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### **AM2014/239 - PASTORAL AWARD 2010**

We refer to the above proceedings and confirm that we act for Australian Business Industrial and the NSW Business Chamber Ltd in this matter.

In a statement dated 15 March 2018, the Commission invited interested parties to review the plain language re-draft of clause 31 of the Exposure Draft for the *Pastoral Award 2010 (PLRD)* and submit any comments to the Fair Work Commission.

We are instructed to make the following comments in response to the PLRD.

#### **1. CLAUSE 31.2 - DEFINITION OF "CONTINUOUS WORK"**

1.1 The PLRD of the definition of continuous work in clause 31.2 is not consistent with the current Exposure Draft. We submit that the PLRD should include the words "at least" before "6 days in a row" to ensure consistency with the Exposure Draft. These words appear to have been inadvertently omitted from the PLRD.

1.2 Clause 31.2 should read:

*Continuous work means work carried on with consecutive shifts for 24 hours on each day for at least 6 days in a row without interruption (other than for breakdowns, for meal breaks, or due to unavoidable causes beyond the employer's control).*

#### **2. CLAUSE 31.6 - CRIB TIME FOR SHIFTWORKERS**

2.1 Instead of the second part of this clause ending with the phrase, "that time is counted as work", we submit that this clause should be redrafted to read:

*A continuous hours shiftworker is allowed 20 minutes crib time on each shift, which will be counted as time worked.*

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2.2 We note that the phrase, “which will be counted as time worked”, commonly appears in other modern awards, including in plain language exposure drafts of other modern awards, and is clearer language than the phrase used in the PLRD of clause 31.6.

**3. CLAUSE 32.1**

3.1 A similar issue to that raised in response to the PLRD of clause 31.2, arises in respect of this clause. We note the AWU has proposed a sensible rewording of this clause and we support the amendment proposed in the AWU’s submissions dated 23 March 2018.

**4. MINOR DRAFTING ISSUES**

4.1 Clause 33.3(b)(ii) of the PLRD refers to the singular “employee”. Given this clause refers to varying the method of working shifts between the employer and majority of employees, we submit that the word “employee” in clause 33.3(b)(ii) be amended to the plural “employees”.

4.2 Clause 34.2 of the PLRD contains an incorrect cross reference to clause “0”. We understand this cross reference should refer to clause “31”.

Please accept our apologies for the delay in submitting these brief comments.



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