

23 August 2016

Dear AMOD team,

**Submission: AM2014/239 Alternative wording – Learner Shearers**

Business SA provides this submission in response to the 17 August 2016 Statement ([\[2016\] FWC 5837](#)) ('the Statement'). On 8 July 2016 the Full Bench provided a draft determination ([\[2016\] FWCFB 4393](#)) for the *Pastoral Award 2010* and parties were invited at [83] to comment on the draft variation determination. Business SA provided a [submission](#) on 15 July 2016.

Business SA submitted the proposed clause 44.4(b)(ii) has potential for inconsistent interpretation. The clause states:

“A learner who starts in a shed as a learner will continue to be regarded as a learner under clause 44.4 for a run of sheds, although they become a shearer, not a learner, before the run of sheds is completed.”

Business SA was concerned the above clause did not clearly explain how a learner would become a shearer during the run of sheds and that this could cause confusion. Business SA has been asked to provide alternative wording for clause 44.4(b)(ii) at [5] of the Statement.

Business SA provides the following alternative wording for clause 44.4(b)(ii):

“A learner who starts a run of sheds as a learner shearer, as defined under clause 44.4, is deemed a learner shearer until that run of sheds is completed, regardless of whether the learner shearer definition ceases to apply during that run of sheds.”

The above wording makes clear that a learner shearer remains a learner shearer for that run of sheds, even if they are no longer defined as such. This preserves the function of the draft variation determination whilst demonstrating how to categorise a learner shearer when that definition would no longer apply as the learner has shorn their five thousandth sheep during that run of sheds.

Should you require any further information or have questions, please contact Chris Klepper, Policy Adviser, on (08) 8300 0000 or [chrisk@business-sa.com](mailto:chrisk@business-sa.com).

Yours sincerely,

Chris Klepper

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