

DRAFT DETERMINATION

Fair Work Act 2009

s.156 – 4 yearly review of modern awards

4 yearly review of modern awards – award stage AM2016/25- Horticulture Award 2010

Agricultural industries

VICE PRESIDENT CATANZARITI

SYDNEY, XXXXXXXXXXXXXXX

Claims in relation to the Horticulture Award 2010

A. Further to the decision on _____, and pursuant to s.156 of the *Fair Work Act 2009*, the Horticulture Award 2010 is varied as follows:

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

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

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

2. Insert a new definition of ‘horticultural enterprise’ in subclause 3.1 as follows:

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

3. Delete clause 4.2 and insert a new clause 4.2 as follows:

4.2 Horticulture industry means:

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

B. This variation takes effect from the first full pay period commencing on or after _____ 2017.

VICE PRESIDENT