nds ¹
	\$	\$	\$	\$
Station cook (FLH1)	694.90	94.76	189.52	284.28

¹ Amount per week paid in addition to the minimum weekly rate, in accordance with clause 26.3.

² Rates in table are calculated based on the minimum weekly rate, see clauses B.1.1 and B.1.2

B.2.4 Casual farm and livestock hand adult employees—ordinary and penalty rates

	Ordinary hours	Public holiday
	% of ordinary hourly rate ¹	
	125%	225%
	\$	\$
FLH1	22.86	41.15
FLH2	23.51	42.32
FLH3	23.85	42.93
FLH4	24.41	43.94
FLH5	24.85	44.73
FLH6	25.26	45.47
FLH7	26.61	47.90
FLH8	28.60	51.48

With keep – \$125.13 per week is deducted where keep is provided in accordance with clause 24.3.

¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2

B.3 Broadacre Farming and Livestock Operations—Farm and livestock hand junior employees

The **junior hourly rate** is based on a percentage of the appropriate adult weekly rate and rounded to the nearest 10 cents in accordance with clause 24.2, then divided by 38. Adult rates apply from 20 years of age in accordance with clause 24.1.

B.3.1 Full-time and part-time junior farm and livestock hand employees—ordinary and penalty rates

Age	Junior weekly rate	Junior hourly rate— ordinary hours	Public holiday
		% of junior hourly rate ¹	
		100%	200%
	\$	\$	\$
FLH1			
Under 16 years	347.45	9.14	18.28
16 years	416.94	10.97	21.94
17 years	486.43	12.80	25.60
18 years	555.92	14.63	29.26
19 years	625.41	16.46	32.92
FLH2			
Under 16 years	357.45	9.41	18.82
16 years	428.94	11.29	22.58
17 years	500.43	13.17	26.34
18 years	571.92	15.05	30.10
19 years	643.41	16.93	33.86
FLH3			
Under 16 years	362.60	9.54	19.08
16 years	435.12	11.45	22.90
17 years	507.64	13.36	26.72
18 years	580.16	15.27	30.54
19 years	652.68	17.18	34.36
FLH4			
Under 16 years	371.15	9.77	19.54
16 years	445.38	11.72	23.44
17 years	519.61	13.67	27.34
18 years	593.84	15.63	31.26
19 years	668.07	17.58	35.16
FLH5			
Under 16 years	377.80	9.94	19.88
16 years	453.36	11.93	23.86

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Age	Junior weekly rate	Junior hourly rate— ordinary hours	Public holiday
		% of junior hourly rate ¹	
		100%	200%
	\$	\$	\$
17 years	528.92	13.92	27.84
18 years	604.48	15.91	31.82
19 years	680.04	17.90	35.80
FLH6			
Under 16 years	383.90	10.10	20.20
16 years	460.68	12.12	24.24
17 years	537.46	14.14	28.28
18 years	614.24	16.16	32.32
19 years	691.02	18.18	36.36
FLH7			
Under 16 years	404.55	10.65	21.30
16 years	485.46	12.78	25.56
17 years	566.37	14.90	29.80
18 years	647.28	17.03	34.06
19 years	728.19	19.16	38.32
FLH8			
Under 16 years	434.65	11.44	22.88
16 years	521.58	13.73	27.46
17 years	608.51	16.01	32.02
18 years	695.44	18.30	36.60
19 years	782.37	20.59	41.18
With keep – \$125.13 per week is deducted where keep is provided in accordance with clause 24.3.			
¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2			

B.3.2 Full-time and part-time junior farm and livestock hand employees—overtime rates

	Monday to Saturday	Sunday	
		feeding & watering stock	other than feeding & watering stock
% of junior hourly rate ¹			
	150%	150%	200%
	\$	\$	\$
FLH1			
Under 16 years	13.71	13.71	18.28
16 years	16.46	16.46	21.94
17 years	19.20	19.20	25.60
18 years	21.95	21.95	29.26
19 years	24.69	24.69	32.92
FLH2			
Under 16 years	14.12	14.12	18.82
16 years	16.94	16.94	22.58
17 years	19.76	19.76	26.34
18 years	22.58	22.58	30.10
19 years	25.40	25.40	33.86
FLH3			
Under 16 years	14.31	14.31	19.08
16 years	17.18	17.18	22.90
17 years	20.04	20.04	26.72
18 years	22.91	22.91	30.54
19 years	25.77	25.77	34.36
FLH4			
Under 16 years	14.66	14.66	19.54
16 years	17.58	17.58	23.44
17 years	20.51	20.51	27.34
18 years	23.45	23.45	31.26
19 years	26.37	26.37	35.16
FLH5			
Under 16 years	14.91	14.91	19.88

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	Monday to Saturday	Sunday	
		feeding & watering stock	other than feeding & watering stock
% of junior hourly rate ¹			
	150%	150%	200%
	\$	\$	\$
16 years	17.90	17.90	23.86
17 years	20.88	20.88	27.84
18 years	23.87	23.87	31.82
19 years	26.85	26.85	35.80
FLH6			
Under 16 years	15.15	15.15	20.20
16 years	18.18	18.18	24.24
17 years	21.21	21.21	28.28
18 years	24.24	24.24	32.32
19 years	27.27	27.27	36.36
FLH7			
Under 16 years	15.98	15.98	21.30
16 years	19.17	19.17	25.56
17 years	22.35	22.35	29.80
18 years	25.55	25.55	34.06
19 years	28.74	28.74	38.32
FLH8			
Under 16 years	17.16	17.16	22.88
16 years	20.60	20.60	27.46
17 years	24.02	24.02	32.02
18 years	27.45	27.45	36.60
19 years	30.89	30.89	41.18
With keep – \$125.13 per week is deducted where keep is provided in accordance with clause 24.3.			
¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2			

B.3.3 Full-time and part-time junior station cooks—additional overtime rates

	Junior weekly rate	Work on 6 full days	Work on 6 full days & 1 half day	Work on 7 full days
	% of junior weekly rate ²			
	100%	3/22nds ¹	3/11ths ¹	9/22nds ¹
	\$	\$	\$	\$
Station cook (FLH1)				
Under 16 years	347.45	47.38	94.76	142.14
16 years	416.94	56.86	113.71	170.57
17 years	486.43	66.33	132.66	198.99
18 years	555.92	75.81	151.61	227.42
19 years	625.41	85.28	170.57	255.85
¹ Amount per week paid in addition to the minimum weekly rate, in accordance with clause 26.3.				
² Rates in table are calculated based on the minimum weekly rate, see clauses B.1.1 and B.1.2				

B.3.4 Casual farm and livestock hand junior employees—ordinary and penalty rates

	Junior weekly rate	Ordinary hours	Public holiday
	% of junior hourly rate ¹		
	100%	125%	225%
	\$	\$	\$
FLH1			
Under 16 years	347.45	11.43	20.57
16 years	416.94	13.71	24.68
17 years	486.43	16.00	28.80
18 years	555.92	18.29	32.92
19 years	625.41	20.58	37.04
FLH2			
Under 16 years	357.45	11.76	21.17
16 years	428.94	14.11	25.40
17 years	500.43	16.46	29.63
18 years	571.92	18.81	33.86
19 years	11.76	21.17	11.76
FLH3			

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	Junior weekly rate	Ordinary hours	Public holiday
		% of junior hourly rate ¹	
	100%	125%	225%
	\$	\$	\$
Under 16 years	362.60	11.93	21.47
16 years	435.12	14.31	25.76
17 years	507.64	16.70	30.06
18 years	580.16	19.09	34.36
19 years	652.68	21.48	38.66
FLH4			
Under 16 years	371.15	12.21	21.98
16 years	445.38	14.65	26.37
17 years	519.61	17.09	30.76
18 years	593.84	19.54	35.17
19 years	668.07	21.98	39.56
FLH5			
Under 16 years	377.80	12.43	22.37
16 years	453.36	14.91	26.84
17 years	528.92	17.40	31.32
18 years	604.48	19.89	35.80
19 years	680.04	22.38	40.28
FLH6			
Under 16 years	383.90	12.63	22.73
16 years	460.68	15.15	27.27
17 years	537.46	17.68	31.82
18 years	614.24	20.20	36.36
19 years	691.02	22.73	40.91
FLH7			
Under 16 years	404.55	13.31	23.96
16 years	485.46	15.98	28.76
17 years	566.37	18.63	33.53
18 years	647.28	21.29	38.32
19 years	728.19	23.95	43.11

	Junior weekly rate	Ordinary hours	Public holiday
	% of junior hourly rate ¹		
	100%	125%	225%
	\$	\$	\$
FLH8			
Under 16 years	14.30	14.30	25.74
16 years	17.16	17.16	30.89
17 years	20.01	20.01	36.02
18 years	22.88	22.88	41.18
19 years	25.74	25.74	46.33

With keep – \$125.13 per week is deducted where keep is provided in accordance with clause 24.3.

¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2

B.4 Pig Breeding and Raising—Piggery attendant employees

The Full Bench noted there was an unclear proposal to vary clause B.4.1 or clause B.4.4 but it was unclear what variation was sought so the AWU was directed to confirm whether it was pursuing a claim. See [\[2017\] FWCFB 3433](#) at [277].

B.4.1 Full-time and part-time piggery attendant adult employees (all employees including shiftworkers)—ordinary and penalty rates

	Ordinary hours	Saturday	Public holiday
	% of ordinary hourly rate ¹		
	100%	150%	250%
	\$	\$	\$
PA1	18.29	27.44	45.73
PA2	18.80	28.20	47.00
PA3	19.53	29.30	48.83
PA4	20.21	30.32	50.53
PA5	20.73	31.10	51.83
PA6	21.29	31.94	53.23
PA7	21.96	32.94	54.90

¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2

B.4.2 Full-time and part-time piggery attendant adult employees—shiftworkers—ordinary and penalty rates

	Afternoon or night shift ¹	Non-continuous afternoon or night shift ²		Permanent night shift	Saturday	Sunday ³	Public holiday
		first 3 hours	after 3 hours				
% of ordinary hourly rate⁴							
	\$	\$	\$	\$	\$	\$	\$
	115%	150%	200%	130%	150%	200%	200%
PA1	21.03	27.44	36.58	23.78	27.44	36.58	36.58
PA2	21.62	28.20	37.60	24.44	28.20	37.60	37.60
PA3	22.46	29.30	39.06	25.39	29.30	39.06	39.06
PA4	23.24	30.32	40.42	26.27	30.32	40.42	40.42
PA5	23.84	31.10	41.46	26.95	31.10	41.46	41.46
PA6	24.48	31.94	42.58	27.68	31.94	42.58	42.58
PA7	25.25	32.94	43.92	28.55	32.94	43.92	43.92

¹ Afternoon and night shift are defined in clause 31.1.

² Non-continuous afternoon and night shift are defined in clause 31.1(c)

³ Where the major portion of the shift is performed on a Sunday.

⁴ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2

B.4.3 Full-time and part-time piggery attendant adult employees (all employees including shiftworkers)—overtime rates

	Ordinary hours	Monday to Saturday		Sunday
		First 2 hours	After 2 hours	
% of ordinary hourly rate¹				
	100%	150%	200%	200%
		\$	\$	\$
PA1	18.29	27.44	36.58	36.58
PA2	18.80	28.20	37.60	37.60
PA3	19.53	29.30	39.06	39.06
PA4	20.21	30.32	40.42	40.42
PA5	20.73	31.10	41.46	41.46
PA6	21.29	31.94	42.58	42.58
PA7	21.96	32.94	43.92	43.92

¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2

B.4.4 Casual piggery attendant adult employees (all employees including shiftworkers)—ordinary and penalty rates

	Ordinary hours	Saturday	Public holiday
	% of ordinary hourly rate ¹		
	125%	175%	275%
	\$	\$	\$
PA1	22.86	32.01	50.30
PA2	23.50	32.90	51.70
PA3	24.41	34.18	53.71
PA4	25.26	35.37	55.58
PA5	25.91	36.28	57.01
PA6	26.61	37.26	58.55
PA7	27.45	38.43	60.39

¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2

B.4.5 Casual piggery attendant adult employees—shiftworkers—ordinary and penalty rates

	Afternoon or night shift	Non-continuous afternoon or night shift		Permanent night shift	Saturday	Sunday	Public holiday
		first 3 hours	after 3 hours				
	% of ordinary hourly rate ⁴						
	\$	\$	\$	\$	\$	\$	\$
	140%	175%	225%	155%	175%	225%	225%
PA1	25.61	32.01	41.15	28.35	32.01	41.15	41.15
PA2	26.32	32.90	42.30	29.14	32.90	42.30	42.30
PA3	27.34	34.18	43.94	30.27	34.18	43.94	43.94
PA4	28.29	35.37	45.47	31.33	35.37	45.47	45.47
PA5	29.02	36.28	46.64	32.13	36.28	46.64	46.64
PA6	29.81	37.26	47.90	33.00	37.26	47.90	47.90
PA7	30.74	38.43	49.41	34.04	38.43	49.41	49.41

¹ Afternoon and night shift are defined in clause 31.1.

² Non-continuous afternoon and night shift are defined in clause 31.1(c)

³ Where the major portion of the shift is performed on a Sunday.

⁴ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2

B.5 Pig Breeding and Raising—Piggery attendant junior employees

The **junior hourly rate** is based on a percentage of the appropriate adult weekly rate and rounded to the nearest 10 cents in accordance with clause 29.2, then divided by 38. Adult rates apply from 20 years of age in accordance with clause 29.1.

B.5.1 Full-time and part-time junior piggery attendant employees—ordinary and penalty rates

	Junior hourly rate—ordinary hours	Saturday	Public holiday
	% of junior hourly rate ¹		
		150%	250%
	\$	\$	\$
PA1			
Under 16 years	9.15	13.73	22.88
16 years	10.97	16.46	27.43
17 years	12.80	19.20	32.00
18 years	14.63	21.95	36.58
19 years	16.46	24.69	41.15
PA2			
Under 16 years	9.40	14.10	23.50
16 years	11.28	16.92	28.20
17 years	13.16	19.74	32.90
18 years	15.04	22.56	37.60
19 years	16.92	25.38	42.30
PA3			
Under 16 years	9.77	14.66	24.43
16 years	11.72	17.58	29.30
17 years	13.67	20.51	34.18
18 years	15.62	23.43	39.05
19 years	17.58	26.37	43.95
PA4			
Under 16 years	10.11	15.17	25.28
16 years	12.13	18.20	30.33
17 years	14.15	21.23	35.38

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	Junior hourly rate—ordinary hours	Saturday	Public holiday
	% of junior hourly rate ¹		
		150%	250%
	\$	\$	\$
18 years	16.17	24.26	40.43
19 years	18.19	27.29	45.48
PA5			
Under 16 years	10.37	15.56	25.93
16 years	12.44	18.66	31.10
17 years	14.51	21.77	36.28
18 years	16.58	24.87	41.45
19 years	18.66	27.99	46.65
PA6			
Under 16 years	10.37	15.56	25.93
16 years	12.44	18.66	31.10
17 years	14.51	21.77	36.28
18 years	16.58	24.87	41.45
19 years	18.66	27.99	46.65
PA7			
Under 16 years	10.98	16.47	27.45
16 years	13.18	19.77	32.95
17 years	15.37	23.06	38.43
18 years	17.57	26.36	43.93
19 years	19.76	29.64	49.40
¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2			

B.5.2 Full-time and part-time piggery attendant junior employees—shiftworkers—ordinary and penalty rates

	Afternoon or night shift ¹	Non-continuous afternoon or night shift ²		Permanent night shift	Saturday	Sunday ³	Public holiday
		first 3 hours	after 3 hours				
% of junior hourly rate ⁴							
	\$	\$	\$	\$	\$	\$	\$
	115%	150%	200%	130%	150%	200%	200%
PA1							
Under 16 years	10.52	13.73	18.30	11.90	13.73	18.30	18.30
16 years	12.62	16.46	21.94	14.26	16.46	21.94	21.94
17 years	14.72	19.20	25.60	16.64	19.20	25.60	25.60
18 years	16.82	21.95	29.26	19.02	21.95	29.26	29.26
19 years	18.93	24.69	32.92	21.40	24.69	32.92	32.92
PA2							
Under 16 years	10.81	14.10	18.80	12.22	14.10	18.80	18.80
16 years	12.97	16.92	22.56	14.66	16.92	22.56	22.56
17 years	15.13	19.74	26.32	17.11	19.74	26.32	26.32
18 years	17.30	22.56	30.08	19.55	22.56	30.08	30.08
19 years	19.46	25.38	33.84	22.00	25.38	33.84	33.84
PA3							
Under 16 years	11.24	14.66	19.54	12.70	14.66	19.54	19.54
16 years	13.48	17.58	23.44	15.24	17.58	23.44	23.44
17 years	15.72	20.51	27.34	17.77	20.51	27.34	27.34
18 years	17.96	23.43	31.24	20.31	23.43	31.24	31.24
19 years	20.22	26.37	35.16	22.85	26.37	35.16	35.16
PA4							
Under 16 years	11.63	15.17	20.22	13.14	15.17	20.22	20.22
16 years	13.95	18.20	24.26	15.77	18.20	24.26	24.26
17 years	16.27	21.23	28.30	18.40	21.23	28.30	28.30

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	Afternoon or night shift ¹	Non-continuous afternoon or night shift ²		Permanent night shift	Saturday	Sunday ³	Public holiday
		first 3 hours	after 3 hours				
% of junior hourly rate ⁴							
	\$	\$	\$	\$	\$	\$	\$
	115%	150%	200%	130%	150%	200%	200%
18 years	18.60	24.26	32.34	21.02	24.26	32.34	32.34
19 years	20.92	27.29	36.38	23.65	27.29	36.38	36.38
PA5							
Under 16 years	11.93	15.56	20.74	13.48	15.56	20.74	20.74
16 years	14.31	18.66	24.88	16.17	18.66	24.88	24.88
17 years	16.69	21.77	29.02	18.86	21.77	29.02	29.02
18 years	19.07	24.87	33.16	21.55	24.87	33.16	33.16
19 years	21.46	27.99	37.32	24.26	27.99	37.32	37.32
PA6							
Under 16 years	12.25	15.98	21.30	13.85	15.98	21.30	21.30
16 years	14.69	19.16	25.54	16.60	19.16	25.54	25.54
17 years	17.14	22.35	29.80	19.37	22.35	29.80	29.80
18 years	19.58	25.55	34.06	22.14	25.55	34.06	34.06
19 years	22.03	28.74	38.32	24.91	28.74	38.32	38.32
PA7							
Under 16 years	12.63	16.47	21.96	14.27	16.47	21.96	21.96
16 years	15.16	19.77	26.36	17.13	19.77	26.36	26.36
17 years	17.68	23.06	30.74	19.98	23.06	30.74	30.74
18 years	20.21	26.36	35.14	22.84	26.36	35.14	35.14
19 years	22.72	29.64	39.52	25.69	29.64	39.52	39.52

¹ Afternoon and night shift are defined in clause 31.1.

² Non-continuous afternoon and night shift are defined in clause 31.1(c)

³ Where the major portion of the shift is performed on a Sunday.

⁴ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2

B.5.3 Full-time and part-time piggery attendant junior employees (all employees including shiftworkers)—overtime rates

	Monday to Saturday		Sunday
	First 2 hours	After 2 hours	
	% of junior hourly rate ¹		
	150%	200%	200%
	\$	\$	\$
PA1			
Under 16 years	13.73	18.30	18.30
16 years	16.46	21.94	21.94
17 years	19.20	25.60	25.60
18 years	21.95	29.26	29.26
19 years	24.69	32.92	32.92
PA2			
Under 16 years	14.10	18.80	18.80
16 years	16.92	22.56	22.56
17 years	19.74	26.32	26.32
18 years	22.56	30.08	30.08
19 years	25.38	33.84	33.84
PA3			
Under 16 years	14.66	19.54	19.54
16 years	17.58	23.44	23.44
17 years	20.51	27.34	27.34
18 years	23.43	31.24	31.24
19 years	26.37	35.16	35.16
PA4			
Under 16 years	15.17	20.22	20.22
16 years	18.20	24.26	24.26
17 years	21.23	28.30	28.30
18 years	24.26	32.34	32.34
19 years	27.29	36.38	36.38
PA5			
Under 16 years	15.56	20.74	20.74
16 years	18.66	24.88	24.88

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	Monday to Saturday		Sunday
	First 2 hours	After 2 hours	
	% of junior hourly rate ¹		
	150%	200%	200%
	\$	\$	\$
17 years	21.77	29.02	29.02
18 years	24.87	33.16	33.16
19 years	27.99	37.32	37.32
PA6			
Under 16 years	15.98	21.30	21.30
16 years	19.16	25.54	25.54
17 years	22.35	29.80	29.80
18 years	25.55	34.06	34.06
19 years	28.74	38.32	38.32
PA7			
Under 16 years	16.47	21.96	21.96
16 years	19.77	26.36	26.36
17 years	23.06	30.74	30.74
18 years	26.36	35.14	35.14
19 years	29.64	39.52	39.52
¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2			

B.5.4 Casual piggery attendant junior employees (all employees including shiftworkers)—ordinary and penalty rates

	Junior hourly rate— ordinary hours	Saturday	Public holiday
	% of junior hourly rate ¹		
	125%	175%	275%
	\$	\$	\$
PA1			
Under 16 years	11.44	16.01	25.16
16 years	13.71	19.20	30.17
17 years	16.00	22.40	35.20
18 years	18.29	25.60	40.23

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	Junior hourly rate— ordinary hours	Saturday	Public holiday
	% of junior hourly rate ¹		
	125%	175%	275%
	\$	\$	\$
19 years	20.58	28.81	45.27
PA2			
Under 16 years	11.75	16.45	25.85
16 years	14.10	19.74	31.02
17 years	16.45	23.03	36.19
18 years	18.80	26.32	41.36
19 years	21.15	29.61	46.53
PA3			
Under 16 years	12.21	17.10	26.87
16 years	14.65	20.51	32.23
17 years	17.09	23.92	37.59
18 years	19.53	27.34	42.96
19 years	21.98	30.77	48.35
PA4			
Under 16 years	12.64	17.69	27.80
16 years	15.16	21.23	33.36
17 years	17.69	24.76	38.91
18 years	20.21	28.30	44.47
19 years	22.74	31.83	50.02
PA5			
Under 16 years	12.96	18.15	28.52
16 years	15.55	21.77	34.21
17 years	18.14	25.39	39.90
18 years	20.73	29.02	45.60
19 years	23.33	32.66	51.32
PA6			
Under 16 years	13.31	18.64	29.29
16 years	15.96	22.35	35.12

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	Junior hourly rate— ordinary hours	Saturday	Public holiday
	% of junior hourly rate ¹		
	125%	175%	275%
	\$	\$	\$
17 years	18.63	26.08	40.98
18 years	21.29	29.80	46.83
19 years	23.95	33.53	52.69
PA7			
Under 16 years	13.73	19.22	30.20
16 years	16.48	23.07	36.25
17 years	19.21	26.90	42.27
18 years	21.96	30.75	48.32
19 years	24.70	34.58	54.34
¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2			

B.5.5 Casual piggery attendant junior employees—shiftworkers—ordinary and penalty rates

	Afternoon or night shift	Non-continuous afternoon or night shift		Permanent night shift	Saturday	Sunday	Public holiday
		first 3 hours	after 3 hours				
	% of junior hourly rate ⁴						
	\$	\$	\$	\$	\$	\$	\$
	140%	175%	225%	155%	175%	225%	225%
PA1							
Under 16 years	12.81	16.01	20.59	14.18	16.01	20.59	20.59
16 years	15.36	19.20	24.68	17.00	19.20	24.68	24.68
17 years	17.92	22.40	28.80	19.84	22.40	28.80	28.80
18 years	20.48	25.60	32.92	22.68	25.60	32.92	32.92
19 years	23.04	28.81	37.04	25.51	28.81	37.04	37.04
PA2							
Under 16 years	13.16	16.45	21.15	14.57	16.45	21.15	21.15
16 years	15.79	19.74	25.38	17.48	19.74	25.38	25.38
17 years	18.42	23.03	29.61	20.40	23.03	29.61	29.61

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	Afternoon or night shift	Non-continuous afternoon or night shift		Permanent night shift	Saturday	Sunday	Public holiday
		first 3 hours	after 3 hours				
	% of junior hourly rate ⁴						
	\$	\$	\$	\$	\$	\$	\$
	140%	175%	225%	155%	175%	225%	225%
18 years	21.06	26.32	33.84	23.31	26.32	33.84	33.84
19 years	23.69	29.61	38.07	26.23	29.61	38.07	38.07
PA3							
Under 16 years	13.68	17.10	21.98	15.14	17.10	21.98	21.98
16 years	16.41	20.51	26.37	18.17	20.51	26.37	26.37
17 years	19.14	23.92	30.76	21.19	23.92	30.76	30.76
18 years	21.87	27.34	35.15	24.21	27.34	35.15	35.15
19 years	24.61	30.77	39.56	27.25	30.77	39.56	39.56
PA4							
Under 16 years	14.15	17.69	22.75	15.67	17.69	22.75	22.75
16 years	16.98	21.23	27.29	18.80	21.23	27.29	27.29
17 years	19.81	24.76	31.84	21.93	24.76	31.84	31.84
18 years	22.64	28.30	36.38	25.06	28.30	36.38	36.38
19 years	25.47	31.83	40.93	28.19	31.83	40.93	40.93
PA5							
Under 16 years	14.52	18.15	23.33	16.07	18.15	23.33	23.33
16 years	17.42	21.77	27.99	19.28	21.77	27.99	27.99
17 years	20.31	25.39	32.65	22.49	25.39	32.65	32.65
18 years	23.21	29.02	37.31	25.70	29.02	37.31	37.31
19 years	26.12	32.66	41.99	28.92	32.66	41.99	41.99
PA6							
Under 16 years	14.91	18.64	23.96	16.51	18.64	23.96	23.96
16 years	17.88	22.35	28.73	19.79	22.35	28.73	28.73
17 years	20.86	26.08	33.53	23.10	26.08	33.53	33.53
18 years	23.84	29.80	38.32	26.40	29.80	38.32	38.32
19 years	26.82	33.53	43.11	29.70	33.53	43.11	43.11
PA7							

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	Afternoon or night shift	Non-continuous afternoon or night shift		Permanent night shift	Saturday	Sunday	Public holiday
		first 3 hours	after 3 hours				
% of junior hourly rate ⁴							
	\$	\$	\$	\$	\$	\$	\$
	140%	175%	225%	155%	175%	225%	225%
Under 16 years	15.37	19.22	24.71	17.02	19.22	24.71	24.71
16 years	18.45	23.07	29.66	20.43	23.07	29.66	29.66
17 years	21.52	26.90	34.58	23.82	26.90	34.58	34.58
18 years	24.60	30.75	39.53	27.23	30.75	39.53	39.53
19 years	27.66	34.58	44.46	30.63	34.58	44.46	44.46

¹ Afternoon and night shift are defined in clause 31.1.
² Non-continuous afternoon and night shift are defined in clause 31.1(c)
³ Where the major portion of the shift is performed on a Sunday.
⁴ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2

B.6 Poultry Farming—poultry farm worker adult employees

B.6.1 Full-time and part-time poultry farm worker adult employees—ordinary and penalty rates

	Ordinary hours	Public holiday
% of ordinary hourly rate ¹		
	\$	\$
	100%	200%
PW1	18.29	36.58
PW2	19.08	38.16
PW3	19.88	39.76
PW4	21.29	42.58

¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2

B.6.2 Full-time and part-time poultry farm worker adult employees—overtime rates

	Ordinary hours	Monday to Saturday	Sunday		Public holiday
			Feeding or watering stock	Other than feeding or watering stock	
% of ordinary hourly rate ¹					
	100%	150%	150%	200%	200%
	\$	\$	\$	\$	\$
PW1	18.29	27.44	27.44	36.58	36.58
PW2	19.08	28.62	28.62	38.16	38.16
PW3	19.88	29.82	29.82	39.76	39.76
PW4	21.29	31.94	31.94	42.58	42.58
¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2					

B.6.3 Casual poultry farm worker adult employees—ordinary and penalty rates

	Ordinary hours	Public holiday
% of ordinary hourly rate ¹		
	\$	\$
	125%	225%
PW1	22.86	41.15
PW2	23.85	42.93
PW3	24.85	44.73
PW4	26.61	47.90
¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2		

B.7 Poultry Farming—junior poultry farm worker employees

B.7.1 Junior employees

The **junior hourly rate** is based on a percentage of the appropriate adult weekly rate and rounded to the nearest 10 cents in accordance with clause 36.2, then divided by 38. Adult rates apply from 20 years of age in accordance with clause 36.1.

B.7.2 Full-time and part-time junior poultry farm worker employees—ordinary, penalty rates and overtime

Age	Junior hourly rate	Public holiday (all hours worked)	Overtime		
			Monday to Saturday	Sunday	
				Feeding or watering stock	Other than feeding or watering stock
			% of junior hourly rate ¹		
	100%	200%	150%	150%	200%
	\$	\$	\$	\$	\$
PW1					
Under 16 years	9.15	18.30	13.73	13.73	18.30
16 years	10.97	21.94	16.46	16.46	21.94
17 years	12.80	25.60	19.20	19.20	25.60
18 years	14.63	29.26	21.95	21.95	29.26
19 years	16.46	32.92	24.69	24.69	32.92
PW 2					
Under 16 years	9.54	19.08	14.31	14.31	19.08
16 years	11.45	22.90	17.18	17.18	22.90
17 years	13.36	26.72	20.04	20.04	26.72
18 years	15.26	30.52	22.89	22.89	30.52
19 years	17.17	34.34	25.76	25.76	34.34
PW 3					
Under 16 years	9.94	19.88	14.91	14.91	19.88
16 years	11.93	23.86	17.90	17.90	23.86
17 years	13.92	27.84	20.88	20.88	27.84
18 years	15.90	31.80	23.85	23.85	31.80
19 years	17.89	35.78	26.84	26.84	35.78
PW 4					
Under 16 years	10.65	21.30	15.98	15.98	21.30
16 years	12.77	25.54	19.16	19.16	25.54
17 years	14.90	29.80	22.35	22.35	29.80
18 years	17.03	34.06	25.55	25.55	34.06
19 years	19.16	38.32	28.74	28.74	38.32

¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2

B.7.3 Casual junior poultry farm worker employees—ordinary, penalty rates and overtime

Age	Junior hourly rate	Casual hourly rate	Public holiday
	% of junior hourly rate ¹		
	100%	125%	225%
	\$	\$	\$
PW1			
Under 16 years	9.15	11.44	20.59
16 years	10.97	13.71	24.68
17 years	12.80	16.00	28.80
18 years	14.63	18.29	32.92
19 years	16.46	20.58	37.04
PW 2			
Under 16 years	9.54	11.93	21.47
16 years	11.45	14.31	25.76
17 years	13.36	16.70	30.06
18 years	15.26	19.08	34.34
19 years	17.17	21.46	38.63
PW 3			
Under 16 years	9.94	12.43	22.37
16 years	11.93	14.91	26.84
17 years	13.92	17.40	31.32
18 years	15.90	19.88	35.78
19 years	17.89	22.36	40.25
PW 4			
Under 16 years	10.65	13.31	23.96
16 years	12.77	15.96	28.73
17 years	14.90	18.63	33.53
18 years	17.03	21.29	38.32
19 years	19.16	23.95	43.11
¹ Rates in table are calculated based on the minimum hourly rate, see clauses B.1.1 and B.1.2			

B.8 — Shearing operations — Shearers

The Full bench proposed to delete shearers rate tables in clause B.8. See [\[2017\] FWCFB 3433](#) at [283].

B.8.1 — Casual Shearers — not found¹ — ordinary and penalty rates

	Ordinary rates ³				Public holiday			
	not required to provide own stud-combs		required to provide own stud-combs		not required to provide own stud-combs		required to provide own stud-combs	
	Machine shearing	Hand shearing	Machine shearing	Hand shearing	Machine shearing	Hand shearing	Machine shearing	Hand shearing
	100% ²	107.5%	125%	132.5%	200%	207.5%	225%	232.5%
	\$	\$	\$	\$	\$	\$	\$	\$
Other than double fleeced sheep-								
Flock sheep (wethers, ewes and lambs)	293.31	315.31	366.64	388.64	586.62	608.62	659.95	681.95
Rams (other than special stud rams) and ram stags	586.62	630.62	733.28	777.27	1,173.24	1,217.24	1,319.90	1,363.89
Stud ewes and their lambs	366.64	394.14	458.30	485.80	733.28	760.78	824.94	852.44
Special studs	As agreed							
Double fleeced sheep (Rate per 100 + 33.33%)								
Flock sheep (wethers, ewes and lambs)	391.07	420.40	488.84	518.17	782.14	811.47	879.91	909.24
Rams (other than special stud rams) and ram stags	782.14	840.80	977.68	1,036.34	1,564.28	1,622.94	1,759.82	1,818.48
Stud ewes and their lambs	488.84	525.50	611.05	647.71	977.68	1,014.34	1,099.89	1,136.55
Special studs	As agreed							
¹ Found employees are paid the rates above, less \$29.85 per day in accordance with clause 0 ² The rate per 100 sheep. ³ Any all purpose allowance payable must be added to the rate before calculating penalties and overtime, see clauses B.1.1 and B.1.2								

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B.8.2 — Casual Crutchers — not found¹ — ordinary and penalty rates

Crutching rates amended **12 September 2016** to correct errors as marked with strikethrough.

	Ordinary rates ³				Public holiday			
	Flock sheep		Stud ewes and lambs		Flock sheep		Stud ewes and lambs	
	At sheds	Other than at sheds	At sheds	Other than at sheds	At sheds	Other than at sheds	At sheds	Other than at sheds
	100% ²	100% ²	125%	125%	200%	200%	200%	200%
	\$	\$	\$	\$	\$	\$	\$	\$
Full crutching	85.06	73.33	106.33	91.66	170.12	146.66	212.66	183.32
All other crutching	67.46	58.66	84.33	73.33	134.92	117.32	168.66	146.66
Wigging <u>or</u> ringing	32.26	32.26	40.33	40.33	64.52	64.52	80.66	80.66
Wigging <u>and</u> ringing	52.80	52.80	66.00	66.00	105.60	105.60	132.00	132.00
For either wigging <u>or</u> ringing in addition to crutching (crutching rate + \$8.80)								
Full crutching	93.49	81.76	116.86	102.20	186.98	163.52	233.72	204.40
	93.86	82.13	117.37	102.66	187.72	164.26	234.66	205.32
All other crutching	75.89	67.09	94.86	83.86	151.78	134.18	189.72	167.72
	76.26	67.46	95.33	84.33	152.52	134.92	190.66	168.66
For wigging <u>and</u> ringing in addition to crutching (crutching rate + \$8.80\$14.67)								
Full crutching	99.12	87.39	123.90	109.24	198.24	174.78	247.80	218.48
	99.73	88.00	124.66	110.00	199.46	176.00	249.32	220.00
All other crutching	81.52	72.72	101.90	90.90	163.04	145.44	203.80	181.80
	82.13	73.33	102.66	91.66	164.26	146.66	205.32	183.32
For cleaning the belly of any ewe above the teats (no more than two blows of the machine or shears) (Crutching rate + \$7.33)								
Full crutching	92.09	80.36	115.11	100.45	184.18	160.72	230.22	200.90
	92.39	80.66	115.49	100.83	184.78	161.32	230.98	201.66
All other crutching	74.49	65.69	93.11	82.11	148.98	131.38	186.22	164.22
	74.79	65.99	93.49	82.49	149.58	131.98	186.98	164.98
¹ Found employees are paid the rates above, less \$29.85 per day in accordance with clause 0. ² The rate per 100 sheep. ³ Any all purpose allowance payable must be added to the rate before calculating penalties and overtime, see clauses B.1.1 and B.1.2								

B.8.3 — Casual adult Sshed hands — not found¹ — ordinary, penalty rates and overtime

	Ordinary rates ³		Penalty rate ²	Overtime ²	
	weekly rate	Per run ³	Public holiday	Per run ³	Public holiday
			Per run ³		Per run ²
	100%	100%	200%	150%	200%
\$	\$	\$	\$	\$	
Less than 65 work days Sshed hand experience	1,051.33	52.57	105.14	78.86	105.14
65 days or more Sshed hand experience	1,105.65	55.28	110.56	82.92	110.56

¹Found employees are paid the rates above, less \$29.85 per day in accordance with clause 0.

²Any all purpose allowance payable must be added to the rate before calculating penalties and overtime, see clauses B.1.1 and B.1.2

³A run is the equivalent of 2 hours

B.8.4 — Casual Woolpressers — not found¹ — ordinary and penalty rates²

	Piecework								Timework		
	by hand		by power		Weighing & branding bales per bale	Public holiday ²		per run ³	Public holiday ² per run ²		
	per bale	per kilo	per bale	per kilo		by hand	by power				
						200%	200%	200%	200%		200%
Woolpresser	17.61	0.1156	11.74	0.0770	0.39	35.22	0.23	23.48	0.15	58.46	116.92

¹Found employees are paid the rates above, less \$29.85 per day in accordance with clause 0.

²Any all purpose allowance payable must be added to the rate before calculating the penalties, see clauses B.1.1 and B.1.2

³A run is the equivalent of 2 hours

B.8.5 — Casual Shearing cooks — ordinary and penalty rates¹

	Full day		Half day	
	Per found-employee per day	Minimum amount per day	Per found-employee per half day	Minimum amount per half day
	100%	100%	50% of per found-employee per day rate	50% of minimum amount per day rate
Shearing cook	18.34	238.48	9.17	119.24

¹Any all purpose allowance payable must be added to the rate before calculating the penalties, see clauses B.1.1 and B.1.2

B.8.6 — Casual Woolclassers — ordinary and penalty rates¹

	Timework			Piecework – per 1000			
	Ordinary weekly rate	Ordinary hours	Public holiday			Public holiday	
				Sheep and/or lambs	Rams and/or ram stags	Sheep and/or lambs	Rams and/or ram stags
				100%	200%	200%	400%
\$	\$	\$	\$	\$	\$	\$	
Shearing shed expert level 1	1,109.07	29.19	58.38	NA	NA	NA	NA
Shearing shed expert level 2	1,232.30	32.43	64.86	NA	NA	NA	NA
Woolclasser level 1	1,232.30	32.43	NA	332.36	664.73	664.73	1,329.45
Woolclasser level 2	1,329.45	34.99	NA				
Woolclasser level 3	1,392.60	36.65	NA				

¹ Any all purpose allowance payable must be added to the rate before calculating the penalties, see clauses B.1.1 and B.1.2

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Schedule C—Summary of Monetary Allowances

See clauses 10, 24, 25, 32, 40, 41 and Schedule A for full details of allowances payable under this award.

C.1 Wage related allowances

The following wage-related allowances are based on the standard rate as defined in Schedule G as the hourly rate payable to a Farm and livestock hand level 2 = **\$18.81**. These rates are to be paid in accordance with clauses 10.1, 25.3, 40.9 and 41.1.

Allowance	Clause	% of standard rate \$18.81	\$ per week unless stated otherwise
<i>General Employment Conditions</i>			
Leading hand, in charge of ¹ :	10.1(b)		
2 to 6 employees		115.0	21.63
7 to 10 employees		134.0	25.21
11 to 20 employees		191.0	35.93
More than 20 employees		240.0	45.14
First aid allowance ²	10.1(c)	14.0	2.63 per day
<i>Broadacre Farming and Livestock Operations</i>			
Station hand—jetting, spraying, swabbing sheep	25.3	17.0	3.20 per day
<i>Shearing Operations</i>			
Lack of amenities allowance	40.3(b)	51.5	9.69 per day
Conditions allowance	40.9(f)	602.3	113.29
Enterprise flexibility allowance	40.9(f)	853.8	160.60
Woolrolling allowance	40.9(f)	426.8	80.28
Bookkeeping allowance	40.9(f)	277.5	52.20
Allowance where sleeping quarters not provided—to pay for sleeping quarters	41.1	259.4	48.79 per night
Allowance where sleeping quarters not provided—travel time in excess of one hour per day, between shed and sleeping quarters	41.2	85.6	16.10 per hour

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Allowance where sleeping quarters not provided— travelling allowance (more than 65 km distance from shed)—Shearers (or Crutchers) only	41.3(a)	77.0	14.48 per day
1, 2 These allowances are payable for all purposes.			

C.1.1 Adjustment of wage related allowances

Wage related allowances are adjusted in accordance with increases to wages and are based on a percentage of the standard rate as specified.

C.2 Expense related allowances

C.2.1 The following expense-related allowances will be payable to employees and adjusted in accordance with clause C.2.2:

Allowance	Clause	\$
<i>General Employment Conditions</i>		
Use of vehicle allowance	10.2(c)	0.78 per km
Meal allowance—overtime of more than one and a half hours	10.2(d)(i)	13.07 per meal
Meal allowance—overtime of more than two hours without required notice	10.2(d)(ii)	13.07 per meal
<i>Broadacre Farming and Livestock Operations</i>		
With Keep deduction	24.3	125.13 per week
Station hand—to find own horse	25.1	7.26 per week
Station hand—to find own saddle	25.1	5.80 per week
<i>Pig Breeding and Raising</i>		
Meal allowance—overtime of more than one and a half hours	32.7	13.07 per meal
Meal allowance—unplanned overtime of more than two hours	32.7	13.07 per meal
<i>Shearing Operations</i>		
Shearers—shearing industry allowance	A.1.1	217.12 per week
Shearers—rations	A.1.1	58.18 per week
Shearers—combs/cutters allowance	A.1.1	104.00 per week
Shearers—handpiece payment	A.1.1	23.51 per week
Shed hands—shearing industry allowance	A.3.1	217.12 per week
Shed hands—rations	A.3.1	58.18 per week

Allowance	Clause	\$
<i>General Employment Conditions</i>		
Woolpressers—shearing industry allowance	A.4	217.12 per week
Woolpressers—rations	A.4	58.18 per week
Shearing cooks—69.58% of shearing industry allowance	40.6(d)	151.07 per week
Allowance where sleeping quarters not provided— vehicle allowance—all employees	41.3(b)	0.78 per km
Fares and travelling allowances for expeditionary employees—motor vehicle expenses	42.1	0.78 per km
Fares and travelling allowances for expeditionary employees—expenses other than fares, per day	42.1(f)	69.68 per day
Expenses other than fares—per hour rate	42.1(g)	2.90 per hour

C.2.2 Adjustment of expense-related allowances

- (a) At the time of any adjustment to the [standard rate](#), each expense-related allowance will be increased by the relevant adjustment factor. The relevant adjustment factor for this purpose is the percentage movement in the applicable index figure most recently published by the Australian Bureau of Statistics since the allowance was last adjusted.
- (b) The applicable index figure is the index figure published by the Australian Bureau of Statistics for the Eight Capitals Consumer Price Index (Cat No. 6401.0), as follows:

Allowance	Applicable Consumer Price Index figure
Allowance for combs/cutters	Tools and equipment for house and garden component of the household appliances, utensils and tools sub-group
Meal allowance	Take away and fast foods sub-group
Payment for handpiece	Tools and equipment for house and garden component of the household appliances, utensils and tools sub-group
Rations	Take away and fast foods sub-group
Shearing industry allowance	All groups
Special allowance (horse and saddle allowance)	All groups
Travelling allowance	Domestic holiday travel and

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Allowance	Applicable Consumer Price Index figure
	accommodation sub-group
Vehicle allowance	Private motoring sub-group
With keep rate	All groups

C.2.3 Other allowances— Shearing Operations:

Allowance	Clause	\$
Crutching (other than at sheds)—lack of amenities ¹	40.3(b)	9.69 per day
Woolpressers—weighing and branding bales	40.5(b)	0.40 per bale
Woolclassers and Shearing shed experts:		
Conditions allowance	40.9	113.29 per week
Enterprise flexibility (including hours) and wet weather allowance	40.9	160.60 per week
Woolrolling and other shed hands work allowance	40.9	80.28 per week
Bookkeeping, overseeing, experting allowance	40.9	52.20 per week
Breakdown of machinery— allowance for delays and termination of agreements—not found employees ²	41.5(a)	176.76 per day
Breakdown of machinery— allowance for delays and termination of agreements—found employees ²	41.5(a)	146.20 per day
¹ See clause A.2 for method of adjustment		
² See clause 41.5(b) for method of adjustment		

Schedule D—Supported Wage System

Schedule D updated in accordance with [PR592689](#)

D.1 This schedule defines the conditions which will apply to employees who because of the effects of a disability are eligible for a supported wage under the terms of this award.

D.2 In this schedule:

approved assessor means a person accredited by the management unit established by the Commonwealth under the supported wage system to perform assessments of an individual's productive capacity within the supported wage system

assessment instrument means the tool provided for under the supported wage system that records the assessment of the productive capacity of the person to be employed under the supported wage system

disability support pension means the Commonwealth pension scheme to provide income security for persons with a disability as provided under the *Social Security Act 1991*, as amended from time to time, or any successor to that scheme

relevant minimum wage means the minimum wage prescribed in this award for the class of work for which an employee is engaged

supported wage system means the Commonwealth Government system to promote employment for people who cannot work at full award wages because of a disability, as documented in the Supported Wage System Handbook. The Handbook is available from the following website: www.jobaccess.gov.au

SWS wage assessment agreement means the document in the form required by the Department of Social Services that records the employee's productive capacity and agreed wage rate

D.3 Eligibility criteria

D.3.1 Employees covered by this schedule will be those who are unable to perform the range of duties to the competence level required within the class of work for which the employee is engaged under this award, because of the effects of a disability on their productive capacity and who meet the impairment criteria for receipt of a disability support pension.

D.3.2 This schedule does not apply to any existing employee who has a claim against the employer which is subject to the provisions of workers compensation legislation or any provision of this award relating to the rehabilitation of employees who are injured in the course of their employment.

D.4 Supported wage rates

D.4.1 Employees to whom this schedule applies will be paid the applicable percentage of the relevant minimum wage according to the following schedule:

Assessed capacity (clause D.5)	Relevant minimum wage
%	%
10	10
20	20
30	30
40	40
50	50
60	60
70	70
80	80
90	90

D.4.2 Provided that the minimum amount payable must be not less than **\$84** per week.

D.4.3 Where an employee’s assessed capacity is 10%, they must receive a high degree of assistance and support.

D.5 Assessment of capacity

D.5.1 For the purpose of establishing the percentage of the relevant minimum wage, the productive capacity of the employee will be assessed in accordance with the Supported Wage System by an approved assessor, having consulted the employer and employee and, if the employee so desires, a union which the employee is eligible to join.

D.5.2 All assessments made under this schedule must be documented in an SWS wage assessment agreement, and retained by the employer as a time and wages record in accordance with the Act.

D.6 Lodgement of SWS wage assessment agreement

D.6.1 All SWS wage assessment agreements under the conditions of this schedule, including the appropriate percentage of the relevant minimum wage to be paid to the employee, must be lodged by the employer with the Fair Work Commission.

D.6.2 All SWS wage assessment agreements must be agreed and signed by the employee and employer parties to the assessment. Where a union which has an interest in the award is not a party to the assessment, the assessment will be referred by the Fair Work Commission to the union by certified mail and the agreement will take effect unless an objection is notified to the Fair Work Commission within 10 working days.

D.7 Review of assessment

The assessment of the applicable percentage should be subject to annual or more frequent review on the basis of a reasonable request for such a review. The process of review must be in accordance with the procedures for assessing capacity under the supported wage system.

D.8 Other terms and conditions of employment

Where an assessment has been made, the applicable percentage will apply to the relevant minimum wage only. Employees covered by the provisions of this schedule will be entitled to the same terms and conditions of employment as other workers covered by this award on a pro rata basis.

D.9 Workplace adjustment

An employer wishing to employ a person under the provisions of this schedule must take reasonable steps to make changes in the workplace to enhance the employee's capacity to do the job. Changes may involve re-design of job duties, working time arrangements and work organisation in consultation with other workers in the area.

D.10 Trial period

- D.10.1** In order for an adequate assessment of the employee's capacity to be made, an employer may employ a person under the provisions of this schedule for a trial period not exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding four weeks) may be needed.
- D.10.2** During that trial period the assessment of capacity will be undertaken and the percentage of the relevant minimum wage for a continuing employment relationship will be determined.
- D.10.3** The minimum amount payable to the employee during the trial period must be no less than \$84 per week.
- D.10.4** Work trials should include induction or training as appropriate to the job being trialled.
- D.10.5** Where the employer and employee wish to establish a continuing employment relationship following the completion of the trial period, a further contract of employment will be entered into based on the outcome of assessment under clause D.5.

Schedule E—National Training Wage

This schedule is being reviewed in matter [AM2016/17](#)

Schedule deleted by [PR593825](#)

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Schedule F—2016 Part-day Public Holidays

The part-day public holidays schedule may be affected by [AM2014/301](#)

Schedule F amended in accordance with [PR580863](#)

This schedule operates where this award otherwise contains provisions dealing with public holidays that supplement the NES.

- F.1** Where a part-day public holiday is declared or prescribed between 7.00 pm and midnight on Christmas Eve (24 December 2016) or New Year's Eve (31 December 2016) the following will apply on Christmas Eve and New Year's Eve and will override any provision in this award relating to public holidays to the extent of the inconsistency:
- (a) All employees will have the right to refuse to work on the part-day public holiday if the request to work is not reasonable or the refusal is reasonable as provided for in the NES.
 - (b) Where a part-time or full-time employee is usually rostered to work ordinary hours between 7.00 pm and midnight but as a result of exercising their right under the NES does not work, they will be paid their ordinary rate of pay for such hours not worked.
 - (c) Where a part-time or full-time employee is usually rostered to work ordinary hours between 7.00 pm and midnight but as a result of being on annual leave does not work, they will be taken not to be on annual leave between those hours of 7.00 pm and midnight that they would have usually been rostered to work and will be paid their ordinary rate of pay for such hours.
 - (d) Where a part-time or full-time employee is usually rostered to work ordinary hours between 7.00 pm and midnight, but as a result of having a rostered day off (RDO) provided under this award, does not work, the employee will be taken to be on a public holiday for such hours and paid their ordinary rate of pay for those hours.
 - (e) Excluding annualised salaried employees to whom clause F.1(f) applies, where an employee works any hours between 7.00 pm and midnight they will be entitled to the appropriate public holiday penalty rate (if any) in this award for those hours worked.
 - (f) Where an employee is paid an annualised salary under the provisions of this award and is entitled under this award to time off in lieu or additional annual leave for work on a public holiday, they will be entitled to time off in lieu or pro-rata annual leave equivalent to the time worked between 7.00 pm and midnight.

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- (g) An employee not rostered to work between 7.00 pm and midnight, other than an employee who has exercised their right in accordance with clause F.1(a), will not be entitled to another day off, another day's pay or another day of annual leave as a result of the part-day public holiday.

This schedule is not intended to detract from or supplement the NES.

This schedule is an interim provision and subject to further review.

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Schedule G—Definitions and interpretation

Placement of the **Definitions** to be determined by Plain Language Process. See [\[2017\] FWCFCB 3433](#) at [333].

In this award, unless the contrary intention appears:

Act means the *Fair Work Act 2009* (Cth)

all purposes means the payment will be included in the rate of pay of an employee who is entitled to the allowance, when calculating any penalties or loadings or payment while they are on annual leave (see clause 10.1(a))

broadacre field crops means grains, seeds, grasses, silage, legumes, fibre, flowers, and other crops grown as part of a broadacre mixed farming enterprise

broadacre mixed farming enterprise:

- means a farming enterprise consisting of the growing of broadacre field crops as defined;
- includes the rearing, management, and grazing of livestock;
- means a farming enterprise which combines both; or
- means a farming enterprise which in addition to any of the above grows other crops, for the purposes of crop rotation or the rearing, management, and grazing of livestock as part of a mixed farming enterprise

casual pieceworker means a Shearer, Crutcher or Woolpresser engaged as a casual employee and paid the piecework rates prescribed by this award

The Full Bench agreed to deleted the definition of ‘continuous service’. See [\[2017\] FWCFCB 3433](#) at [286].

~~**continuous service** is not broken when an employee:~~

- ~~• takes up to 152 ordinary working hours’ leave because of sickness or accident in a 12 month period (i.e. paid sick leave and/or workers compensation leave);~~
- ~~• takes long service leave, annual leave, public holidays, paid bereavement leave and jury service; or~~
- ~~• has their service interrupted or terminated by an employer whose intentions are to avoid their obligations under this award~~

crutching includes all the operations for which rates are prescribed in this award. The meanings of the words crutch, Crutcher and crutched are similarly extended.

cut out means the completion of the shearing or crutching of the last sheep shorn or crutched at the termination of the shed

defined benefit member has the meaning given by the *Superannuation Guarantee (Administration) Act 1992* (Cth)

double-fleeced means a sheep carrying two years' fleece

employee means national system employee within the meaning of the Act

employer means national system employer within the meaning of the Act

exempt public sector superannuation scheme has the meaning given by the *Superannuation Industry (Supervision) Act 1993* (Cth)

expeditionary employee means a woolclasser or Shearing shed expert who commences on the day as agreed for commencing shearing and resides on the property for the duration of the shearing. Expeditionary employees are entitled to free board and lodging.

experience in the industry means all and any experience in the industry as described in clause 3.2 of this award

farm and livestock hand means an employee performing the work described in the classifications which apply to such work in Part 5—Broadacre Farming and Livestock Operations of this award and who is not a piggery attendant, poultry worker or any employee classified under Part 8—Shearing Operations

found employees are employees who are supplied with up to five meals per day during the course of shearing or crutching; such meals are to be provided by the employer together with suitable accommodation

keep is where an employee **farm and livestock hand** is employed on the 'with keep' rate as prescribed in this award, 'keep' will mean good and sufficient living accommodation and good and sufficient rations of sufficient quantity; sound, well-cooked and properly served by the cook or the cook's offsider; but it will not include accommodation under a roof or cooking when circumstances render such accommodation or cooking impracticable

livestock means all animals used in primary production including insects

MySuper product has the meaning given by the *Superannuation Industry (Supervision) Act 1993* (Cth)

NES means the National Employment Standards as contained in [sections 59 to 131](#) of the [Act Fair Work Act 2009 \(Cth\)](#)

on-hire means the on-hire of an employee by their employer to a client, where such employee works under the general guidance and instruction of the client or a representative of the client

ordinary hourly rate means the minimum hourly rate for an employee's classification specified in clauses 24, 29, 36 and 40 plus any allowances specified as being included in the employee's ordinary hourly rate or payable for all purposes

piggery attendant means an employee who is employed by an employer who is exclusively, wholly or substantially engaged in the raising and breeding of pigs, and who performs duties described in the classifications in Part 6—Pig Breeding and Raising of this award

poultry worker means an employee who is employed by an employer who is exclusively, wholly or substantially engaged in the raising and breeding of poultry, and who performs duties described in the classifications in Part 7—Poultry Farming of this award

ram stags are rams that have been castrated when they are 18 months or older

rams are male sheep that are more than six months old

shearing is where:

- the employee takes off the belly wool first and lays it aside, and, when required by the employer, the employee shears over the tail when shearing the first side; and
- in opening the fleece at the neck and belly, the machine or both blades of the shears will be kept under the wool and close to the skin, so as to avoid twice cutting and where the employee does not run the machine or shears through the fleece so as to break it down the centre or the back

shearing cook means an employee who cooks for six or more employees who are engaged for shearing or crutching operations

shearing shed expert or **expert** means an employee who is competent to perform experting duties at a shearing shed as described in clause 39.8 in accordance with the requirements of the employer or a representative (such requirements to be specified at the time of engagement)

shed means shearing shed or, in relation to crutching work performed other than at a shed, the property, station or location where crutching work is or will be undertaken

silviculture and afforestation means planting, pruning, fertilising and any other activity in or in connection with the establishment or cultivation of trees in forests

standard rate means the hourly rate payable to a farm and livestock hand level 2 in clause 24.1

station cook means an employee who cooks for station hands and/or other station personnel

stud ewes are ewes with tags in their ears from which rams are bred for sale or station use. The term does not include ewes of the flock which have tags in their ears for the purpose of identification other than for stud purposes.

wet place means a place where the clothing of the employee becomes wet or a place where the employee has to stand in water or slush so that the employee's footwear becomes saturated.

~~wine industry~~ means the industry of growing and processing wine grapes and includes:-

- ~~(a) the preparation of land for the planting of wine grape vines, the pruning of wine grape vines, the care, growing, treating, picking, harvesting and forwarding of wine grapes and other activities associated with a wine grape vineyard; and/or~~
- ~~(b) processing wine grapes, producing wine juice or grape spirit, the bottling, packaging, storage or dispatch of wine, brandy or other potable spirit, liqueurs, vinegar or grape juice and other activities associated with a winery or wine distillery including but not limited to cellar door sales, laboratory activities and making or repairing barrels, vats, casks and like articles; and/or~~
- ~~(c) packaging, storing and dispatching of wine or grape spirit from a warehouse facility or other place of storage associated with a winery or wine distillery.~~

woolclasser means a person who is registered as such and who is employed in or in conjunction with a shearing operation. A woolclasser who performs the additional duty of ~~S~~shearing shed experting at the one shearing will, for the purposes of this award, be deemed to be employed as a woolclasser and not as an expert.

woolpresser means a person who presses wool shorn or crutched; weighs, brands and stores the wool; presses and closes the bales; and performs additional duties as directed

Schedule H—Agreement to Take Annual Leave in Advance

Schedule H—Agreement to Take Annual Leave in Advance inserted in accordance with [PR583041](#)

Link to PDF copy of [Agreement to Take Annual Leave in Advance](#).

Name of employee: _____

Name of employer: _____

The employer and employee agree that the employee will take a period of paid annual leave before the employee has accrued an entitlement to the leave:

The amount of leave to be taken in advance is: _____ hours/days

The leave in advance will commence on: ____/____/20____

Signature of employee: _____

Date signed: ____/____/20____

Name of employer representative: _____

Signature of employer representative: _____

Date signed: ____/____/20____

[If the employee is under 18 years of age - include:]

I agree that:

if, on termination of the employee’s employment, the employee has not accrued an entitlement to all of a period of paid annual leave already taken under this agreement, then the employer may deduct from any money due to the employee on termination an amount equal to the amount that was paid to the employee in respect of any part of the period of annual leave taken in advance to which an entitlement has not been accrued.

Name of parent/guardian: _____

Signature of parent/guardian: _____

Date signed: ____/____/20____

Schedule I—Agreement to Cash Out Annual Leave

Schedule I—Agreement to Cash Out Annual Leave inserted in accordance with [PR583041](#)

Link to PDF copy of [Agreement to Cash Out Annual Leave](#).

Name of employee: _____

Name of employer: _____

The employer and employee agree to the employee cashing out a particular amount of the employee’s accrued paid annual leave:

The amount of leave to be cashed out is: _____ hours/days

The payment to be made to the employee for the leave is: \$_____ subject to deduction of income tax/after deduction of income tax (strike out where not applicable)

The payment will be made to the employee on: ___/___/20___

Signature of employee: _____

Date signed: ___/___/20___

Name of employer representative: _____

Signature of employer representative: _____

Date signed: ___/___/20___

Include if the employee is under 18 years of age:

Name of parent/guardian: _____

Signature of parent/guardian: _____

Date signed: ___/___/20___