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Subject: AM2021/57 Application to vary the Meat Industry Award 2020 [AMIC Submission]

Dear Associate,

Please find attached the AMIC submission response and statements of evidence to the Union in the matter AM2021/57, Application to vary the Meat Industry Award 2020, as per the approved extension request to today at 4pm (4th July 2024).

It has not been practicable to obtain sworn affidavits from all witnesses because of their geographical locations, and as such we have provided the evidence by way of statements.

If the Commission would prefer, we can provide the Commission with sworn affidavits in due course. Please advise accordingly.

Please also be advised that the last witness statement from Mr Blackberry is in a very advanced state of preparation and will be filed tomorrow morning due to work related delays. Mr Blackberry lives and works in Tasmania.

Any questions please do not hesitate to contact me.

Kind Regards,
Kirsten Hartmann
B.Comm MBA JD (Law) CPA GDLP
Ph: 0407 292 512



IN THE FAIR WORK COMMISSION

Matter no: AM2021/57

Australasian Meat Industry Employee's Union ("AMIEU")

Applicant

AND

Australian Meat Industry Council ("AMIC")

Respondent

AND

JBS Australia Pty Ltd ("JBS")

AND

Australian Industry Group ("AIG")

Respondent

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**OUTLINE OF SUBMISSIONS on behalf of Australian Meat Industry Council
(‘AMIC’) (3/7/2024)**

AMIEU AWARD VARIATION APPLICATION

Introduction

1. This Application was filed by the AMIEU (“the Union”) on 16 April 2021, and was supported by a Classification Review Discussion Paper written by Mr Graham Smith, who was then Federal Secretary of the Union. The stated purpose of the application was to introduce amendments to the classification structure of the Meat Industry Award (MA000059) (“the Award”), as drafted by Mr Smith behalf of the Union, for the reasons contended by Mr Smith in his Discussion Paper.
2. In its Outline of Argument dated 29 February 2024 the Union submits that the application was initially filed due to the perceived shortcomings in the Award by reason of the classification levels allocated to small stock workers (sheep, pigs and goats) when compared to large stock workers (cattle). It is alleged that classifications assigned to small stock slaughtering are paid less than allegedly equivalent classifications assigned to cattle slaughtering. The re-evaluation and reassignment of classifications to the affected sheep slaughtering tasks is described by the Union as the “Principal” argument in this proceeding.
3. However, there are also numerous other award classification clauses that have now been put in issue, which in total, together with the "principal" argument, number approximately 100 alterations to the award.
4. The application asserts that it is made for the purposes of achieving the modern award objective in various respects listed in the submissions.
5. The primary objection by the AMIC, which is explained below, is that this application is designed to achieve numerous increases in salary rates for a range of classifications, outside the normal annual pay increase processes. In order to do so, the union has relied upon several different grounds for these changes: –
 - a) Principally the Commission should reclassify upwards a cohort of employees (level 3 sheep slaughterers), who have been placed at their existing relative level in the classification structures since at least the agreed implementation of the National Wage Case principles in 1989 in order to obtain the Structural Efficiency increase, until the present day, without complaint or objection through a number of substantial award variation and conversion procedures under the auspices of the Commission and its forebears; and

- b) The Commission should delete or elevate numerous other classifications which have stood in their relative positions, with well understood meanings and functions, without argument or objection of any kind since at least 1989, and possibly as far back as 1965. Almost all of such deletions or elevations, not coincidentally, would result in the persons who are otherwise covered by those provisions under the Award in its present form, receiving a substantial upgrade in their classification, and a substantial out-of-cycle pay increase.
6. This application cannot succeed. At its core, it seeks to attack and dismantle a very substantial component of the relativities established by agreement of the parties and implemented by the Commission in the course of a number of Commission-mandated Award transformations, over a period of approximately 35 years or longer.
7. Classifications in the Award are usually set by reference to relativity to other classifications, both inside and outside the Award this application seeks to change one group of classifications by reference to a claimed similarity to another group of classifications. Any such changes cannot exist in isolation. If such changes are made to a settled pattern of relativity, all of the classifications which have an existing relativity to the changed classifications will be put in doubt and likely to be the subject of a consequential challenge.
8. This is likely to have the consequence that the entire modern award classification structure will face the same challenges, resulting in uncertainty and significant cost and expense to the parties, for no useful or productive purpose.
9. Importantly, these proposed generational changes to relativities and work tasks descriptions that have existed with the consent of all industrial parties, are not supported by any substantive, probative, independent and verifiable evidence that proves to the requisite standard, that all of the industrial parties including the Union, and all of the members of the Commission and Full benches who have presided over the making and continuation of this same classification structure, got it completely wrong for very many decades without realising their error.
10. The main body of evidence on behalf of the Union is the partisan views of a long-term industrial advocate. On most issues, there is no evidence from any independent person who does not have a significant interest in the outcome of these proceedings.
11. Further, as is explained the Union has entirely ignored the Award history that fully illustrates how and why the present classification structure came into existence, and why it remains a reliable guide to classifications and relativities.

12. So far as the Union case is concerned, the history of the Meat Industry Award 2010 commenced in 2010, despite the fact that the records of the Australian Industrial Relations Commission ('AIRC') as to how and why that Award came into existence, demonstrate that the Award was derived from the terms of the three pre-existing meat industry awards which were made with the consent of the Union in 1996.
13. The Union was represented in the 1996 Full Bench and 2010 modern award proceedings in the AIRC, and consented to the making and continuation of the classification structure which they now attack.

The Origin and Structure of the Award and the Classification Structure

14. The Classification Structure is set out in Schedule B of the Award. The Award was created in 2010 during the Award Modernisation process by the consolidation of the three existing Federal Awards, which awards had been made by a Full Bench in 1996¹, following:
1. the Award Simplification process, and
 2. a Section 150A Review;² and
 3. the Meat Industry Inquiry by the Commission.
15. Those three awards replaced the Federal Meat Industry Award 1981 and will were made by a Full Bench as a consequence of the consolidation and rationalisation of a large number of industry awards. They covered the meat processing sector, the ham bacon and smallgoods sector and the wholesale/retail sector respectively.

In making those awards, the Full Bench said³

*“These matters relate to applications by the National Meat Association of Australia (NMA), formerly the Meat and Allied Trades Federation of Australia, for the making of new minimum rates awards to replace the Federal Meat Industry Award 1981. The awards, which will apply to the processing, smallgoods and retail and wholesale sectors of the meat industry, the Federal Meat Industry [Processing] Award 1996; the Federal Meat Industry [Smallgoods] Award 1996; and the Federal Meat Industry [Retail and Wholesale] Award 1996. The applications were made in order to revise and restructure the major meat industry award having regard to various matters including the decision of a Full Bench of the Commission in the Meat Industry Inquiry (see Print K3313) and the review of the award pursuant to [s.150A](#) of the [Workplace Relations Act 1996](#) (the Act).
The applications have been the subject of conferences and*

¹ Print N7347 (13 December 1996)

² section 150A of the *Industrial Relations Act*, introduced by s. 17 of the *Industrial Relations Reform Act 1993*

³ Print N7347 supra

proceedings before the Commission on a number of occasions. A Working Group comprising representatives of the NMA and The Australasian Meat Industry Employees Union (AMIEU) was established to review the Federal Meat Industry Award pursuant to s.150A of the Act and there have been numerous discussions and negotiations between the parties about issues arising out of the Meat Industry Inquiry decision.

In proceedings before the Commission on 10 October 1996 the NMA indicated that it sought the making of three new awards for the different sectors of the industry. The awards would incorporate relevant parts of the Federal Meat Industry Award and reflect the outcomes of the s.150A review process. It was said that other issues arising from the applications may be progressed after the making of the new awards. The AMIEU broadly supported the approach proposed by the NMA and referred to the need for more discussions in order to finalise outstanding issues relating to the new awards.

....

We have considered the submissions of the parties and we have decided to make the three new awards. We are satisfied that the making of the new awards is consistent with the Act, the principles of the Commission for s.150A reviews and the decision of the Full Bench of the Commission in the Meat Industry Inquiry. Given the history of industrial relations and award regulation in the meat industry, the agreement which has been reached between the NMA and the AMIEU as to the making and operation of the new awards is a most significant achievement. It is an important development in the review and restructuring of the Federal Meat Industry Award and in industrial relationships in the industry. The s.150A review of the award has been undertaken in a professional and co-operative manner by representatives of the NMA and the AMIEU and the awards to be made implement the outcome of the review. The establishment of separate awards for the processing, smallgoods and retail and wholesale sectors of the industry is also in line with the decision in the Meat Industry Inquiry.

For the above reasons, the Commission shall make the three new awards as sought by the NMA and supported by the AMIEU. The awards will, as agreed between the parties, commence operation on 15 December 1996 and continue in force for a period of twelve months.” (Underlining added)⁴

⁴ see generally as to the history of these matters the evidence of Mr Neville Tame

16. At that time the Review process undertaken by the parties under section 150A of the *Industrial Relations Act* in relation to the three Awards required consideration of the following:

“Commission to review awards

150 A. (1) Each award in force (other than a certified agreement or enterprise flexibility agreement) must be reviewed by the Commission for the purposes of this section:

(a) if the award was in force at the commencement of this section – within 3 years after that commencement; and

(b) otherwise – within 3 years after the award was made; and

(c) in any case – within 3 years after the award was last reviewed for those purposes.

(2) if, after reviewing an award for the purposes of this section, the Commission considers that the award is deficient in any of these respects:

(a) the terms of the award are no longer appropriate having regard to the Commission’s duty under paragraph 90 AA (2) (a) to ensure that the system of awards provides for secure, relevant and consistent wages and conditions of employment;

(b) the award contains a provision which discriminates against an employee ...

(c) the award contains obsolete provisions or provisions that need updating;

(d) the award is not expressed in plain English;

(e) the award is not structured in a way that is as easy to understand as the subject matter allows;

(f) the award prescribes matters in unnecessary detail;

the Commission must, in order to remedy the deficiency, take the steps (if any) prescribed by the regulations.

....” (Underlining added)

17. In 2010, accordance with Award modernisation principles, the three awards made in 1996 were consolidated by the Full Bench⁵ into a single industry Award (except for maintenance trades and security which remained covered by their respective industry awards). The classification structures and descriptors decided by the Full Bench in 1996 which applied to each sector under the three antecedent awards were then consolidated into a single structure, which structure identified and preserved differences within the Award that reflected the differing and well settled classifications and terminology which previously applied to the three pre-existing sectors of the industry.

18. In this way, the external boundaries (by way of separate awards) between the three sectors were removed and replaced with a single award with internal boundaries designed to achieve the same or a similar result.

19. In publishing the exposure draft of the new Award, the Full Bench said

⁵ [2009] AIRCFB 450

"[131] We now publish an exposure draft of a Meat Industry Award 2010.

[132] This industry has been the subject of a number of inquiries and Full Bench decisions. Significant reform has already taken place and, as such, the three underpinning pre-reform awards covering different sections of the industry are mostly up-to-date.

*[133] There is a high level of agreement on the terms of a modern award. With the exception of one matter, **the draft combines the three pre-reform awards and follows the decision of the Full Bench and proceedings under its supervision.** Where there has been a difference between those most involved in the industry we have preferred to follow the Full Bench decisions and the terms of the existing pre-reform awards. The exception to this is in relation to the salesperson in a retail butchers shop. In light of the rates fixed in the General Retail Industry Award 2010, we have raised the minimum rate for a salesperson to a level closer to the entry rate for a retail employee but maintained internal relativities.*

[134] The award contains provisions for incentive payments. The ascertainment of the payments to be made to employees on incentive payments during annual leave is a matter that needs to be addressed in the context of piecework and payment by results provisions generally. We note that in this award employees on incentive schemes are entitled to a minimum weekly payment based on the relevant minimum wage plus a loading. We referred to this matter in the introduction to this statement."

(Emphasis added)

20. In a subsequent decision, the Full Bench referred⁶ to a number of changes that were agreed or requested to be made to the exposure draft of the Award, which were each included in the exposure draft, but which appeared not to involve any changes to the classification structures referred to in these proceedings, and which were brought across from the 1996 awards.

21. As part of the "internal boundaries" approach the Full Bench inserted new definitions⁷ in the modern award to maintain a separation between the differing activities and classifications, and to maintain the differences between them, as they had existed under the respective sector awards. Those definitions created three different streams within the Award which comprised:

- meat processing establishments (previously covered by the processing award),
- meat manufacturing establishments (previously covered by the smallgoods award) and
- meat retail establishments (previously covered by the retail/wholesale award).

⁶ [2009] AIRCFB 826 at [163]

⁷ clause 3 of the Award

22. Conditions and classifications in the Award were described by reference to whether they applied to all streams mentioned above, or only named streams to the exclusion of the others.
23. Part B3 of Schedule B now contains 8 classification levels (down from 90 in the original awards in 1965) described as follows:
- a) Level MI1 is an entry level for employees with no experience in the industry,
 - b) Levels MI2 – MI6 are each prefaced with the words that:
“An employee at this level will be performing the following indicative tasks”,
 - c) Level MI7 is prefaced with the words:
“An employee at this level possesses and utilises trade qualifications”
 - d) Level MI8 is prefaced with the words:
“An employee at this level has duties above those of a general butcher trades person”
24. Level MI1 has been the subject of a recent provisional decision by a Full Bench dealing with the level C14 classifications. AMIC will submit in these proceedings that that provisional decision is an appropriate resolution of that matter and should be made final by this Full Bench.
25. No changes are sought to Levels MI7 and MI8 in this application.
26. The application is therefore only concerned with changes to the classifications set out in Levels MI2 to MI6.⁸ For the purposes of the Minimum Rates Adjustment process, the tradesperson rate is set at Level MI6.
27. The classification structure which is now found at levels MI2 to MI6 of the award, and which contains all of the classifications and relativities challenged in these proceedings, was created in 1996 in a very similar (pre-consolidation) form in the Meat Processing sector Award by the Full Bench by the process described above. As noted by the Full Bench, the processes for the making of an award were extensive and the Union was a full, active, and consenting participant in those proceedings, as it was in 2010 in the consolidation of that award into the other two 1996 awards to make the modern Award.
28. As earlier submitted, it is of some concern that the Union now submits that it does not understand a number of these provisions, which have not changed since they were agreed to by the Union in 1996, and is unaware of their origins and the reasons why they were not “properly” reviewed. The records of the Commission

⁸ subject to this Full Bench deciding to adopt the provisional decision in relation to Level MI 1

show that the Union was fully involved in the processes by which those classifications were set, and included in awards.

The Union does not refer to any of these historical facts and now acts as if they did not occur. They have not admitted to, or asserted, any error or misunderstanding in formulating and maintaining those structures, or explain their reasoning in doing so.

29. In almost every change sought by the Union involves alterations to existing classification structures and relativities with their surrounding classifications without any assertion or evidence that the nature of the work has changed in any way. In almost every instance, it is asserted to be the same work which has, presumably in inadvertently and without anyone noticing, been placed in the wrong classification in awards that have been structured in that way for at least 30 years. Of course, the Union cannot say anything different in this application, because any allegations of a change in the circumstances of the performance of the work would require a reclassification of all of the sheep slaughtering, and probably cattle slaughtering classifications, not just the isolated cohort chosen.
30. As elsewhere submitted, almost all of these proposed changes are capricious, and the acceptance of this application would seriously undermine the stability and relevance of this Award, particularly in light of the fact that it is not supported by any probative evidence.

Legal Principles

31. The Application seeks a variation to the classification structure in the Award on the basis that, in the respects identified in the application, the Award is not compliant with the modern award objectives set out in section 134 of the Act, and must for that reason be amended pursuant to section 157 of the Act.
32. The Union contends that certain tasks in the classification structure, relating to certain small stock slaughtering employees, must be elevated in that structure on the basis that employees whose employment is affected by the classification of those tasks are *“paid less for the same job on a different animal.”* It is contended that for this reason it is necessary to amend the award for work value reasons.
33. On its face, the fact that a named job is done on a “different animal” does not at any level mean that it is necessarily the “same job.” If the circumstances of the different animals are substantial, then it is highly likely that to named activities will not be “the same job”. The fundamental error in this aspect of the application is that the Union case misconceives the concept of “the same job” by conflating two different procedures performed on two different species of animal of two dramatically different sizes weights and characteristics, as being the “same job,” because the procedures have a similar name or title.

34. Therefore the core the “Principal Argument” is whether the sheep slaughterer classifications which they seek to be equated with cattle slaughterer classifications are, in truth, “the same job”, a question that has been answered for many decades by numerous industrial authorities, including the Union, in the negative.
35. Over the past 4 to 5 decades, the work which the union seeks to equate with other work in this way has not been considered to be “the same job” for the purposes of award relativities. The obvious differences between physical activities and effort involved in the tasks concerned would suggest that the industrial parties who recognise this difference have not been mistaken for all this time. This application seeks to ask this Commission to overturn that history and those facts.
36. In addition, it is also contended by the Union that some of those tasks “fall into ambiguous territory” and that the Award should be amended for that reason.
37. The submissions of the Union (at para 11) set out each of the modern award objectives in section 134 (1) of the Act, on the basis that they are the objectives that the Union relies upon “and/or which may be relevant to the application”.
38. It appears that that reliance is placed upon the prefatory words of this subsection, to the effect that the Commission must ensure that the modern awards, together with the NES, provide a fair and relevant minimum safety net of terms and conditions. The allegation by the Union appears to devolve into a suggestion that by reason of alleged misclassification, the Award does not provide for a fair and relevant minimum rate of pay for the identified employees.
39. The role of the Commission in relation to this application is to make an evaluative judgement as to whether the modern Award either achieves or does not achieve the modern Awards objective. If it does, no further action is required other than refusal of the application.
40. If it is determined that the Award does not meet the modern award objective in some respect, then the jurisdiction exists for the Commission to amend the Award only to the extent that is necessary in order to ensure that the Award is brought into conformity with those objectives. It is submitted that to go further than that which is strictly necessary to bring the Award into a compliance state would be to make an amendment to the award which is not authorised under the Act. This submission is relevant in the case of a number of terms in the Award which relate to lower-level classifications and low skilled work, which the Union alleges are ambiguous.
41. The Union response to the alleged ambiguity is to delete the term altogether and transfer the persons who have been thought to have been covered by the term for

many decades, into a far higher classification. This is proposed, irrespective of the difference in the skill levels and classification levels that will be significantly affected by such an alteration. Resolution of a perceived ambiguity in this context does not require, or even permit, low skilled employees to be moved to a higher skilled and higher paid level, for the sole reason of an ambiguity in their assigned role description.

Legal Principles applicable to the Work Value Claim and Summary of Union Case

42. The Commission has power to vary the minimum wage is provided for a modern award under section 157 (2), if the Commission is satisfied that the variation is justified by “work value reasons”, and the making of the variation is necessary to achieve the modern awards objective.
43. It is not a jurisdictional requirement for the Commission to determine that there had been a change in circumstances relating to the operation of the Award, before any amendment to the award can be made to accommodate such change⁹. However, in a case such as the present, where the impugned classifications have existed in the same form for many decades, and have been agreed to, affirmed by numerous Commissions, acted upon by an important Australian industry in establishing their cost and employment structures, it is submitted that it is imperative that an applicant for such a substantial change be required to prove that the Full Bench of the AIRC committed a serious error in implementing this classification structure. In context, this means that it must be proved (with some definitive explanation as to how such a thing could have occurred) that all of the predecessor Commissions and industrial parties that approved and adopted this classification structure ignored or missed a significant work value issue.
44. Alternatively, the Applicant must prove, that the work value circumstances associated with each of the impugned classifications has altered sufficiently over a period of time so as to warrant those classifications, in isolation from all other classifications, being moved from their existing level to another level with an entirely different relativity to the balance of the classifications in the Award.
45. The Full Court of the Federal Court adopted the reasoning of the FWC Full Bench as follows, in an answer to the contention in those proceedings that no such change in circumstances had been established and therefore the Commission had no power to amend the award :

“... A determination varying an award may be warranted if it is established that there has been a material change in circumstances since the making of the

⁹ National Retail Association v Fair Work Commission (2017) FCAFC 161 at [23]-[24]

*award under review, but the FWC's power to do so is not conditioned on it being satisfied that has been such a change in circumstances."*¹⁰ (underlining added)

46. In that case, the Full Court was dealing with an argument that there were no such changed circumstances found by the Full Bench, and that it could not act without such a finding. The Full Court was not persuaded that the Full Bench did not take changed social and community circumstances into account in any event, however, the case is authority for the obvious proposition that the establishment of changed circumstances since the modern award was made may warrant a change in that award.
47. In this matter, AMIC submits that the statutory presumption in favour of the correctness of the modern award when it was made must prevail, unless the original assessed values can be overturned by probative evidence that the work value acted upon by the AIRC has altered by reason of changed circumstances since the Award was made.
48. Changed circumstances in this context does not mean a change of mind by the Union from its previous stand over many decades of consenting to the making of the classification structure in this form.
49. It is submitted that the existence or otherwise of changed circumstances is effectively the only practical mechanism by which the Union can establish the necessity for alteration to these classification structures for the purposes of an application under section 157 (2), based upon work value reasons as defined in section 157 (2A). As the Full Court stated, evidence of changed circumstances may justify an amendment to an award. In a case such as the present, it is difficult to understand what other kind of evidence might justify a change of this kind, in light of the industrial history and practice which supports the present circumstances.
50. If the modern award is protected by a statutory presumption that it was compliant with the Act when it was made in 2010, such protection would not extend to circumstances whereby the assumptions upon which the Award was made have been affected by later changes of which the Full Bench could not have been aware. However, it is submitted that, in accordance with the Full Court statements quoted above, if the Union does not allege and does not prove that the relevant circumstances that existed when the Award was made in 2010 have changed in any way whatsoever, then the application is no more than a direct challenge to the correctness of the decision made by the Full Bench in 2010.
51. The application is not seeking to remedy circumstances in which the Award terms have drifted away from modern award standards, by reason of any recent changes

¹⁰ supra at [23]

in work value which have affected the previously determined relativities in the Award. It simply alleges that the relativities were wrong when the Award was made, which means they have always been wrong since their inception in predecessor awards, and that they continue to be wrong. It is submitted that the Union is confronted with an extraordinary level of improbability that the history of the establishment and regular reviews of these same classification structures could be ignored and that the disputed classifications are able to be overturned for the asking, as they seek.

52. The lack of stability in the award structures that would be occasioned by the adoption of such a standard would be entirely contrary to the requirements of the Act in relation to a stable system of modern awards.

53. In this context the Full Court also adopted with evident approval (at [54]) the approach of the Full Bench in relation to the Review being undertaken in that matter, which was paraphrased as follows.:

“(i) The Review is broader in scope than the Transitional Review of modern awards completed in 2013.

(ii) In conducting the Review the Commission will have regard to the historical context applicable to each modern award.

(iii) The Commission will proceed on the basis that prima facie the modern award being reviewed achieved the modern awards objective at the time it was made.

(iv) Variations to modern awards should be founded on merit-based arguments. The extent of the argument and material required will depend on the circumstances.¹¹
(underlining added)

54. The Full Bench decision in which those propositions were first formulated was expressed in the following terms:

“The need for a “stable” modern award system suggests that a party seeking to vary a modern award in the context of the Review must advance a merit argument in support of the proposed variation. The extent of such an argument will depend on the circumstances. Some proposed changes may be self-evident and can be determined with little formality. However, where a significant change is proposed it must be supported by submission which addresses the relevant legislative provisions and is accompanied by probative

¹¹ supra at [54]

evidence properly directed to demonstrating the facts supporting the proposed variation. In conducting the Review the Commission will also have regard to the historical context applicable to each modern award and will take into account previous decisions relevant to the historical context applicable to each modern award and will take into account previous decisions relevant to any contested issue. The particular context in which those decisions were made will also need to be considered. *Previous Full Bench decisions should generally be followed in the absence of cogent reasons for not doing so. The Commission will proceed on the basis that prima facie the modern award being reviewed achieved the modern awards objective at the time that it was made.*¹² (underlining added)

55. It is submitted that this approach, whilst formulated in the context of a Review, is entirely apposite to the conduct of these proceedings. As a party seeking a substantive change to a modern award, the Union bears a practical onus of establishing those matters outlined by the Full Bench by probative evidence, the standard of which should be required by the Commission to be high, by application of the *Briginshaw* principles, because of the significant economic consequences of the proposed change, and the potential for the disruption of relativities throughout the Award.

56. Section 157 (2A) of the Act provides follows:

*(2A) **Work value reasons** are reasons justifying the amount that employee should be paid for doing a particular kind of work, being reasons related to any of the following:*

- a) the nature of the work;*
- b) the level of skill or responsibility involved in doing the work; and*
- c) the conditions under which the work is done*

57. The Award contains a minimum wage rate for each of the classifications in respect of which this application is made. There exists a practical presumption that such wage rate was properly set by the processes of the Commission to which the Award predecessors has been subjected over many years, a fact that was mentioned by the modern award Full Bench. There is no challenge in these proceedings to the wage rate attached to each classification, rather the Union challenges the placement of one cohort of employees within that structure on work value grounds, whilst apparently otherwise conceding that the balance of the entire structure is otherwise perfectly sound.

¹² [2014] FWCFB 1788

58. On the fundamental principle outlined by the Full Bench, to the effect that “those that allege, must prove”, it is incumbent upon the Union in these circumstances to demonstrate by probative evidence and submissions, that for reasons that are fully explained and which relate to the criteria set out in section 157 (2A) the value attributed to the relevant work in the existing award classification is less than it should be, and that remediation of that shortfall is necessary in order to place the award into a compliant state, and in accordance with the modern awards objectives.
59. The ambit of the work value considerations in such a case can be very wide and includes matters such as qualifications, training and skill, technological changes, changed conditions, alterations of methods of work, increased tempo of work, responsibilities (individually and as a member of a team), availability for skilled work and the length of time which has elapsed since previous fixations.
60. The Union has produced essentially no evidence related to any of these issues. The substantial majority of its principal case concerns the correct classification of one cohort of employees engaged in Level 3 sheep slaughtering (level MI 4). The positioning of those employees at that classification level arises from their ability to perform any of the indicative tasks attributed to that level in the classification structure.
61. The Union argument is confusing and internally contradictory, and the relief that they seek in respect of their Principal argument, is unclear. However, it appears to be that the Union seeks that the relevant indicative tasks which presently qualify the relevant employees as Level 3 sheep slaughterers, or most of them, should be “transferred” from Level 3 sheep slaughtering to higher classification levels.
62. In association with the reclassification of the Level 3 sheep slaughterers, the Union also seeks that all other sheep slaughtering and cattle slaughtering classifications be homologated under a process described as “species consolidation,” which appears to be a form of rearrangement to facilitate a change to all slaughtering classifications which has no purpose other than as a form of “tidying up” after the primary relief has been granted. As such, it cannot be said to be a necessary change in order to ensure that the Award meets the modern award objectives.
63. This change will also involve the confusing conflation of indicative tasks that only exist in either cattle slaughtering or sheep slaughtering (and not both) into a single classification descriptor. In order to avoid that confusion, each individual indicative task will need to be identified as applying to its relevant species, which effectively reverses the effect of the proposed change.
64. The Union written submission (at 28) simply states:

“When the award was modernised, the classification structure was not properly examined. This has led (sic) a significant hole in the pockets of workers who have been working in roles that are equally skilled and difficult, yet for historical (and unclear) reasons, the work has been valued at a lesser rate. The AMIEU submits that should end now, and small stock workers should be paid their worth.”

65. The basis upon which it is simply asserted that when the award was modernised, the classification structure was not properly examined, is not clear. The Union was competently represented in those proceedings. If it is now attempting to say that it did not examine classification structure, such a statement is irrelevant to these proceedings. The Union cannot know of the scrutiny that was imposed on the classification structure by the employer parties or by the Commission itself. In any event, as submitted and proven by expert evidence in these proceedings, the classification structure was a product of an extraordinary level of scrutiny and review by all parties in its former location in the predecessor awards from which the modern award structure was drawn into 2010. The modern award Full Bench itself determined that the minimum rates in the modern award were properly fixed, and commented that no party asserted otherwise. All
66. As is submitted below, by reference to earlier decisions of the respective Full Benches whose deliberations created the Award, it is not “unclear” as to why the Award exists in its present form. The Union is very well aware as to how and why that circumstance occurred. Primarily, it was because the Union agreed with the employer representatives that such a structure and the balance of the Award was entirely appropriate to be implemented, and consented to its inclusion in awards made by a Full Bench in 1996, and by the modern award Full Bench in 2010.
67. Because of the confusing nature of some of the changes sought by the Union, it is necessary to assume that the comparator used to reach the conclusion that Level 3 sheep slaughterers are paid at a “lesser rate” is the classification rate applicable to beef slaughterers. This in turn also requires an assumption that the Union intends to prove that the comparator classification is the “same job” as the one which is sought to be “transferred”..
68. There is no objective or independent evidence filed in the proceedings that actually compares in any empirical or substantive manner, the work of each of the sheep slaughtering indicative tasks against any of the beef slaughtering tasks, as would be required to make out the “lesser rate” argument.
69. The Union evidence¹³, does not address in any material way the respective qualifications or training of the relevant employees, or the responsibility associated with their work, either individually or as a member of a team or the skill required,

¹³ even if accepted by the Commission despite the objection by AMIC to the whole of the evidence of Mr Smith

or the speed or pressure of the work. There is no mention whatsoever in any evidence of any technological change, changed conditions of work, alterations of methods of work, or increased tempo of work. There is certainly no analysis of the historical context or circumstances that gave rise to this differential which is now sought to be set aside.

70. There is no attempt to establish the level and degree of difficulty necessary to exist in order that an indicative task might be included in another classification level. For this reason, there is no evidence as to whether the relevant sheep slaughtering classifications meet that standard or not, in any empirical or objective way.
71. There is no suggestion whatsoever in the Union evidence that the nature, quantum, speed, responsibility or equipment or technology associated with the particular sheep slaughtering classifications has changed in any shape or form in recent decades, much less since 2010.
72. There is no suggestion that the time that has passed since the last fixation of work value has acted to depreciate the work value of the job in relation to any classifications in the Award. In fact, the Union makes no contention whatsoever that the value of the work being performed has increased or decreased over any time scale. So far as the Union case is concerned the current work value of the relevant work is of today is not alleged to be any different than it was when it was assessed and fixed in awards in 1989, 1996, and 2010. There is certainly no statement or evidence to the contrary.
73. The case appears to rest on the simple assertion that the Class 3 sheep slaughterer classification which applies by reference to approximately 10-12 indicative tasks in the Award, is presently, and by implication has always been, misclassified at a level lower than its true work value, and therefore underpaid. Despite the large amount of evidence existing in the records of this Commission and its predecessors, this situation is said to arise out of for unknown historical reasons. With respect, this can be no more than a transparent excuse for not having any regard to the historical context of the making of the award, in the manner required by the decision of the Full Bench in the Penalty Rates Case.¹⁴ As appears below, recourse to that evidence presents substantial obstacles to the Union case.
74. The Union case in relation to “species consolidation” appears to relate to a superficial comparison between some cattle slaughtering indicative tasks and some sheep slaughtering indicative tasks, and an attempt to raise the classification rate of the sheep slaughterers by a bald comparison with the classification rate of another task performed in an entirely different context on an entirely different animal by reference to entirely different criteria. It is also, as submitted, simply a

¹⁴ see FN 4

form of tidying-up exercise which is not necessary for the award to meet the modern award objectives. It appears to be a means of disguising and conflating the differences between the work involved in the two types of slaughtering, and consolidating them in a way that will be difficult to separate in future.

75. Before such an application could be seriously entertained by the Commission, it would be necessary (at the least) for the Union to:
- a) undertake an objective, unbiased and professional work value assessment of the work which is said to be undervalued; and,
 - b) undertake an objective, unbiased professional work value assessment of the other work against which the subject work is to be compared; and
 - c) undertake an objective, unbiased and professional work value comparison between the similar and the dissimilar aspects of the two indicative tasks, and provide a usable measurement of the similarity or otherwise of the work value of each task; and
 - d) repeat this process for each of the tasks which are said to require elevation in the classification table;
 - e) undertake an assessment of the work value point at which one classification level rises to the next level and apply that elevation point to each of the claimed indicative tasks to ascertain as to whether or not any changed work value qualifies that task for advancement to a higher classification.
76. The Union has called no evidence whatsoever in relation to any such matters. Its evidence largely consists of opinions and assertions from former meat workers who do not purport to undertake anything of the nature of such a comparison, and one Union advocate witness to the effect that some of the sheep slaughtering work in question is equal to, or of higher difficulty than, work of the correspondingly named, but substantively very different, indicative tasks in the beef slaughtering stream.
77. The Union evidence has not attempted to address in any number of the criteria that are set out in the Act, and referred to in the authorities, as being criteria by which work value might be assessed. No attempt has been made to reconcile the work value consequences of the extraordinary differences between the size, weight, and anatomical characteristics of a 27 kg sheep compared to a 500 kg cow, in terms of slaughtering tasks being performed. To the extent that the subject is mentioned, no analysis whatsoever has been conducted other than to assert that tasks which are intrinsically connected to the size and weight of the subject species are “the same job”.

78. Even though none of the necessary research, trialling and measurement suggested above has been undertaken or produced and evidence, it is submitted that the Commission can be comfortably satisfied that the absence of such evidence is because it could not achieve the results sought by the Union.

Principles applicable to the Ambiguity and Uncertainty Claims and Summary of Union Case

79. It is open to the Commission to vary the modern award in circumstances where, by reason of uncertainty or ambiguity, the award is not simple and easy to understand¹⁵.

80. It is accepted that there is a small number of spelling and clerical errors in the body of the Award. They can readily be corrected without the necessity of contested proceedings.

81. However, what is not accepted is that it is sufficient to merely assert that the Union does not understand certain provisions, or they are concerned that such a provision may be misused by some employer, or that they are not aware that anybody uses the particular provision. Much more is required.

82. As earlier submitted, in the case of an alleged ambiguity, it is necessary for the Commission to find that such an ambiguity actually exists, rather than it is asserted by an interested party, or the contesting parties entertain different views as to its meaning. If an ambiguity is found to exist, the Commission would be empowered to rectify the ambiguity by inserting or removing sufficient words to ensure that the most probable meaning of the clause is clear and is consistent with the context and the presumed intention of the Commission when the Award was made.

83. It is submitted that it is not open the Commission to accept the contentions on the part of the Union to the effect that, if an ambiguity is found, the entire clause must be removed from the Award altogether. If rectification of the existing clause to serve its presumed purpose is possible, that should be the only course adopted by the Commission. A clause should only be deleted where its presumed meaning cannot be ascertained or deduced. Would be for the commission to introduce into the award such explanatory definitions as may be necessary to clarify the presumed intention of the provisions. Such material has, on the expert evidence, been removed from the predecessors of this award during award simplification and rationalisation processes.

84. Similarly, a mere recitation by the Union that they are not aware of any person who utilises a particular clause or classification does not render that clause or

¹⁵ section 134 (1) (g) of the FW act

classification redundant and amenable to removal. If the clause is not being utilised, and that fact can be affirmatively proved across the industry in a manner that the Union has chosen not to do, then a case for redundancy and removal may exist. That is not this case. If the Union speculation is incorrect, affected employees will be rendered award free. Any claim for removal is on the basis of redundancy because the Union is unaware of the clause being used should be refused.

The small stock v large stock debate

85. By way of brief explanation, the Award classification structures assign different classifications to workers described as “slaughterers,” by reference to the content of certain tasks, and also whether those tasks are performed in relation to cattle (large stock) or in relation to small stock (primarily sheep and pigs). The Union seeks to introduce changes to the classification structure to create an alignment, which currently does not exist, whereby the differentiation in certain classification levels on the basis of whether the designated tasks are performed on small stock or large stock, is effectively eliminated. The Union describes this process as “species consolidation”. It is submitted that in truth it is simply an upgrading and regrading of a number of sheep slaughtering classifications, on the basis of a flawed comparison or no discernible or reliable comparison at all,
86. As submitted, the differences in treatment in the Award which are now sought to be deleted are derived from a difference which has existed in Federal meat industry awards for many decades, and which has been affirmed and adopted without objection during the course of award simplification, award rationalisation, and award modernisation.
87. It is submitted by the Union in their Short Submissions that the proposed changes relating to “species consolidation” should be made pursuant to section 134 and section 157 of the Fair Work Act (“FW Act”), as it is alleged that the allocation of the small stock tasks in the classification structure does not fit within the modern awards objective, and that it is necessary to amend the award for work value reasons. It is later submitted further that the tasks “fall into ambiguous territory” and that they need to be amended for that reason, however most, if not all, of the “species consolidation” changes are not alleged to be ambiguous at all but simply misplaced.
88. As explained in more detail below, the Award classification table overall is more structured in a manner whereby various tasks and roles expected to be performed by employees are listed, and allocated to one of 8 classification (MI) levels. These tasks and roles are either listed separately as a discrete task, or grouped together by way of describing the content of a particular role.

89. A total of 50 cattle slaughtering indicative tasks¹⁶ are set out in the classification structure and divided into three MI levels, which Levels are separated or distinguished by reason of the relative difficulty and other relevant characteristics of the tasks. Those levels are:

- Slaughterer (calves and beef) Class 1 (Level MI6); comprising 12 indicative tasks and
- Slaughterer (calves and beef) Class 2 (Level MI 5) comprising 13 indicative tasks; and
- Slaughterer (calves and beef) Class 3 (Level MI 4) comprising 21 indicative tasks.

90. By comparison, a much smaller total of 22 Sheep slaughtering tasks¹⁷ is set out in the same classification structure and divided between two levels, which levels are also (in the same manner as beef slaughtering) separated or distinguished by reason of the relative difficulty and other relevant characteristics of those tasks. Those levels are:

- Slaughterer (sheep) Class I (Level MI 6) comprising 11 indicative task ; and
- Slaughterer (sheep) Class 3 (Level MI 4) comprising 11 indicative tasks. All

91. In earlier predecessors of the Award as far back as 1982, a level of Slaughterer (Sheep) Class 2 existed, but no indicative tasks have been allocated to it since at least that time. It is submitted that this would be the expected situation in circumstances where there has been no material increase in the duties or difficulty of those sheep slaughtering tasks. None of those Class 3 tasks were (or have been since) found to be of a standard that warranted allocation to Class 2 (Level MI 5).

92. That structure and distribution has been maintained for many decades in Awards made by the Commission and its predecessors. None of the features of that distribution, other than the location of Sheep Slaughterer (Class 3), is challenged by the Union.

93. It is important to note that, as a consequence of broadbanding and award consolidation, the classification structure recognises the broad sweep of tasks in both small stock and large stock as having an equivalent classification value in the higher classifications and in the lowest classifications, being levels 1 and 3, so that in 2 of the three levels, the classification levels for small stock slaughterers and cattle slaughterers is the same.

94. It is also important to note that the cattle slaughtering function is divided into more than twice the number of indicative tasks as the sheep slaughtering function, because there is demonstrably a very dramatic difference in the size of the animals concerned and the number and nature and scale of the tasks undertaken in cattle

¹⁶ see appendix 1 to these submissions

¹⁷ see also appendix 1

slaughtering. It is logical to infer that the number of slaughterers required overall would be less in the case of the smaller animals, due to the lesser number of tasks in the lighter weight of the animals, and that accordingly the characteristics of the respective roles are likely to be measurably different, and more divided and graded in terms of work value in the case of cattle slaughtering when compared to sheep slaughtering. It is submitted that this difference is the explanation for the distribution of the indicative tasks in the classification structure. No other explanation is offered by the Union.

95. The Union Short Submission at paragraph 6 submits that small stock workers are paid less than cattle slaughterers for the same job when it is performed on a different animal. However, as Class 1 and Class 3 sheep and beef slaughterers each receive identical rates of pay, this part of the Application can only concern the question as to whether a merit case is made out for some or all of the current Level 3 sheep slaughterers to be “transferred” to another higher classification and paid an increase in salary, on the basis of work value.
96. These changes are said to be supported by Union assertions, without probative or independent evidence of any kind, that particular sheep slaughtering tasks that are currently allocated to Class 3 have been included in that level in error, for reasons that are not explained, and that each or most of them has a level of difficulty higher than the dividing line between class 3 and Class 2 or between Class 2 and Class 1.
97. In making such assertions, the Union has not analysed the content and intrinsic worth of the roles themselves, but rather relied upon a number of vague, self-serving and unquantified statements, in place of the independently undertaking the complex task of property comparing tasks in the cattle slaughtering list, and tasks with a superficially similar description or function that exist in the sheep slaughtering list. There is no independent or empirical evidence whatsoever that suggests that what the union has done and produced by the wave evidence of these proceedings is a valid basis for comparison, but essentially, it is all the Union has to offer.
98. The task is made more difficult by the fact that the Union is attempting to contradict and overturn the collective opinions of the Union, the employers, and a range of industrial Tribunals, on that same issue.
99. Paragraph 7 of the Union Short Submission is confusing¹⁸, but other material filed appears to indicate that slaughtering tasks allocated to Sheep Slaughterer Class 3 (Level MI 4) for several decades should all be reassigned to either Class 2 (Level MI

¹⁸ It appears to assert that all sheep slaughterers should be Class 2 and Class 1, with no reference at all to the existing Class 3. However, the attached spreadsheet analysis suggests that some Sheep Slaughtering Class 3 tasks are to remain at their existing classification level of MI 4.

5) or Class 1 (MI 6), and the Sheep Slaughterer Class 3 role should be deleted altogether. This appears to be part of a collateral process of removing any separate reference to sheep, pigs, cattle or calves in the respective classification structures. If that change was made, it would cast significant doubt upon the integrity and relativity of the Class 3 and Class 2 slaughtering roles for cattle and calves. It apparently seeks to make “slaughtering” a generic activity, despite the fact that it would take a very high level of consideration and calculation to reconcile into one generic classification system, all of the vast range of sizes weights and anatomies involved.

100. However, the “transfer” of some or all existing Sheep Slaughterers Class 3 tasks from Level MI4 to MI 5 or MI6 is a substantive change in classification and wage rates for persons performing those tasks. No independent empirical study or analysis by way of objective or scientific measurement or evaluation is to work value is provided by the Union for any of these proposed substantive increases.
101. It is important to note the relevant considerations which the Union has not mentioned in its application. The Union does not:
- a) provide any historical reason as to why such classifications exist at present, and why it is said they have been (wrongly) distributed as they have for many decades; or
 - b) provide any explanation as to why the Union agreed to the same classification structure in the 1989 Structural Efficiency process in order to achieve structural Efficiency Payments under the predecessor award, and agreed to that same structure before a Full Bench in 1996 upon the making of three industry sector awards, and successfully participated in a section 150A Review of that same classification structure, and agreed to the same classification structure being included in the modern Award in 2010; or
 - c) submit that there has been any change in circumstances or technology affecting the relevant classifications at all, much less a change that is sufficient to warrant substantive departures from the Union agreement to the decisions of Commissions over a very long period of time; or
 - d) seek to explain any basis upon which the long-standing decisions and awards of the Commission can be said to have been in error, and why the apparent work value assignment by those earlier decisions to those classifications, and agreed to by the Union, should now be treated as if they had not been made in that way; or

- e) attempted to assess the effect of the changing of existing relativities of some classifications, on other classifications which have a relativity to the changed classifications for many decades; or
 - f) attempted to assess the economic and financial implications of the changes sought, where such classifications have been embedded in the price and cost structures of the industry for a very long time.
102. AMIC submits that long-standing and historical treatment of the work value of particular tasks, and the relativity to other tasks covered by the same award, is a compelling starting point to assess the merit of work value cases. In cases where no work or environmental changes can be demonstrated, and no error of calculation or assessment is proven, the existing position should also be the finishing point of any such claim. The statutory requirement for an award to be both relevant and stable militates strongly against opportunistic and capricious alterations that cannot be proved to be necessary in accordance with the statutory scheme.
103. In summary, it is submitted by AMIC that, in the context of the modern award amendment powers of the Commission, the considerations of consistency and stability require that a proponent of a work value case of this kind carries an evidentiary onus to establish the actual work value of the proposed changed classification. Without being exhaustive, it is submitted that that evidence should include relevant, objective and reliable criteria, supported by some scientific or empirical measurement to establish actual work value parity or disparity between the chosen comparator award. As submitted in more detail below, mere self-serving assertions by an interested advocate for the cause of the Union could never meet that standard.

Other Aspects of the Application

104. Although “species consolidation” is said to be the Union “principal” contention, the application as filed has been widened to include changes to a number of the descriptors in the classification structure that are said to be either ambiguous, uncertain, misplaced or redundant, or all of the above. AMIC submits that these contentions did not prevent the Union from agreeing to the inclusion of these expressions in the Award in 2010 and its relevantly identical predecessors, and do not give rise to any discretion or power under the FW Act for the Commission to make the changes sought.
105. The Union Submission expresses some puzzlement and lack of knowledge as to how or why it was that these changes were not made by the Commission when the Award was made. As submitted below, one of the primary reasons why the classification structure exists in its present form was that the Union actively

consented to the awards structured in that way on a number of occasions prior to the making of this award in 2010.

106. It is accepted that some minor spelling errors¹⁹ and other immaterial infelicities in the text of the Award, can be quickly dealt with. However, it is otherwise submitted by AMIC that many of the claimed changes arise from the language of the industry itself, which is of very long standing, and is well understood by industry participants, including the Union. Again, it is difficult to understand how the Union could have actively consented in the making of awards containing these terms, and now claim to be unaware or confused as to what they mean or to whom they might apply.
107. In a number of cases, the use of the impugned language does not give rise to uncertainty or ambiguity, merely because the Union asserts that it may do so. Further, as appears from the material filed on behalf of AMIC, a number of the so-called uncertainties or ambiguities have arisen out of the award simplification and award rationalisation of the predecessors to this Award. Over time, prolix explanations and detail were required by legislation²⁰ to be removed from the Award as a conscious decision of the parties and the Commission, with the concurrence of the parties. Examination of the predecessors to the Award often reveals definitional material that explains the meaning of expressions but was not reproduced in a later versions of the Act after award simplification. The Union has access to this material but has chosen not to have recourse to it in seeking to understand the meaning of various clauses of which it now complains.

Award Classification structures

108. This application must be considered in the context of the way in which the classification levels and descriptors operate in Schedule B, and the somewhat unique factors which exist in the meat industry which require classifications to be expressed in this manner. In the not uncommon situation in which mechanical aids and ergonomic assistance is installed in a plant, but not every plant, the award should be expressed as a minimum rate for the work done without the relevant assistance, because that assistance may not be universally available across the industry.
109. As mentioned above, the overall activities of meat industry stream participants are described in the three definitions of the processing, manufacturing and retail establishments set out in clause 3 of the Award.

¹⁹ "filerman" should be "fillerman" and "tale" should be "tail".

²⁰ see for example s 150A of the Industrial Relations Act post 1993, which specifically required removal of unnecessary detail from awards. In 1996 predecessor awards underwent this process.

110. For the most part, the work covered by the Award consists of the performance of the sequential series of tasks necessary for:
- a) killing and processing and packing of live animals (usually) by teams of employees of varying sizes, and
 - b) the production of either fresh meat or the manufacture of processed or manufactured meat products such as ham, bacon and smallgoods from fresh meat, and
 - c) the sale of meat or smallgoods at retail/wholesale establishments dedicated to the sale of those products (including stand-alone butcher shops), and
 - d) some establishments also engage in the handling and treatment of by-products including hides and skins.
111. The slaughtering work in processing establishments is now largely performed sequentially by use of Can-Pak systems in which animals enter a system of rails, hooks and conveyors in a large processing plant, where they are initially killed, and then conveyed from place to place within the plant where different individual employees perform the many sequential and ancillary tasks required to produce the required products and by-products.
112. Manufacturing establishments may engage in reasonably low-level slaughtering of, for example, pigs, in a similar manner to a processing establishment, except as to the scale and level of technology, followed by the preparation, cooking and packaging of ham, bacon and assorted smallgoods.
113. In the case of an overlap in functions of this kind, the characterisation of the employers is determined by the activities which are the sole or predominant purpose or business of the establishment. Other activities are treated as ancillary to the predominant operations, and the entire plant is treated as occupying the stream which corresponds with their sole or predominant activity.
114. An amount of processing or manufacturing work may also be done on a small or ancillary scale in smaller retail/wholesale establishments (including stand-alone butcher shops) which have less infrastructure and less automation available. In the case of such an overlap, the Award stream covering the business is the stream definition that best describes the sole or predominant activities of the enterprise.
115. It is for this reason that activities may appear in different streams, which have similar-sounding names or descriptions, but which are, and have historically always

been, performed differently in different sectors of the industry, as recognised in the Award, and in a different context altogether. That different context (which can include into which it has been placed) often informs the content and the difficulty of the indicative tasks as and where they are performed, which might be quite different from another similar-sounding task which is performed in an entirely different context.

116. A very serious error that has been committed by the Union in its process of attempted comparison of indicative tasks has been to ignore this important differentiation between those functions, which was preserved by the Full Bench by establishing and maintaining different industry streams with different indicative tasks in those streams. In order to understand whether any such comparison is valid or meaningful, it is necessary to understand the historical circumstances under which each of the tasks being compared was created and is performed.
117. In a number of instances, the Union has taken one task from one sector and sought to compare it with what it perceives to be a similar-sounding task carried out in the entirely different environment of another sector. In cases where the only evidence presented by the Union is superficial all comparison evidence of this kind, the comparison is false and misconceived.
118. That form of false comparison is also widely utilised within Award streams in the Union case, in purporting to compare indicative tasks performed on sheep to indicative tasks of a superficially similar nature performed on cattle. Questions of speed of operation, scale of animals and stamina required to do very much heavier work are all matters of context which the union submission effectively ignores. Such massive differences are not attempted to be reconciled by any empirical evidence of any kind whatsoever.
119. This form of case is tantamount to suggesting that trimming the toenails toes of an elephant is the same job as trimming the toenails of a poodle, because in both cases the only material consideration is the fact that one is trimming toenails. The environmental factors of the difference in size of the animals concerned, the tools required, the speed and danger and circumstances under which the work can be done, the responsibility involved, are the not relevant, because in both cases toenails are being trimmed.
120. Other issues ignored by the union attempt at comparison is the factor of rapid repetition in the case of sheep slaughtering compared to very high physical effort in cattle slaughtering, and the risk and cost of the work being undertaken spoiling the carcass. In the case of sheep, the expense involved in a related carcass would be very substantially less than the many hundreds of dollars in value in a single large beef cow.

121. AMIC submits that, on the basis of its knowledge and understanding of the industry which it represents, no two processing or meat manufacturing plants in Australia are the same. Each of them is individually designed, equipped and engineered to accommodate the nature, size and species of livestock intended to be processed, and/or the product intended to be manufactured and/or sold, and the resources of the business operating the plant. The Award recognises many of these differences by the sectoral approach adopted by the Full Bench, and the maintenance of different conditions and classifications that only apply in the different sectors.
122. The number and skillset of the workforce of its establishment is also regulated by size and complexity of the plant and equipment and livestock. The process of killing and dressing different sized animals, or the same animals in a different type of business, are not necessarily undertaken in the same physical working environment, with the same level of automation and technology or by the same number of employees or teams.
123. For example, the environment in which animals are slaughtered and processed in the heat, smell and stress of a major metropolitan processing plant will differ very much from the slaughtering and or processing of animals in a small regional slaughter yard, which has no tally or time pressures, and in which the same slaughterer undertakes the whole of the slaughtering and boning task. The same applies to a wholesale or retail business which conducts its own slaughtering and/or boning and/or slicing activities at a much slower pace and throughput than a major metropolitan abattoir.
124. Because of these factors, and the sequential nature of the operation of a chain system, an individual worker engaged in a role associated with slaughtering in a meat processing establishment will often be required to remain at one workstation and perform only the single task necessary to be performed at that location or that part of the chain or conveyor. In many establishments covered by the Award, no one slaughtering employee would be called upon to carry out all of the indicative tasks or the whole slaughtering process. By contrast, in a retail or wholesale or even meat manufacturing establishment, a trade qualified butcher or a slaughterer (as defined in the Award) may conduct all of the slaughtering and boning activities themselves, with assistance from the slaughtering assistant.
125. As a consequence, as slaughtering employees in the meat processing stream are usually not trade qualified butchers, they may only be required to be competent in a limited number of slaughtering tasks to meet the staffing requirement for the particular kill. For this reason, the Award has been drafted at Level 2 to Level 6 so as to predominantly identify individual "indicative" tasks which, if performed, denote an employee who is entitled to be classified and paid at the relevant classification level, if working in the relevant type of establishment

to which that indicative task is attributed in the Award. Some of the “tasks” are described in terms of a known and recognised vocation of “boner” or “slicer”, without nominating the particular tasks which those highly skilled workers will undertake.

126. As mentioned, because the Award arose out of the consolidation of three different awards that covered three different sectors, and the fact that indicative tasks are expressed in succinct terms, tasks which have a superficial similarity to each other can appear in different streams and at different classification rates. This is because they are actually different tasks performed in a different sector or context and with a different work value, and therefore a different classification level.
127. The evidence to be called by AMIC discloses that in several cases, words which have a superficial appearance of similarity in different sectors of the industry, actually relate to different activities which have been properly set at different classification rates. Despite this, the Union has sought to erroneously conflate entirely different, but similar-sounding, classifications as if they had the same content, in lieu of calling work value evidence.
128. Attempts have also been made to separate a group of activities²¹ described as an indicative task and reallocate the separate components to other classification levels by false word comparisons. To do so is to ignore the actual content of each of the falsely compared classifications in their respective contexts which, it is submitted, is likely to lead the Commission into error. The Union professes a lack of knowledge in relation to such matters, and seeks to rely on its lack of knowledge to justify the conflating of classifications that have no factual similarity in work value terms.
129. Some of the indicative tasks are defined in schedule B.2, however many of them are expressed in self-explanatory industry terms.
130. For example, where the term “slaughterer” is used, it is defined in schedule B.2 as meaning, in a meat manufacturing establishment or a meat retail establishment, an employee who is competent to perform slaughtering tasks in accordance with the employer’s specification²². In those two streams, a “slaughterer” is assigned level MI 5.
131. This task and skill description is quite different to that derived from the classification of a “Slaughterer Class 1”, who is to be found in MI 6 in a meat processing establishment only. Whilst the word Slaughterer is the same in both

²¹ such as "slicing and/or weighing"

²² Schedule B at B.2.7

cases, the “slaughterer” in the manufacturing and retail streams carries out their work in a different industry stream and a different establishment with a different work environment than a slaughterer listed as an MI 3, 4, or 5 slaughterer in the meat processing stream.

132. This is, as earlier explained, because of the difference between the work environment in a meat processing stream and that found in a meat manufacturing establishment or a retail establishment. The union has conflated these two concepts of slaughterer and seeks a classification increase based on that erroneous conflation.
133. This example illustrates the way in which many of the Union claims will disrupt the settled relativities in the Award, by inviting the Commission to ignore the diverse environments within which superficially similar work might be performed in the respective streams created in the Award. On the Union analysis, a slaughterer conducting work in a low-pressure manufacturing or retail/wholesale environment would be entitled to the same classification as an employee working under the very high pressure of a large, sophisticated, time-driven processing plant with strict production targets.
134. This submission by the Union amounts to no more than a contention that the recognition in previous awards over many decades that the slaughtering function is likely to be different in the different streams, should now be disregarded simply for the asking, despite their active concurrence in maintaining that distinction over the entire period that it has existed.
135. Where such obvious differences exist by virtue of the nature of the establishment or stream, the Award assigns different values to superficially similar indicative tasks, generically described as slaughtering. Similarly, particular tasks either done within or without a shackling area are treated under the Award as having a different classification value by reason of the significantly different circumstances that attach to that work in each location.
136. To adopt one union example, it is not the “shackling”, but of the difficulty associated with the location in which the shackling occurs, that is a determinative factor in the work value. The Union submissions focus on the activity of shackling, and ignore the context and environment in which it is required to be undertaken. This is no doubt because they have not undertaken any form of empirical analysis of the practical reason why these indicative tasks are classified in the manner that they are.
137. Another example of the false reasoning on the part of the Union, and failure to have regard to the history and context of disputed provisions, is a reference to the fact that two different classification tasks appear to indicate that the use of

scales, or the task of weighing, is associated with a particular role. The Union has deliberately conflated these two references as having the same meaning, and called for an elevation of the lower classification to the same wage rate as the higher classification.

138. The context and history of those two provisions shows that one of those references was to the very low skilled task of weighing small quantities of product such as sliced bacon in a meat manufacturing establishment, and placing them on a tray for package for retail sale. The Union seeks to delete this classification, which would render those employees award-free, because the alternative suggested classification describes a different function altogether, the content of which does not apply to the lower skill and lower paid position.
139. The former task involves the ability to be able to read a set of domestic or shop scales to ensure proper weights or portions of retail smallgoods such as bacon and sausages are packed or wrapped in small domestic quantities such as 1 kg. There is no QA function involved. If the task is not done correctly in a large meat manufacturing enterprise, the portion of bacon is rejected by an automatic checking system. The task was originally inserted in the 1981 Federal award in the "Ham and Bacon" section, and carried forward into the Modern Award through the Smallgoods award made in 1996.
140. The latter task (called a "scaler") is found primarily in the meat processing stream and the meat manufacturing stream and involves a higher skill and knowledge of the quality assurance standards for the product and the weight requirements and product specifications for the body or carcass or shipment being assessed. It is a final step in the QA process and carries significant responsibilities. There is literally no comparison and skill, ability or responsibility between the two roles, yet the Union has asserted these roles are the same because "weighing" is mentioned at some level in the indicative task. This is sufficient for the Union to press an application that both classifications are to be placed at the higher level.
141. It is an extraordinary proposition that the Union, in its past dealings with the making and development of this Award, claims not to appreciate or understand that the level 3 weighing of retail bacon portions in a manufacturing plant was not the same job as carrying out a Level 4 final QA check of weights and compliance with detailed specifications of substantial quantities of product, in a meat processing plant.
142. These important historical factors and somewhat unique structure of the modern award are in many cases directly responsible for the terminology and settings of relativities in the Award, which the Union now seeks this Commission to change. Despite this, none of this extremely important history, or its impact on this application, appears in the evidence and submissions of the Union. Nor is there any

evidence that any person has been misled by this terminology or misclassified as a consequence.

History of Cattle slaughtering and small stock slaughtering in the Award

143. Apart from the maintenance of separate streams, another point difference that was maintained in the making of the simplified and rationalised predecessor awards in 1996, and also subsequently in the modern award, is the segregation of species within the classification structures, particularly within the meat processing stream.
144. As described above, the existing relativities were inserted in the 1996 Meat Processing Award by a Full Bench following exhaustive consultation, and with the consent of the Union. It is neither conceivable nor explained by the Union as to how those relativities could have been established in 1996 unless they were accepted as a valid basis for distinguishing between the slaughter of those species.
145. A cursory and contextual examination of the two sets of indicative tasks explains why this might be so:
- a) Beef slaughtering in the Award lists 50 indicative tasks evenly spread over three classes (Classes 1, 2 and 3) and three classification levels (MI4, MI5 and MI6), and is primarily concerned with animals in the weight range of 350 kg to 450 (up to 500) kg, with (for example) a viscera weight of 35 to 50 kg.
 - b) Sheep slaughtering in the Award lists 22 indicative tasks evenly spread over only two classes (Class 1 and Class 3)²³, and two classification levels (MI4 and MI6) and is primarily concerned with animals in a live weight range of 20 to 26 kg, which is less than the viscera weight of most cattle.
 - c) Many of the beef slaughtering tasks do not exist in the sheep slaughtering list, and vice versa to a more limited extent.
146. At the highest end of slaughtering in a meat processing establishment, the indicative tasks for a Class 1 slaughterer are recognised as having an equivalence for both cattle and small stock in terms of classification levels. Lower skilled or less onerous tasks than those indicated for class 1 are, in both instances, allocated to lower classifications. For several decades, 38 lesser tasks have been distributed between Class 2 and Class 3 for calves and cattle, and 11 lesser tasks for sheep slaughtering in meat processing establishments were all allocated to Class 3.

²³ there are no tasks allocated to Class 2.

147. As earlier submitted, the Award reflects a long-standing determination that none of the lower-level sheep slaughtering tasks were of sufficient difficulty or value to warrant being divided between Level 2 and Level 3. It has been decided in a number of earlier awards that each of those sheep slaughtering tasks in meat processing establishments which were not included in level 1, were appropriate to be included in level 3 at MI 4, with no intervening level. That is to say the lowest skilled sheep slaughtering tasks were placed in the classification was the equivalent of the lower skilled cattle slaughtering tasks.

148. The structure of those earlier awards demonstrates significant thought and evaluation was applied to the distribution of these tasks and classifications, which is consistent with that structure having been developed by highly collaborative and consultative processes by industry participants prior to the making of the 1996 awards. The Union points to no change in circumstances that might warrant overturning that evaluation and history, nor any other fact or circumstance other than the opinion of Mr Smith, to justify a complete reallocation of the lowest classifications in sheep slaughtering, to a classification level different from that determined continuously from at least 1996 until the present day.

149. Simply put, the structure which has been inserted in the classification table illustrates that it has been consciously determined by numerous Commissions, and agreed by the industrial parties, that the lower-end sheep slaughtering tasks were considered as having a classification comparability to the third level of cattle slaughtering tasks, with no intervening level between 3 and 1. The allocation of classifications to the 50 cattle slaughtering tasks is not challenged in these proceedings, and it appears that the Union contends that this calculation was done correctly. Despite this, the same discussions and negotiations totally misclassified those indicative tasks now placed in Level 3 of sheep slaughtering.

It therefore appears to also be contended by the Union that the industrial parties were capable of correctly allocating the three levels of cattle slaughtering work value relativity in the classification table, and also correctly allocating tasks to the first level of sheep slaughtering relativity. Despite this, and by complete contrast, the same industrial parties were apparently wholly unable to correctly determine where any of the lowest sheep slaughtering activities should be placed on the same classification table. The Union case fails to explain why this might be so.

150. It is submitted that the simple explanation is that there was no error, and that this distribution is the outcome of long-standing deliberative assessments, which over many years has not been thought or demonstrated to be in error. Confecting false comparisons with other inapt comparators cannot replace reliable probative evidence.

151. The Union submissions and much of the evidence resorts to terms such as “identical” to describe similarly worded tasks that are involved in the killing and processing of different animals with different bodily structures. The two major species concerned have a disparity in the order of 2000% difference in size, both as a whole animal and in relation to their constituent parts. It is unsurprising that the tasks “following-on” the initial Level 1 slaughterer of cattle are likely to be heavier and more difficult and generate intermediate tasks which are assessed at Level 2, whereas the tasks associated with Level 1 sheep slaughtering do not generate “follow-on” tasks of that the same magnitude or difficulty. The fact that “follow-on” sheep tasks are a little more than one quarter of the number applicable to cattle illustrates the relative simplicity of sheep processing compared to cattle processing
152. AMIC submits that the likelihood of all industrial and all presiding Commission members associated with the development of these awards over many years not appreciating such a glaring omission as the Union contends, is highly improbable, to say the least.
153. Further, the implementation of such a change as is sought would cause a significant increase in the Award cost structures that have for many decades been “baked in” in the industry of the involved in the slaughter of sheep. For these reasons, the Commission should, in accordance with the relevant authorities, tread very carefully in making such an assessment, and require the Union to provide substantial probative evidence that would justify the overturning and destabilising the settled regimes which have operated for many years in respect of this Award.
154. Further, the Commission should not be persuaded to make any of the changes that are sought, that do not involve obvious spelling or grammatical errors, simply because the Union believes that superficially similar wording between two parts of the Classification structure indicate that the same task is indicated by the use of similar language. As is disclosed in the historical and explanatory materials filed with the submissions, that would be a very flawed basis upon which to proceed, and is not a matter which could give rise to the jurisdiction of the Commission under the Act to amend the Award.

Short further submission as to the Union Evidence filed in support of the “Principal” Union Case

155. The substantial majority of the evidence relied upon by the Union is that of Mr Graham Smith. Mr Smith claims the status of an independent expert witness in relation to this matter. AMIC submits that he is not entitled to be treated as such by the Commission, and his evidence should be treated with very great caution.
156. Whilst Mr Smith undoubtedly has considerable experience as a worker, a senior union official and union advocate, that fact alone disqualifies him from a

role as an independent expert in this case within the meaning of the Federal Court Guidelines to which he has referred. It is unfortunate that Mr Smith has seen fit to make statements and declarations in accordance with those Guidelines, which statements are demonstrably untrue and misleading.

157. The application lodged by the Union in these proceedings relies upon the Discussion paper filed with the application, which advocates strongly in favour of the changes sought by the Union. Both the issues paper and the application were written by Mr Smith in his role as an official of the Union for the partisan purpose of commencing and supporting these proceedings and advocating for the outcome preferred by him.
158. He can be readily presumed from his statements in these proceedings to have been the effective instigator and promoter of this proceeding. He also can be presumed to have a significant partisan interest in the proposals, as one might expect given his role as a long-standing senior official of that Union. His “expert report” reproduces the content of his own discussion paper and lapses into advocacy for the Union, and even a form of attempted negotiation of behalf of the union. Despite this, he is now proposed to be called as a witness to provide “independent” expert evidence as to the work value issues in these proceedings.
159. Apart from the other manifest errors in this approach, for evidence from an expert witness to have any value in the proceedings, the witness is expected to provide detailed reasons and analysis for any conclusions that they reach.²⁴ Mr Smith has omitted to comply with this requirement, which underscores the obvious conclusion that he appears as an advocate rather than an expert witness as it is understood in the Guidelines upon which he relies. W.
160. Mr Smith states that he has had regard to the Federal Court Guidelines in relation to the giving of independent expert evidence, however he has adopted a position and role that is precluded by those Guidelines. The Guideline states:

“In some cases, a party may retain a person who is a specialist in the subject for the purpose of providing his/her expert opinion on an aspect of the case. Such people may become an expert witness, if they are qualified in their area of expertise, training and specialised knowledge” and

....

“The role of an expert witness is to provide relevant and impartial evidence in their area of expertise”.

²⁴ clause 2.4 of the Federal Court Expert Evidence Practice Note

161. Federal Court Expert Evidence Practice Note (GPN-EXPT) provides as follows:

2.1 The purpose of the use of expert evidence in proceedings, often in relation to complex subject matter, is for the Court to receive the benefit of the objective and impartial assessment of an issue from a witness with specialised knowledge (based on training, study or experience-see generally section 79 of the Evidence Act.

2.3 However, the use or admissibility of expert evidence remain subject to the overriding requirements that:

(a) to be admissible in a proceeding, any such evidence must be relevant (s 56 of the Evidence Act); and

(b) even if relevant, any such evidence, may be refused to be admitted by the Court if its probative value is outweighed by other considerations such as the evidence being unfairly prejudicial, misleading or will result in an undue waste of time (s 135 of the Evidence Act).

2.4 An expert witness' opinion evidence may have little or no value unless the assumptions adopted by the expert (ie. the facts or grounds relied upon) and his or her reasoning are expressly stated in any written report or oral evidence given.

.....

3.1 Parties and their legal representatives should never view an expert witness retained (or partly retained) by them as that party's advocate or "hired gun". Equally, they should never attempt to pressure or influence an expert into conforming his or her views with the party's interests.

.....

3.4 Any questions or assumptions provided to an expert should be provided in an unbiased manner and in such a way that the expert is not confined to addressing selective, irrelevant or immaterial issues.

(Underlining added)

162. Whilst he might have some insight into work practices and activities in the meat industry, his deep involvement as an advocate and Union official for very many years in relation to the outcome which he prefers, on behalf of the moving party in these proceedings, means that he cannot and does not comply with the relevant requirements to be an "expert witness" within the Federal Court standards.

163. As submitted, Mr Smith wrote the Application and the issues paper that supported it. He has expressed firmly held personal views about what should be

the appropriate outcome of this application. His evidence is directed towards achieving that outcome for his long-term employer. It is simply impossible to accept that he is or could be an independent impartial or objective witness in relation to his own application, in which his evidence amounts to him both raising and answering his own questions in his role as an employed official and advocate for the Union, whether recently retired or not.

164. Mr Smith is not offering impartial and independent expert evidence as to the objectively determined work values of the indicative tasks in question. He has disclosed no training or qualifications relating to the empirical or scientific evaluation of the relative work value of different classifications in an award-based work context, and he has given no evidence of attempting to undertake such comparative or trialling work of any kind in support of his evidence in these proceedings.

165. It is not possible at any level to suggest that the opinion of Mr Smith is impartial or independent or objective. This is particularly important in light of the fact that his proposed evidence goes to the very heart of the application which is brought, and seeks to contradict decades of agreed positions by his own Union, the employer interests in the industry, and several iterations of the Commission. The proof or otherwise of the matters that he mentions in his statement is the core issue to be determined by the Commission. Because of the extremely significant consequences for the employer parties, and the general public which pays for and consumes a product which they produce, the *Briginshaw* principles should be applied with great rigour in these proceedings.

166. That is to say, the more serious the consequences of the evidence being accepted or rejected the higher the standard and quality of proof is required. A casual commentary of what the union wants or wishes, could never suffice as evidence in such a case. The statutory restrictions under the Fair Work Act against increases in wages by any mechanism other than work value evidence reinforces the submission that the Commission must be very vigilant in ensuring that the evidence is properly prepared on valid assumptions by a person with expertise and independence, and fully and properly explained by an impartial independent person.

167. None of that has occurred here.

168. The evidence of Mr Smith will be objected to at the hearing in its entirety. He is not an independent expert within the meaning of the Federal Court guidelines and Practice Note. His evidence as to work practices in the industry is similarly infected by the objective that he, as the author and chief advocate for the application earnestly intends to succeed. As such, it is submitted that his evidence would, in accordance with *section 135 of the Evidence Act (Cwlth)* be outweighed in

its probative effect by other considerations, such as the evidence being unfairly prejudicial and presented in the manner of an advocate rather than a witness, and therefore potentially very misleading.

169. The evidence of the remaining Union witnesses is less controversial, but no more persuasive. They have not sought at any level to substantiate their evidence as to the difficulty or otherwise of particular tasks by reference to appropriate calculations or comparators. Without such information, there is little or nothing of the Commission can act upon in these proceedings.

170. AMIC submits that the AMIC evidence of the respective activities involved in the slaughtering of sheep and the slaughtering of cattle should dispel any concern that this Full Bench may have as to the assertions made by Mr Smith on behalf of the Union. That evidence demonstrates that the pattern of distribution of classification values to the sheep and cattle slaughtering tasks in question in these proceedings, as has been established by successive decisions of the Commission, should not be disturbed.

171. AMIC has not taken an extensive and expensive professional and independent review of each of these classifications, as it has no case of that kind put forward by the union which it might be required to answer.

172. Instead, AMIC has elected to respond to these proceedings with evidence from experts who are industry participants, who can be presumed to have current knowledge of the matters in question,

Other Matters

173. Employers bound by this award are entitled to the prima facie presumption of the correctness of the modern award as made. They are also entitled to stability in terms of the award structures and values. The Commission should determine that the Union application does not offer the probative evidence necessary in order to persuade the Commission to alter settled patterns of classifications in the award related to the issue of species consolidation

174. The Award can only sensibly operate on the basis that a number of approximations and assumptions must necessarily be made in order to create a workable number of broadbanded classifications out of an inordinate number of indicative tasks. (In this case from 90 down to 8 in predecessor awards)²⁵ An

²⁵ evidence of Mr Neville Tame

incremental change in the work value of certain tasks may, or may not, result in the task being required to move to another classification point.

175. In the absence of significant measurement as to where the dividing line between classifications might exist, because the Union has called no such evidence, there is literally nothing of the Commission can do about such matters. Embarking on an exercise of this kind at the request of the Union, without substantive evidence, is likely to cause significant disruption to the stability of this Award both now, and over time.
176. In addition, the Commission is required by section 134 (1) (f) to have regard to the impact of the award on business, including the wages costs of businesses concerned, including those that operate on awards and those which have enterprise bargaining agreements. The Union has called no evidence in relation to this aspect of the matter. The evidence of AMIC establishes that the cost to industry participants of this change, and the flow-on cost of a staple food item to the purchasing public, is likely to be substantial. The imposition of an unbudgeted out of cycle wage increase of this kind is also likely to be very detrimental, particularly to small and medium business. It is submitted that this factor weighs heavily against the proposed changes.

Conclusion

For the foregoing reasons the application must be dismissed.

Australian Meat Industry Council

ANNEXURES

Attached hereto are copies of the following Annexures:

Annexure A: list of indicative tasks for sheep slaughtering and cattle slaughtering in classification table

Annexure A

Indicative tasks for sheep and cattle/calf slaughterer at each class level			
CLASS	SHEEP	CLASS	COW
One1 level MI6 (not disputed)	Stick	1 level MI 6 (not disputed)	Sticking including removing sweetbreads
	First leg (including papering)		Skin first leg
	Second leg (including papering and hanging up second leg)		Skin second leg
	Cheek		Picketing silverside
	Open neck and spear cut		resetting
	Clear Neck and forelegs		Flanking
	Clear briskets		Cleaning brisket and venting
	Free and tie weasand		Siding
	Splitting down and removing trotters		Necking
	Flanking		Rumping
	Paunching		Backing off
	and/or additional through full 672 tasks where no restrainer is used, catch, stick and shackle		Skinning briskets and foreshanks
			Operating air or conventional knives on hide stripper
			Operating downward hide puller
	Fronting out		
	Sawing down		
2 level MI5 (no classifications to dispute)	No tasks in class at present	2 Level MI 5 (not disputed)	Knocking
			Shackling (Chaining and Hoisting)
			Pithing
			Tying Weasands (in shackling area)
			Cheeking
			Skinning heads
			Removing forefeet including skinning foot and saving sinew
			Cleaning and Dropping Rectum Gut and Bungs
			Mark or strip Tail
			Remove Muzzle piece
	remove foreshanks		

			cut aitch bone
			Mark and Saw briskets
3 Level MI3 (disputed)	Operate Restrainer and Stun	3 Level MI3 (not disputed) 1245 since 93	Feeding cattle from race into box
	Shackle to fixed hook		Tying Weasands (not in a shackling area)
	Gambrel and slide		Washing Anus and Pit
	Insert and spreader		Rodding Weasands
	Rod Weasands		Removing horns
	Remove Spreader		removal of fore hooves
	Opening Up		Removing heads by severing spinal cord and place on table or chain
	Clear Rectum Gut and Bladder		Remove first hind foot
	Strip and Tie rectum gut		Change first leg
	Trimming		Remove second hind foot
			Change second leg
			Pulling Tail
			Split paddy whack and drop
			Placing and removing chains on hide stripper and removing tail skin from hide
			Hide Puller
			Saving sinews from forelegs
			Push to saw
		Pull from saw	
		Trimming Sides	
		Trimming forces	
		Trimming hinds	

Table Response to classification framework changes

Proposed M1	Short Submission	AMIC Response
<p>Existing</p> <p>An employee at this level will be a person with no experience in the industry undergoing on-the-job training for an initial period of at least 3 months.</p> <p>CHANGE TO</p> <p>An employee at this level will be a person with no experience in the industry undergoing a structured on-the-job training program for a period of no longer than 1 week. Employees may be paid at this level for no greater than 1 week from the date of commencement whilst undergoing training. This level shall not apply to employees with completed certificates of training in the meat industry.</p>	<p>The AMIEU is aware of employees remaining on MI 1 for extended periods with no structured on the job training. Further, despite the proviso that this classification applies only to those with no experience in industry, the classification is routinely applied to new employees regardless of employment history.</p> <p>The AMIEU's experience is that the ambiguity of this classification is widely exploited in the industry, particularly by labour hire providers. The proposed amendment clarifies an outer time limit on the classification and confirms the training must be structured rather than informal.</p> <p>Similarly, this should be amended for public policy reasons, and is necessary to prevent exploitation.</p> <p>Refer to C14 classification review.</p> <p>Legal references: s 134(1)(a), s 134(1)(aa), FW Act</p>	<p>The parties have provided their evidence and outline of submissions in this matter to the Full Bench considering the C 14 Classification Review, and a provisional order has been made by the Full Bench.</p> <p>AMIC submits that that provisional order should be made permanent in resolution of this issue, and that this Full Bench should not be required to undertake any further examination of this matter.</p> <p>In the alternative, AMIC relies upon its evidence and submissions provided to the C14 Full Bench and would only seek to address this Full Bench if requested to do so prior to the finalisation of this matter.</p>

Proposed M1	Short Submission	AMIC Response
<p>Meat Manufacturing Establishment Stream</p> <p>Existing</p> <p>Linker, table hand; Slaughterer's assistant; Curing section assistant required to do salting; Washing, drying, smoking section assistant; Retort; Employee in lard section</p> <p>CHANGE TO</p> <p>Curing section assistant required to do salting Washing, drying smoking section assistant Retort Employee in lard section</p>	<p>Not Applicable</p>	

MI – Level 2 (Short Submissions and Deletions)

Proposed MI 2

Deletion - Order person delivering meat/meat products

Short Submission

To the AMIEU's knowledge all delivery persons are already classified as motor vehicle drivers (MI 4).
In the event that an employee is delivering products not in a motor vehicle, it likely forms an

AMIC Response

This proposed change is based entirely on speculation and assumption, rather than fact and evidence. The evidence of Mrs Otto demonstrates that the speculation and assumption is not factually correct.
A part-time or casual employee employed to perform the delivery function only is covered by this classification.
In an era where gig economy home delivery of every conceivable type of food, by delivery persons operating a

Deletion - Linker

incidental part of their principal role.

Given the redundancy of the role and ambiguity of the role, it is necessary to remove it such that individuals are not misclassified and paid less than they otherwise would.

Legal reference: s 134(1)(a), s 134(1)(g), FW Act.

Technological advance has made this position redundant. It originally referred to persons who made sausage links by hand, however to the AMIEU's knowledge this work is now almost universally performed using a machine.

To the AMIEU's knowledge the only employees who link sausages by hand are butchers, who are already covered by the trade classification (MI7).

In the event that an employee is linking, it likely forms an incidental part of their principal role.

Given the redundancy of the role in modern times, it is necessary to remove it such that individuals are not misclassified and paid less than they otherwise may be.

Legal reference: s 134(1)(a), s 134(1)(d), s 134(1)(g), FW Act.

wide variety of personal transport, it cannot be surmised that this classification is not further utilised. The history of this provision indicates that it was intended to be a separate classification to the carter/driver at MI 4.

Linking is still conducted by hand in some smaller operations & apprentices are also still taught. See the evidence of Mrs Otto.

The deletion of this indicative task is opposed.

Further, the union claim is supported only by speculation and belief as to the "almost universal" position, which is contested by AMIC in any event.

AMIC evidence discloses that linking is commonly done by apprentices and new employees in the retail sector, as it is a relatively simple task which must be taught, and is one of the tasks that may fall within the scope of a trade qualified butcher, but is not usually performed by such an employee.

Deletion – Slaughterer’s Assistant

To the AMIEU’s knowledge no employee is classified solely as a slaughterer’s assistant. It is unclear what a slaughterer’s assistant does in contemporary times, and it would appear that this role was used during the “bed and cradle” times (a former method of slaughter). Given the redundancy of the role, it is necessary to remove it such that individuals are not misclassified (for example, working on a slaughter chain and informed by the employer that they are assisting in the slaughter of an animal) and paid less than they otherwise would be. The provision is also ambiguous as it is susceptible to multiple meanings. Legal reference: s 134(1)(a), s 134(1)(g), and s 160, FW Act.

Deletion - Table Hand

This role needs to be removed on the basis that the task is ambiguous. It would, in any event, appear to fit within the ambit of the current labourer associated with boning and slicing activities. The AMIEU is also not aware of anyone employed solely as a table hand.

The submissions of the union are misdirected as they appear to be referring to whether the role exists in the circumstances of a meat processing plant, whereas this indicative task is located and utilised under the award in the meat manufacturing stream, not the meat processing stream. As submitted elsewhere, the definition and role of a slaughterer in the meat manufacturing stream is quite different to the definition and circumstances of a slaughterer in the meat processing stream. AMIC disagrees with this deletion and the suggestion of ambiguity. Mr Smith has provided evidence that this role is utilised for persons engaged to assist a slaughterer in a meat manufacturing establishment, where a slaughterer will usually process a small number of entire animals in an environment without multiple follow-on labour roles, such as exist in a meat processing plant. It is not a role that was discontinued upon the general cessation of “bed and cradle” slaughtering, because that form flooring is still conducted in small businesses. So far as AMIC is aware, the role still exists, but may perhaps be called a different name.

Major manufacturing establishments, such as are operated by JBS, for example, continue to employ large numbers of staff as “table hands” as contemplated by the Award, although they may not be labelled as such in their employment or their relevant enterprise agreement. See the evidence of McCarthy. The concept is well-known and continues to be used, particularly in the meat manufacturing stream, but also in the meat processing stream. Ordinarily, in a chain method of slaughtering, the viscera are separated from the carcass and conveyed to a place where employees would be engaged in sorting meat/offal on a

Legal reference: s 160, s 134(1)(a), s 134(1)(g), FW Act

table. This is a low skilled labouring task and does not fit within the ambit of a labourer associated with boning and slicing duties, as the sorting of viscera and associated activities have no relevant connection with boning and slicing.
 No evidence has been given of any difficulty or confusion associated with the existence of this term in the award over many decades.
 The deletion is opposed.

MI – Level 3			
Proposed MI3	AMIC Response		
Existing Meat Manufacturing Establishment Stream Filerman; Packing-room hand; Slicing and/or operating scales, packing ham or bacon into cans and/or operating closing machine.			

<p>CHANGE TO</p> <p>Packing ham or bacon into cans and/or operating closing machine.</p>			
<p>All Meat Industry Streams</p> <p>Employee directly connected to the slaughter floor—tasks such as moving cattle/sheep up the race;</p> <p>Employee indirectly connected with the slaughter floor—tasks such as cleaning tripe by machine/hand;</p> <p>Separating and/or handling offal at the eviscerating table;</p> <p>Removing head meat;</p> <p>Bagging lambs;</p> <p>Labourers associated with boning and slicing activities;</p> <p>Labourer associated with by-product activities; Strapping or wiring-machine operator or vacuum machine operator;</p> <p>Operating Whizard Knives;</p> <p>Wrapping, weighing, pricing, packing, and packaging uncooked meat;</p> <p>Salter and/or pickle pumper (arterial or stab); Chiller room/Freezer room hand;</p> <p>Loading and unloading labourer;</p> <p>Storing and packing labourer in or about storage works;</p>			

<p>Drover/yardperson/stockperson; Cleaners; Labourers involved in tanning or other treatment or processing of skins or hides; Assistants in buffing, fluffing, curtain coat, splitting, pasting, setting out and sammying; Machine operators/machinists in tanning or other treatment/processing of skins or hides not elsewhere classified; Yard person in tanning and/or treatment/processing of skins or hides; An employee performing clerical and/or office tasks such as maintenance of basic records, basic word processing, typing, and filing, collating, photocopying, handling, and distributing mail, delivering messages, operation of keyboard and other allied and similar equipment.</p> <p>CHANGE TO</p> <p>Droivers and other persons handling live animals Clean tripe or offal by machine or by hand without knives Separating and/or handling offal at the eviscerating table Bagging lambs</p>			
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<p>Strapping or wiring-machine operator or vacuum machine operator General labouring duties not specified elsewhere Salter and/or pickle pumper (arterial or stab) Loading and / or unloading of rooms, chillers, freezers, transport vehicles. Cleaners Labourers involved in tanning or other treatment or processing of skins or hides not elsewhere classified An employee performing clerical and/or office tasks such as maintenance of basic records, basic word processing, typing, and filing, collating, photocopying, handling, and distributing mail, delivering messages, operation of keyboard and other allied and similar</p>			

Proposed MI3	Short Submission	AMIC Response for hearing
Delete Filerman Role already exists at MI4 as: "Mixing machine-operator".	Typographical error and correction of ambiguity to ensure misclassification of employees doesn't occur. Legal reference: 134(1)(g), s 160 FW Act	Filerman is a typographical error and should be corrected to fillerman. The balance of the submission is not true. The fillerman is not the same role as a mixing machine operator. The mixing machine operator follows a recipe or specification to combine the ingredients and spices used to make certain smallgoods and operates a mixing machine to produce the required product. The Fillerman is not engaged in the operation of a mixing machine,

		<p>but rather the low skilled task of receiving a product which has previously been prepared by the mixing machine operator and piping that mixture into various cases for the making of smallgoods.</p> <p>This position still exists and should be maintained in its existing position</p>
<p>Packing-room hand; Packing ham or bacon into cans and/or operating closing machine;</p> <p>CHANGE TO Packing ham or bacon into cans, including operating closing machine</p> <p>Delete Packing Room Hand</p>	<p>The proposed wording and the deletion of “packing room hand” is better suited to an overarching general labouring classification as opposed to its own role. The removal of this term aligns with the proposed deletion of “slaughterer’s assistant” at MI2, in that both roles are either mostly redundant and/or could be reclassified in a more practical way.</p> <p>In the alternative, the term “packer” already appears in existing MI4, which creates ambiguity as to which classification applies in practice. Legal reference: s 134(1)(a), s 134(1)(g), and s 160, FW Act.</p>	<p>There is no warrant in the submissions by the Union to suggest that the rearrangements of being sought in this respect are necessary for the Award to meet the modern award objectives. It is a patchwork rearrangement of existing classifications without demonstrating that there is any difficulty or error associated with the existence or use of those classifications.</p> <p>Further, the migration of the selected indicative tasks to a general labouring category without any attempt to compare the respective roles is not just “tidying up” but in each case involves the substantial elevation of those employees from level MI 2 and MI 3 to MI 4, without any work value assessment or even allegations of incorrect classification, as justifying the substantial increase in wages for the employees and costs for the employer. This change is not accepted</p> <p>Evidence: see paragraph 18 (d) of McCarthy</p>
<p>Delete - Slicing and/or operating scales</p>	<p>Any employee performing this task is already classified as either a scaler (MI 4) or a slicer (MI 5). Both roles are therefore ambiguous and ought to be removed.</p> <p>Legal reference: s 134(1)(a), s 134(1)(g), s 160, FW Act.</p>	<p>This is another false comparison. This designated task appears in level MI3 in the meat manufacturing stream only. It involves low skill work, essentially performing very low skill duties operating kitchen or shop-type scales to weigh small portions of processed meat such as bacon in quantities of approximately 1 kg. for packaging for retail sale. The work requires little or no judgement or responsibility and very low skill. In some establishments, An error in the weighing of the product is corrected by an automatic checking system in operation. The only checking activity that is undertaken in association with this role, is the checking of the seal on the package to ensure that it is intact, and the package has no holes. This is an extremely low skill job.</p>

		<p>This is not the same activity described as “scaler” at level MI4 and has no relationship to that task. “Scaler” is a skilled job located at level MI4 in the meat processing stream and involves the assessment of QA issues in relation to random weight production in that part of the meat manufacturing establishment and the assessment and checking of compliance with the client’s specification for the product, and a final inspection of the product and checking of the correct labelling before delivery in the meat processing stream. See the evidence of McCarthy</p> <p>Also, the task at MI 3 is not related in any way to the designated task of “slicer” at MI5. Most, if not all, slicing undertaken in the MI 3 role in a meat manufacturing plant is done by a bacon slicing machine. The MI5 slicer, as its place in the classification stream suggests, is one of the highest skilled and responsible production roles in the plant. It refers to the skilled and highly trained slicing role in the boning room, involved in slicing specified cuts according to customer specification from the primal cuts taken from sides or carcasses by a Boner. It bears no relationship whatsoever to the mechanical task of machine slicing small amounts of bacon and weighing them on kitchen scales with essentially very little training and little responsibility.</p> <p>In the meat processing stream a slicer is also highly skilled and highly trained employee whose role has no relationship whatsoever to the MI 3 role sought to be conflated by the union submission. This change is wholly misconceived and based on wholly false comparisons is opposed. A comparison between the two is not a submission that one would expect the Union to have made.</p>
<p>Employee directly connected to the slaughter floor – tasks such as moving cattle/sheep up the race; ... Drover/yardperson/stockperson</p> <p>CHANGE TO</p>	<p>The term “employee directly connected to the slaughter floor” lacks clarity and is ambiguous given every employee in an abattoir is connected to the slaughter floor (either directly or indirectly). As such, misclassification of employees could quite easily follow. The AMIEU proposes a consolidation of these two tasks into a general animal handling</p>	<p>Historically, The issue of connection, direct or indirect, to a slaughter floor was accompanied by examples or lists of the persons referred to. It was usually a reference to circumstances in which connection with a slaughter floor may determine an entitlement to a tally payment . The degree of and the consequences of that fact are usually driven by the terms of the tally or incentive payment system in place. That is to say, persons directly connected with the slaughter floor are often included within the division of the tally payment for the slaughtering team. However, the key consideration is the classification level of the actual functions being performed, which under the present terms of the award can involve the use of scissors or knives.</p>

<p>Drovers and other persons handling live animals</p>	<p>task, as we postulate that the intention of the original wording was to classify an employee who moved cattle or sheep up the race prior to slaughter. By consolidating the tasks, the ambiguity is removed, and so is the possibility of misclassification. Legal reference: 134(1)(g), s 160, FW Act.</p>	<p>Tally and incentive systems are still operated throughout the industry, and the connection between particular employees and the slaughter floor is still a relevant consideration.</p>
<p>Employee indirectly connected with the slaughter floor – tasks such as cleaning tripe by machine/hand;</p> <p>CHANGE TO</p> <p>Clean tripe or offal by machine or by hand without knives</p>	<p>The above submission will apply to this proposed deletion and subsequent proposed wording. This classification is ambiguous, and it remains unclear what a “direct connection” or “indirect connection” to the slaughter floor is. Legal reference: 134(1)(g), s 160, FW Act.</p>	<p>The reference to performing tasks by hand “hand” in the present award is to distinguish the work from that which is done by machines or performed manually by workers. There is no basis to be found in the award to suggest that this is a reference to work being done “without knives”, and there is no warrant for changing the meaning of the clause by adding these words. If the clause is altered to remove reference to hand tools such as knives or scissors from the provision, the skill level will be significantly downgraded from the nature of the work presently being performed under this provision.</p> <p>The change appears to be a clumsy attempt to disaggregate a particular role into constituent parts and leave the less skilled portion of that role on its existing classification level, and elevate the more skilled portion of that role to a higher classification. This case it is done by the question as to whether or not knives scissors or such implements are being used. That is an inherent part of the existing classification and that is no warrant for removing it and relocating that standalone function elsewhere The change is strenuously opposed, as it would lead to a significant increase in classification and wage levels for almost all workers currently engaged under this provision, without any work value or other consideration to support it.</p>
<p>NO Change = Separating and/or handling offal at the eviscerating table</p>	<p>No Change</p>	<p>This is an example of work done at a table in the slaughtering area by a table hand in addition to the table hand in the meat manufacturing stream. It is ordinarily performed using knives in an unskilled or semiskilled context</p>

<p>Removing Head Meat - Move to MI4</p>	<p>This is knife work and better fits within “trimming”. Expert opinion obtained by the AMIEU shows that the removal of head meat is much harder than knife work and/or trimming. Legal reference: s 134(1)(a), s 134(1)(g), s 157(2A), s 160 FW Act</p>	<p>The proper classification of the removal of head meat the depends upon whether advanced technology (a head chisel) presently available is used to assist this process. If so, there is minimal skill required to remove the head meat, and the classification may actually be lower than it is presently positioned. See the evidence of Mr Gleeson There is no claim to that effect Otherwise, the mere self-serving assertion by union witnesses that removing head meat is harder than knife work and/or trimming carries no weight whatsoever in these proceedings. Firstly, there is no empirical or other evidence to suggest that this statement is true. Secondly even if there was a marginal difference between this task and other knife work and/or trimming, there is no evidence to suggest that any difference is sufficient to elevate this role into a higher classification rate, particularly if is it has been made easier by the use of the head chisel Therefore, the blanket proposal to move the entire function of removing head meat to MI4 is opposed.</p>
<p>No change - Bagging lambs</p> <p>Labourers associated with boning and slicing activities; changed to Labourer associated with by-product activities;</p> <p>Changed to: General labouring duties not specified elsewhere</p>	<p>Evidence obtained by the AMIEU points to a table hand being a labourer in a boning room at a table. Accordingly, the phrase “labourer associated with boning and slicing activities” is ambiguous in the context of other existing terms in the Award. The AMIEU proposes change to create a general labouring task which captures labouring duties not elsewhere defined. The AMIEU proposes this to incorporate roles including but not limited to a table hand, slaughterer’s assistant (where applicable, for example, where or if a bed and cradle remains in use), and other duties not elsewhere defined or specified.</p>	<p>This is another false comparison. It is correct that a labourer associated with boning and slicing activities is, amongst other things, a labourer in a boning room who works, amongst other locations, at a table. The phrase is not ambiguous and the Union submission is cannot explain how that is so. There is no evidence of any ambiguity any confusion or any necessity to change the award so as to meet the modern award objectives. The fact that the union proposes these changes to create a new general category of labouring duties not elsewhere defined (mostly at a higher classification rate) is not a matter of necessity or even concern.</p>

	<p>This change is necessary to remove ambiguity and to ensure that employees are being properly classified in their role.</p> <p>Legal reference: 134(1)(g), s 160, FW Act.</p>	
No Change - Strapping or wiring-machine operator or vacuum machine operator;		
Delete - Operating Whizard Knives	<p>A whizard knife is a “knife”. This task is therefore already classified under M14 either through “trimming” or “using knives for cleaning or preparing meat immediately prior to packing”.</p> <p>The AMIEU submits that this change is necessary for the purposes of clarity and the removal of ambiguity.</p> <p>Legal reference: s 160, FW Act.</p>	<p>This change is strongly opposed. The factual basis put forward by the AMIEU is not true. A whizard “knife” is not a knife in the conventional sense at all. It is a handheld pneumatic operated gyro machine that operates by circular blades that move rapidly in a circular motion to make a cutting action, similar to the device often used to remove cooked meat from the doner in a kebab shop. In this industry it is used for general skimming operations for the recovery of remnant meat from bones and the general reduction of fat cover on carcasses and similar uses. Unlike a conventional knife, it is the machine which performs the cutting work, and lower skill and considerably less effort is required.</p> <p>Further, one of the duties of a person engaged to perform slicing and trimming duties with a conventional knife is that they must sharpen and maintain their own knives as a part of their ordinary duties, which is a considerable skill in its own right. Whizard knives are not maintained by the employee and are collected and sharpened by the mechanical and electrical staff at the plant.</p> <p>There is a very substantial difference between the skill and work functions required of a person who operates a whizard knife, and a person who is able to work safely and productively as a skilled knifeperson. There are very different skills required, and operating a whizard knife is most often used with a small circular blade as a familiarisation or introductory task for new employees, who are not trained enough to be trusted to work safely and productively with a conventional knife, nor be able to maintain the necessary edge on such a knife. It is used to allow a new employee to become work hardened, and to adjust his wrists and hands to the rigours of manual work in meat processing.</p>

		<p>On the slaughter floor, where a whizard is used as an incidental duty in reducing the fat cover on carcasses, it is often allocated to slicers who are injured or infirm for some reason, as the work is considered to be work of a low impact nature.</p> <p>This discrete classification for the Whizard knife does not exist by some strange accident of history. It has always been treated as a lower category of skill than conventional knife work since the machine was introduced into the industry. This claim is simply an unsupported unsubstantiated and falsely based claim for an increase in classification and wages, without any attempt to justify such an increase by any form of work value assessment other than the patently untrue allegations that a Whizard knife is just a knife (as distinct from a powered machine which itself does the vast majority of the work). No explanation is provided as to why the union has now reversed its position of consenting to the differential treatment of a wizard knife operator over many decades in a series of awards</p>
<p>Delete - Wrapping, weighing, pricing, packing, and packaging uncooked meat</p>	<p>The existing Award contains two packing-related tasks: 1) "packing ham or bacon into cans" at MI3 in meat manufacturing establishments; 2) "wrapping, weighing, pricing, packaging uncooked meat" in all meat industry streams at MI3. It is proposed that the manufacturing establishment task remain at MI3 based on work value as packing bacon into cans is relatively unskilled work. It is proposed that packing otherwise move to MI4 based on work value. A packer is the last line of quality control for product and is</p>	<p>This claim is based on another false comparison. Contrary to the union assertion, it is not universally the case that the packer is the last line of quality control for product, but in any event, this consideration, if it exists at all, varies considerably depending on the layout and organisation of the plant. The Union case is a mere assertion, without any probative evidence whatsoever to support it as warranting a higher classification for what is a semiskilled or unskilled task. The Union merely asserts that the packing function should move upwards to MI 4 based on unidentified and unqualified work value reasons.</p> <p>The Commission is not entitled to grant this significant change in the absence of any probative evidence of work value. Again, perhaps coincidentally, the change simply results in a cohort of employees receiving an unexplained windfall increase in classification and wages,</p> <p>This change is opposed</p>

	<p>responsible for sending product back to the slicer if defects are identified.</p> <p>Legal references: s 157(2A), s 134(1)(a) FW Act</p>	
<p>Salter and/or pickle pumper (arterial or stab); No Change</p>		
<p>Chiller room/Freezer room hand; Loading and unloading labourer Storing and packing labourer in or about storage works</p> <p>CHANGE TO Loading and/or unloading of rooms, chillers, freezers, and transport vehicles</p>	<p>The proposed change consolidates several tasks into a single general task and it simplifies the operation of the Award.</p> <p>The existing wording uses the term “unloading” and “packing” labourer”, though there is considerable ambiguity in the operation of these terms when the term packing room hand is currently used at MI 2, and packer is similarly used at MI3. On this basis, the AMIEU submits that it is necessary to amend the Award to ensure clarity of classification and role, and it improves the overall operation of the provision.</p> <p>Legal reference: 134(1)(g), s 160, FW Act.</p>	<p>The present provision allows for the coverage of a wide range of unskilled activities, but <u>only</u> those undertaken in connection with a chiller/freezer room and storage works. It does not have general application amongst other areas of work in any of the streams. Despite this, the union submission is seeking to congregate these activities, and other activities described elsewhere in the award which have no demonstrated comparable value whatsoever</p> <p>The change proposes to reduce the current range of work to the two functions of loading and/or unloading. Each of the other tasks of storing and packing in or about the particular environment of a storage works, would be excluded from award coverage, for reasons that are not explained. The efficiency of the Award is not improved by transferring much of the content of this clause elsewhere without regard to the difference in environment in which the work is performed, particularly as there is a complete absence of evidence that might suggest that there is actually any inefficiency or confusion by reason of the current wording.</p> <p>The variable use of the term “packer” in relation to a number of clauses of the award must be understood in the context of the effort and skill required for the many types of packing tasks found throughout the three streams that exist in the industry. In this case, the term “packing” qualifies a type of labourer’s work that is only performed in or about storage works (which are cold storage works involving strenuous work in freezing temperatures). That is an entirely different activity to a “packing room hand” in a completely different area of the plant, involving completely different types of work. There is no similarity or confusion likely to exist, between a “storing and packing labourer in or about storage works” and the hand engaged to work in a meat manufacturing packing room as described in the evidence of Mr McCarthy</p> <p>There is no ambiguity or confusion in fact, and none has been demonstrated by any evidence. This kind of labouring work is often associated with</p>

		working in very low temperatures and other environmental issues that do not exist in other areas of labouring or packing
Drover/Yardsperson/Stockperson	See Above	Any claim as to confusion in respect of these words is confected and should be rejected.
Cleaner	No Change	
<p>Labourers involved in tanning or other treatment or processing of skins or hides; Assistants in buffing, fluffing, curtain coat, splitting, pasting, setting out and sammying; Machine operators/machinists in tanning or other treatment/processing of skins or hides not elsewhere classified; Yard person in tanning and/or treatment/processing of skins or hides</p> <p>CHANGED TO Labourers involved in tanning or other treatment or processing of skins or hides not elsewhere classified.</p>	<p>The proposed change consolidates a series of detailed tasks relating to the treatment or processing of skins and hides into one general labouring task. The substantive task of buffing, fluffing, curtain coat etc. (rather than simply assisting in those functions) is already separately dealt with in MI 4. As such, the AMIEU submits that it is necessary to amend this clause of the Award to improve clarity of classification and the role of this class of employee – which could necessarily be dealt with through a general labouring role. Legal reference: s 160, FW Act.</p>	<p>This change is not opposed. No reason as suggested as to why any modern award principal requires this change. There are only a limited number of plants covered by the Award who have employees engaged in hide treatment. If the treatment of hides is undertaken outside the scope of an establishment defined in the Award, it is removed from coverage by the Award and is covered by the Manufacturing ward.</p>
<p>An employee performing clerical and/or office tasks such as maintenance of basic records, basic word processing, typing, and filing, collating, photocopying, handling, and distributing, mail, delivering messages, operation of keyboard and other allied and similar equipment – No Change</p>	No change	

Current Wording – MI4	Proposed - MI4
Meat Retail Establishment Stream	Meat Retail Establishment Stream

<p>Existing</p> <p>Smallgoods maker in a meat retail establishment (non-trade qualifications); Cooker and/or scaldler; Cashier; Loaders and labourers in areas such as wholesale meat markets.</p>	<p>Employee making smallgoods in a meat retail establishment with no trade qualification Cooker and/or scaldler</p>
<p>Meat Manufacturing Stream</p> <p>Silent-cutter operator; Mixing machine operator; Smallgoods seller from a vehicle; Cutter up, guillotine operator, derinding machine operator; Packer and/or scaler (smallgoods); Ham & bacon curer.</p>	<p>Meat Manufacturing Stream</p> <p>Silent-cutter operator Mixing machine operator Cutter up, guillotine operator, derinding machine operator Scales operator Ham & bacon curer</p>
<p>Meat Processing Establishment Stream</p> <p>Slaughterer (calves and beef) Class 3 (feeding cattle from race into box; tying weasands (not in shackling area); washing anus and pit; rodding weasands; removing horns; removal of fore hooves; removing heads by severing spinal cord and placing on table or chain; remove first hind foot; change first leg; remove second hind foot; change second leg; pulling tail; split paddy whack and drop; placing and removing chains on hide stripper and removing tail skin from hide; hide puller; saving sinews from forelegs; push to saw; pull from saw; trimming sides; trimming forces, trimming hinds); Slaughterer (sheep) Class 3 (operate restrainer and stun, shackle to fixed hook, gambrel, and slide; insert spreader, rod</p>	<p>Meat Processing Establishment Stream</p> <p>Slaughtering class 3: (tasks as listed below) Move animals from race to slaughtering pen, box or crush Washing anus and pit Rodding weasands Removing horns Removal of fore hooves Remove first hind foot Change first leg Remove second hind foot Change second leg Pulling tail Split paddy whack and drop</p>

<p>weasands, remove spreader, opening up, clear rectum gut and bladder, strip rectum gut, tie rectum gut, trimming); Slaughterer (pigs) Class 3 (moving pigs from race to pen, shackling, pushing to scalding, dehairing, tow capping, dropping rectum, shaving, singeing, washing, trimming).</p>	<p>Place or remove chains from hide or pelt stripper Push to saw; Pull from saw Trimming sides Trimming forces Trimming Hinds Operate restrainer and stun Shackling (not using hoist) Gambrel and slide; Insert spreader Remove spreader Trimming Push carcass to scald tank Operate dehairing machine Toe capping (remove toenails) Shaving Singeing Washing</p>
<p>All Meat Industry Streams</p> <p>Trimmer; Using knives for cleaning or preparing meat immediately prior to packing; Use of non-licensed product handling equipment; Basic operation of data processing equipment in or about storage works. Driver of motor vehicle not exceeding 6 tonne carrying capacity; In tanning and other treatment/processing of hides or skins, the task of fleshing, buffing, fluffing, curtain coat operating, skating, shaving, glazing, spraying, hand tipping, setting out, sammying In addition to the clerical and/or office tasks listed under Meat Industry Level 3 an employee at this level performs tasks such as more advanced word processing, typing, and filing, generating simple documents, date entries, calculating functions, , maintenance of records, operates more than basic telephone equipment and message taking.</p>	<p>All Meat Industry Streams</p> <p>Employee using knives Use of non-licensed product handling equipment Trimmer Packer Basic operation of data processing equipment in or about storage works Driver of motor vehicle not exceeding 6 tonne carrying capacity, excluding forklift operators In tanning and other treatment/processing of hides or skins, the task of fleshing, buffing, fluffing, curtain coat operating, skating, shaving, glazing, spraying, hand tipping, setting out, sammying In addition to the clerical and/or office tasks listed under Meat Industry Level 3 an employee at this level performs tasks such as more advanced word processing, typing, and filing, generating simple documents, date entries, calculating functions, maintenance of records, operates more than basic telephone equipment and message taking.</p>

Proposed M1	Short Submission	AMIC Response for hearing
<p>Smallgood maker in a retail establishment (non-trade qualifications)</p> <p>CHANGED TO</p> <p>Employee making smallgoods in a meat retail establishment without trade qualification</p>	<p>The existing wording is ambiguous, and it conflicts with the Award definition of a smallgoods maker at Schedule A.2.12. Clause A.2.12 specifically excludes smallgoods makers in retail establishments from the definition of "smallgoods maker." Using the amended phrase removes the ambiguity. Legal reference: s 134(1)(g), s 160, FW Act.</p>	<p>The definition is not ambiguous. The exclusion in the Award definition is clearly for a specific purpose to delineate between differently qualified smallgoods makers. The change is unnecessary and is opposed.</p>
<p>Cooker and Scaldler</p>	<p>No Change</p>	
<p>Delete Cashier</p>	<p>Inconsistent with MI5 (salesperson) Legal reference: s 134(1)(g), s 160, FW Act.</p>	<p>AMIC rejects this proposal. This is another false comparison. A cashier is not the same as a salesperson, which distinction is demonstrated by the definition of that term in the Award. A salesperson is required to have substantially more specific and higher skills and product knowledge than a cashier. A cashier is a person who takes money for sales and produces change and receipts. No evidence is being produced by the Union to justify their incorrect blanket proposition of an equation between the two. Again, the distinction between a Cashier at this level and a salesperson at level MI 5 is very obvious, and did not occur by accident. The mere fact of the wide separation classification rates, which is of long historical standing, emphasises the fact that the two classifications are referring to 2 different types of work. The Union has concurred in the making of an award with this distinction for many decades. It provides no explanation whatsoever of the content of either of these roles and why they have reversed the earlier consent to these different classifications, and why these employees ought to be treated the same for the first time since at least 1996.</p>

Delete -Loaders and labourers in areas such as wholesale meat markets	In light of the AMIEU's proposal that a general labouring role be adopted, this role would be replaced with a clearer and less ambiguous classification as to what a labouring role in this classification (and the other six roles) actually entails. Legal reference: s 134(1)(g), s 160, FW Act.	The desire of the AMIEU to create a general labouring application for the purposes of uplifting the classification and wages of numerous labouring classifications provided under different sectors of the award, can only be implemented in accordance with the Act. There is no basis under the act for changing wording which is not ambiguous and in respect of which there is no work value case made for the reclassification of these employees. Again, this proposal does not meet the "necessity" standard required by the FW Act
Silent-Cutter Operator	No Change	No Response
Mixing Machine Operator	No Change	No Response
Delete - Smallgoods seller from a delivery vehicle	This is a combination of a cashier and a driver of a motor vehicle of less than 6T (or potentially more than 6T) and accordingly needs to be moved up to MI5. It is also ambiguous in that the role is susceptible to more than one meaning. Legal reference: s 134(1)(g), s 160 FW Act.	This is another false comparison. AMIC does not agree with this "made up" definition of the role. This is a separate role which means what it says, and which has been assessed at this level because, amongst other reasons, it is not a cashier driving a 6T vehicle. Mere assertion t as to what the union thinks it should be because of a recasting of the definition, without any evidence is not a lawful or appropriate basis for changing the classification. This change is opposed.
Cutter up, guillotine operator, derinding machine operator;	No Change	
Packer and/or scaler (smallgoods) CHANGE TO Delete Packer Insert Smallgoods Operator	Reference to packer is redundant given the AMIEU's proposal to introduce a generic packer task at MI4. The AMIEU views the insertion of a generic "packer" at MI4 as necessary as the packer is the last line of quality control in a	Any such mooted proposal for a generic packer task at MI 4 entirely disregards the distinction is drawn throughout the award between the different streams and sectors in the industry, and the different types of "packing" occur from time to time at different levels of the production of different kinds of products. No evidence has been provided or suggested that "packing" in the very wide scope of this award coverage is a generic activity, having

	<p>plant and must identify defects (and otherwise) with the products. This constitutes a work value argument for the promotion of packer to MI4, as opposed to the various alternatives such as “packing room hand” (which we propose to replace with a general labouring role). MI3 as it currently stands references “operating scales”, as does MI4. The AMIEU proposes the MI3 version of operating scales be deleted and instead the classification of scale operator remain at MI4. Legal reference: s 157(2A), s 134(1)(a), s 134(1)(g), s 160 FW Act</p>	<p>in all cases the same level of skill responsibility training and stamina. On the Union’s own case, it varies between heavy labouring in a freezing works to placing a handful of bacon in a plastic tray and checking its seal, and the number of levels in between. This proposal would involve a wholesale unproven unjustified upwards reclassification of substantial numbers without a work value case. No evidence is adduced about any of these matters, either as to the actual work value of the role of a “packer and/or scaler smallgoods” in the meat manufacturing stream, much less the value of each of those component parts if they were to be separated in the way contended for by the Union. “ Packing” is usually, but not always, a beginner task where new starters are placed throughout industry. Some persons engaged in a packing task will engage in the use of scales use as it is a necessary part of what is generally a very low skilled or unskilled task in this industry. This indicative task is confined to the smallgoods sector, which has a particular need for this very low- level low-volume packing and scale operation for packing small quantities of manufactured meats such as sliced bacon and salami, and sausages. The Union submission appears to wrongly assume that this task exists in all sectors and can be moved to and equated with a different packing classification with higher skills, greater training, and significantly more stamina, so as to constitute this very low-level task as deserving a higher classification and a higher income. General packing with the use of scales can be retained as at MI3 in meat manufacturing where it has been placed for many decades. There is no reason to suggest that this classification was set over many decades without taking into account the context in which it occurs, and the other factors that contribute to work value assessments. More substantial tasks involving heavy items, close inspection and quality control, greater responsibility, and knowledge of client specifications et cetera, are generally found within the meat processing sector and classified higher than the low skilled or unskilled MI3 tasks.</p>
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		The Union proposal to create a generic “packing” classification, where “packing” is not a generic function in this industry, is misconceived and wrong.
Ham and Bacon Curer	No Change	No Response
Trimmer	No Change	No Response
Using knives for cleaning or preparing meat immediately prior to packing CHANGE TO Employees using knives except where otherwise specified	The main distinction which already exists between MI3 and MI4 is the involvement of skilled knifework. This amendment creates a generic knifework task at MI4 in lieu of highly specific tasks concerning what knives are used for, and therefore removes the ambiguity. Legal reference: s 160, FW Act.	There is no ambiguity in this clause. No changes are supported. The only outcome to this change is an increase in classification for the current Level 3 employees without any changes to their roles and without a work value case. This change is not supported by any evidence or any merit submission. There is no difficulty with the specification of the particular tasks which it is required to be performed using knives. Adding lower-level classifications to a newly created high-level classification with no work value justification whatsoever, is not able to be undertaken in accordance with the award modernisation principles.
Use of non-licensed product handling equipment CHANGE TO Use of non-licensed product handling equipment. Insert definition in Schedule A of non-licensed product handling equipment, such that it is defined as: “Equipment that requires a license to use, as may be	The insertion of a definition greatly assists in improving the clarity of the Award, because as it stands, the term “non licensed product handling equipment” is ambiguous as to what it includes and may result in misclassification. Legal reference: s 160, FW Act.	It is not accepted that the words “non-licensed product handling equipment” need further clarification and definition, as it applies to any product handling equipment that is not required to be licensed 'Non-licensed' product handling equipment appears is a reference to pallet jacks & similar, which a general labourer would use as part of their tasks. Licensed equipment includes a forklift, mobile crane or motor vehicle. The language is slightly inapt but not confusing.

<p>required from time to time to operate the piece of equipment in any Australian jurisdiction (as applicable to the State or Territory with which the work is being conducted). Examples of equipment that require a license include but are not limited to a motor vehicle, tractor, excavator, forklift, heavy vehicle or otherwise.”</p>		
<p>Basic operation of data processing equipment in or about storage works.</p>	<p>No Change</p>	<p>No Response</p>
<p>Driver of motor vehicle not exceeding 6 tonne carrying capacity CHANGE TO Driver of motor vehicle not exceeding 6 tonne carrying capacity, excluding licensed forklift drivers.</p>	<p>Forklift drivers are already covered by the more specific task at MI5: operator of licensed product handling equipment. The AMIEU is aware of employers who have attempted to erroneously classify forklift drivers at MI4 based on this descriptor. The AMIEU submits that this change creates certainty and improves the clarity surrounding precisely what constitutes a “motor vehicle” and similarly what is excluded from the definition. Legal reference: s 160, FW Act.</p>	<p>AMIC are unsure of the ambiguity here, However, if it is alleged that the existing definitions have been wrongly applied to cover a forklift, which is expressly covered elsewhere in the Award, this is a misapplication of the Award and not a ground for change.</p>
<p>In tanning and other treatment/processing of hides or skins, the task of fleshing,</p>	<p>No change</p>	<p>No Response</p>

<p>buffing, fluffing, curtain coat operating, skating, shaving, glazing, spraying, hand tipping, setting out, sammying.</p>		
<p>In addition to the clerical and/or office tasks listed under Meat Industry Level 3 an employee at this level performs tasks such as more advanced word processing, typing, and filing, generating simple documents, date entries, calculating functions, maintenance of records, operates more than basic telephone equipment and message taking.</p>	<p>No Change</p>	<p>No Response</p>
<p>Slaughterer (calves and beef) Class 3 Feeding cattle from race into box; Slaughterer (pigs) Class 3</p>	<p>The evidence obtained by the AMIEU shows that the slaughter of different species of animals is of equal difficulty (species</p>	<p>These changes relating to the consolidation of classifications relating to the slaughter and treatment of different species are all opposed.</p>

<p>Moving pigs from race to pen</p> <p>CHANGE TO Move animals from race into slaughtering pen, box, or crush</p>	<p>consolidation) based on size, speed, and intensity, which applies to all of the various slaughtering processes. This also includes the significantly higher quantity of slaughter in the same period of time for sheep as opposed to cattle. For the purposes of the entirety of the Proposed MI 5, this point remains the principal argument from the AMIEU's perspective ("Principal argument").</p> <p>There is no difference with respect to the difficulty of task of feeding or moving cattle or sheep from a race into a box, pen, or crush.</p>	<p>These submissions only concern the indicative tasks for level 3 sheep slaughterers. These tasks were included in the Modern Award in 2010, and its predecessors in 1996 with the agreement of the Union and have remained in place in the present position for more than three decades.</p> <p>The submission ignores the fact that "slaughtering" for the purposes of allocation to a classification level consists of a wide range of indicative tasks. No attempt has been made to list and evaluate each of the 22 indicative tasks for sheep slaughtering and the 50 indicative tasks for cattle slaughtering by reference to an identified comparator other than "sheep v cattle". The mere assertion by Mr Smith, and the union submission is that "the slaughter of different species of animals is of equal difficulty, based on size, speed and intensity which applies to all of the various slaughtering processes. This also includes the significantly higher quantity of slaughter in the same period of time for sheep as opposed to cattle" is no substitute for measurement and independent empirical or scientific measurement of the actual work value comparison between indicative tasks conducted in respect of cattle weighing many hundreds of kilograms and sheep weighing approximately 26 kg, which are processed at different speeds, largely because of the size weight and complexity considerations being very much greater in relation to cattle than sheep. The Commission is unable to change classification rates of pay for particular classifications other than on work value grounds. No such grounds have been produced by the union in any empirical or independent or reliable form, addressing the relevant criteria for such a task. It is submitted that it is highly unlikely that they would be able to do so in the circumstances.</p> <p>Further, not only is the size of the animals being processed and the speed of the processing entirely different to a very significant level, a number of the tasks necessary to slaughter small stock and livestock exist in one classification list and not the other. This is demonstrated by the very wide disparity in the actual number of indicative tasks involved in small stock slaughtering and cattle slaughtering respectively and the fact that there have been significant changes in recent years in the ergonomics and design of</p>
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		<p>plants, the size range of stock being slaughtered and the technology used in both small stock and large stock slaughtering. No attempt has been made by the union to provide evidence of contemporary workloads in relation to either form of stock. As there is no probative evidence of any kind as distinct from unsupported self-serving and unlikely assertions all of these changes remain opposed by AMIC.</p> <p>To be clear, AMIC considers that it is not correct to suggest that the relevant aspects of the level 3 work of dealing with small stock should be assessed as having or higher work value than that currently allocated by the award, as contended by the union. They are in many respects very different to other work, particularly that in relation to cattle, and have historically, and correctly, been treated as such for many decades, with the active informed consent of the Union.</p> <p>It is of concern that the Union has commenced this claim without having any objective probative evidence of any kind to prove their principal argument. For example, there is no attempt to establish that the considerations that caused the current relativities set in the Award stretching over more than 30 years have changed in any way, or are no longer valid or relevant on proven work value grounds, or that there are changed circumstances which would make those classifications no longer relevant.</p>
<p>Slaughterer (calves and beef) Class 3 Tying weasands (not in shackling area)</p> <p>CHANGE Move to MI 5</p>	<p>The expert evidence obtained by the AMIEU shows that there is no difference between tying weasands in a shackling area compared to tying weasands not in a shackling area.</p> <p>Accordingly, it is necessary to make the change to ensure</p>	<p>All Tying weasands in the shackling area requires greater skill related to the controls associated with mitigating greater risk of performing the task in that location. The difference in allocation of classification in this manner is not and historical accident. It was a deliberate attempt to reflect the difference in skill involved. No information is provided as to why this apparent anomaly has been allowed to exist by the consent of the Union within the awards for three decades.</p>

	<p>that workers who are tying weasands (not in a shackling area) are paid the same as what they would be paid if they were in a shackling area.</p> <p>Legal reference: s 134(1)(a); s 157(2A).</p>	
<p>Slaughterer (calves and beef) Class 3</p> <p>Washing anus and pit; Rodding weasands; Removing horns;</p> <p>Removal of fore hooves;</p> <p>Remove first hind foot; Change first leg;</p> <p>Remove second hind foot;</p> <p>Change second leg; Pulling tale;</p> <p>Slaughterer (sheep) Class 3</p> <p>Rod weasands;</p> <p>Remove:</p>	<p>Remove to correct the error of having two references to rod / rodding weasands.</p> <p>Tale spelt incorrectly.</p> <p>Legal reference: s 134(1)(g), s 160 FW Act</p>	<p>Tale spelt incorrectly and should be corrected.</p> <p>The only basis upon which the reference to the second “rodding weasands can be removed is if the distinction between sheep and cattle class 3 is removed, which action is opposed.</p>

<p>“Slaughterer (sheep) Class 3 Rod weasands”</p> <p>“Tale” and replace with “tail”</p>		
<p>Slaughterer (calves and beef) Class 3 Remove heads by severing spinal cord and placing on table or chain;</p> <p>CHANGE</p> <p>Move to MI 5</p>	<p>The expert evidence obtained by the AMIEU shows that the process of removing a head by severing the spinal cord better fits within the complexities of MI5.</p> <p>Accordingly, it is necessary and in line with the modern awards objective to move this classification up to MI 5.</p>	<p>This change is opposed. The skill required in this respect varies depending on the hide puller used as part of this task and the order of processing. Further, in very many significant meat processing plants, this role has been rendered far more simple by virtue of the introduction of a mechanical aid which lists and holds the head and depositing on a table or chain, which removes a substantial part of the difficulty of this role. See the evidence of Mr Gleeson. No mention of this development is made in the evidence of Mr Smith, but in any event very substantial probative evidence would be required to justify a change of classification of this kind on alleged work value grounds</p>
<p>Slaughterer (calves and beef) Class 3 Split paddy whack and drop;</p>	<p>Simplify language</p>	<p>No proposal is listed</p>
<p>Slaughterer (calves and beef) Class 3 Placing and removing chains on hide stripper and removing tail skin from hide;</p> <p>CHANGE TO Place or remove chains from hide or pelt stripper.</p>	<p>On the basis of species consolidation, this needs to be amended as a “pelt” is the skin of a sheep.</p> <p>Legal reference: s 134(1)(g), s 160 FW Act</p>	<p>This change is opposed. The skill required to perform the task depends on the type of hide/pelt puller used. Further, there is a clear difference in the skill required to perform this task in cattle and sheep processing. In relation to sheep processing, the pelt is “freed up” prior to pulling and a hoist is not involved</p>

<p>Slaughterer (calves and beef) Class 3 Delete Hide puller</p>	<p>Inconsistent with existing MI6, and hide pulling is an essential task which determines the speed of the entire rest of the chain.</p> <p>To the AMIEU's knowledge this task is always performed by Class 1 slaughterers so this should not result in a practical uplift in classification.</p> <p>Similarly, having two references to the same classification is ambiguous. Legal reference: s 134(1)(a), s 134(1)(g), s 160 FW Act</p>	<p>As above</p>
<p>Slaughterer (calves and beef) Class 3 Push to saw; Pull from saw;</p>	<p>No change</p>	<p>There is no acceptable evidence to support this classification and wage increase</p>
<p>Slaughterer (calves and beef) Class 3 Trimming sides; Trimming forces; Trimming hinds</p>	<p>No change</p>	<p>As above</p>
<p>Slaughterer (sheep) Class 3 Operate restrainer and stun;</p>	<p>No change</p>	<p>As above</p>
<p>Slaughterer (sheep) Class 3 Shackling;</p>	<p>Shackling (not using hoist)</p>	<p>As above</p>

<p>Shackle to fixed hook; Slaughterer (pigs) Class 3 Shackling;</p>		
<p>Slaughterer (sheep) Class 3 Gambrel and slide; Insert spreader;</p>	No change	
<p>Slaughterer (sheep) Class 3 Remove spreader;</p>	No change	
<p>Slaughterer (sheep) Class 3 Opening up</p> <p>CHANGE</p> <p>Delete/move to MI6.</p>	<p>Evisceration is the same level of difficulty on both small stock and large stock.</p> <p>Legal reference: s 157(2A), s 134(1)(a), s 134(1)(g), s160, FW Act</p>	<p>This task is not generic. It differs very substantially as between small stock and cattle. The physical effort and force involved in removing the rectum and the viscera is far greater in the case of cattle and small stock. See the evidence of Mr Gleeson and Mr Clancy. This change is opposed</p>
<p>Slaughterer (sheep) Class 3 Clear rectum gut and bladder;</p> <p>CHANGE</p> <p>Delete</p>	<p>The expert evidence obtained by the AMIEU shows that the process of dropping rectum and/or clearing rectum gut and bladder is the same or substantially the same as one another. This already exists at MI5.</p> <p>On this basis it is necessary for the Award to be amended and for dropping rectum to be moved to MI 5 as the tasks are the same.</p> <p>Legal reference: s 157(2A), s 134(1)(a), s 134(1)(g), s160, FW Act</p>	

<p>Slaughterer (sheep) Class 3 Strip rectum gut; Tie rectum gut</p> <p>CHANGE</p> <p>Move to MI5.</p>	<p>See above – this is a sheep specific task but fits within the same category.</p>	<p>This change is opposed. The task involves limited use of a knife but does require some skill. It is currently classified within Class 3 of sheep slaughtering, which is appropriate. There is no evidence to justify the change by comparison to any other cattle slaughtering activity, because there is no such true comparator.</p>
<p>Slaughterer (sheep) Class 3 Trimming</p> <p>CHANGE</p> <p>Delete</p>	<p>Superseded by generic trimming task.</p> <p>Legal reference: s 134(1)(g)</p>	<p>As above</p>
<p>Pushing to scalding; Dehairing;</p> <p>CHANGE Push carcass to scald tank; Operate dehairing machine;</p>	<p>Clarification of language and improvements to grammar. The existing language is also ambiguous and ought to be amended on the same basis.</p> <p>Legal reference: s 134(1)(g) 160, FW Act</p>	<p>Wording is not ambiguous or unclear</p>
<p>Tow capping</p> <p>CHANGE Toe capping (remove toenails)</p>	<p>Incorrect spelling</p> <p>Legal reference: s 160, FW Act</p>	<p>Spelling error is accepted</p>
<p>Dropping rectum;</p> <p>CHANGE</p> <p>Move to MI 5</p>	<p>The expert evidence obtained by the AMIEU shows that the process of dropping rectum and/or clearing rectum gut and bladder is the same or substantially the same as one another.</p>	<p>As above</p>

	<p>On this basis it is necessary for the Award to be amended and for dropping rectum to be moved to MI 5 as the tasks are the same.</p> <p>Legal reference: s 157(2A), s 134(1)(a), s 134(1)(g), s160, FW Act</p>	
Shaving;	No change	
Singeing;	No change	
Washing;	No change	
Trimming	No change	
NO CHANGE		
<p>Removing head meat</p> <p>CHANGE Move from MI3 and replaced with "Trimming".</p>	<p>See above submissions at MI3.</p> <p>Legal reference: s 134(1)(a), s 134(1)(g), s 157(2A), s 160 FW Act</p>	<p>See earlier submissions as to removing head meat. This change is opposed. This is simply an unsubstantiated attempt to obtain a reclassification and pay increase without conducting any form of work value case, as required. The</p>

Current MI5

Meat retail establishment stream	Salesperson; Slaughterer (associated with a retail butchers' shop).
Meat manufacturing establishment stream	Slaughterer; Tunnel boner.

Meat processing establishment stream	Slaughterer (calves and beef) Class 2 (knocking; shackling (chaining and hoisting); pithing; tying weasands (in shackling area); cheeking; skinning heads; removing forefeet including skinning foot and saving sinew; cleaning and dropping rectum gut and bungs; mark or strip tail; remove muzzle piece; remove fore shanks; cut aitch bone; mark and saw briskets; Slaughterer (pigs) Class 2 (stunning, gambrelling).
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All meat industry streams	<p>Slicer; Sawyer; Bench power saw operator (breaking up); Employee directly connected to the slaughter floor—tasks such as knocking and making tallow; Employee indirectly connected with the slaughter floor – tasks such as making tallow; Lining up, backing down and chopping or sawing down (pigs); Operator of rendering machinery; Operator of other by-product machinery; Driver of motor vehicle exceeding 6 tonne carrying capacity; Use of licensed product handling equipment; Tractor driver; Auto-truck or tow motor drivers; More advanced operation of data processing equipment than in Meat Industry Level 4 in or about storage works; In tanning and other treatment/processing of hides or skins, the task of currier, colour matching/mixing, chemical mixing, splitting and classing/sorting not elsewhere covered; In addition to the clerical and or/office tasks listed in Meat Industry Levels 3 and 4, an employee at this level performs more detailed tasks such as: retrieving data; maintaining appropriate records; transcribing into records; producing more advanced documents; applying knowledge of clerical and/or office operating procedures; sorting and processing and recording from original source documents; identifying and extracting information from internal and external sources; and computer</p>
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	<p>program applications commensurate with tasks.</p>
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Proposed MI5

Meat retail establishment stream	Salesperson
Meat processing establishment stream	<p>Slaughterer class 2: (tasks listed below) Knock or stun animal (render unconscious) Shackling (using hoists)</p> <p>Operate hoist in slaughter area</p> <p>Skin heads / scalping</p> <p>Remove forefeet, foreshank or trotters using conventional knife (knuckling)</p> <p>Clear and drop rectum gut and bung (Anus) Strip rectum gut; Tie rectum gut</p> <p>Remove muzzle piece</p> <p>Mark and cut briskets with saw or scissors Free with knife and / or tie weasands</p> <p>Open knuckles on foretrotters using conventional knife</p> <p>Cut aitch bone</p>

All meat industry streams	<p>Slicer</p> <p>Operator of rendering machinery;</p> <p>Operator of other by-product machinery;</p> <p>Driver of motor vehicle exceeding 6 tonne carrying capacity;</p> <p>Use of licensed product handling equipment. Tractor driver; Auto-truck or tow motor drivers Forklift operator</p> <p>More advanced operation of data processing equipment than in Meat Industry Level 4 in or about storage works</p>
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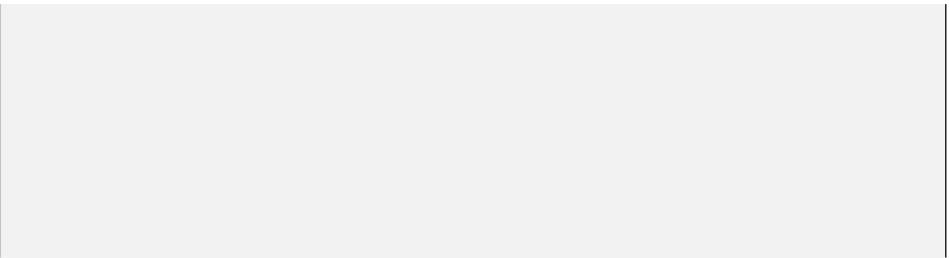
In tanning and other treatment/processing of hides or skins, the task of currier, colour matching/mixing, chemical mixing, splitting, and classing/sorting not elsewhere covered.

In addition to the clerical and or/office tasks listed in Meat Industry Levels 3 and 4, an employee at this level performs more detailed tasks such as: retrieving data; maintaining appropriate records; transcribing into records; producing more advanced documents; applying knowledge of clerical and/or office operating procedures; sorting and processing and recording from original source documents; identifying and extracting information from internal and external sources; and computer program applications commensurate with tasks.

MI5 with proposed wording and short submissions (excluding slaughtering rationalization)

<u>Current wording</u>	<u>Reasons/short submissions</u>	AMIC Hearing Response
Salesperson	No change	
<p>Delete Employee directly connected to the slaughter floor – tasks such as knocking and making tallow.</p> <p>Employee indirectly connected with the slaughter floor – tasks such as knocking and making tallow.</p>	<p>This is ambiguous, and the AMIEU refers the Commission back to MI3 and the submissions with respect to being “directly connected to the slaughter floor.”</p> <p>Knocking is already classified on its own at MI5 and knocking itself is extremely connected to the slaughter floor (it is the start of the slaughter floor). The making of tallow involves creating products such as fertilizer from the animal fat (by- product) – these two tasks never ought to have made their way into the same sentence in the Award.</p>	<p>See earlier submissions on the subject these words do not form a classification or indicative task in their own right.</p>

The AMIEU submits that the entire provision is ambiguous in that the same task can't possibly be both directly and indirectly connected to the slaughter floor. It serves no functional purpose.
Legal reference: s 134(1)(g), s 160, FW Act



<p>Operator of rendering machinery;</p> <p>Operator of other by-product machinery;</p>	<p>No change</p>	
<p>Driver of motor vehicle exceeding 6 tonne carrying capacity;</p>	<p>No change</p>	
<p>Use of licensed product handling equipment;</p>	<p>Use of licensed product handling equipment.</p> <p>Insert definition in Schedule A to define <u>licensed product handling equipment</u> as:</p> <p>“Equipment that requires a license to use, as may be required from time to time to operate the piece of equipment in any Australian jurisdiction (as applicable to the State or Territory with which the work is being conducted).</p> <p>Examples of equipment that require a license include but are not limited to a motor vehicle, tractor, excavator, forklift, heavy vehicle or otherwise.”</p>	<p>AMIC does not see the necessity for this change, but is not opposed to it occurring.</p>
<p>Tractor driver; Auto-truck or tow motor drivers;</p>	<p>No change</p>	

More advanced operation of data processing equipment than in Meat Industry Level 4 in or about storage works;	No change	
In tanning and other treatment/processing of hides or skins, the task of currier, colour matching/mixing, chemical mixing, splitting, and classing/sorting not elsewhere covered;	No change	
In addition to the clerical and or/office tasks listed in Meat Industry Levels 3 and	No change	

<p>4, an employee at this level performs more detailed tasks such as: retrieving data; maintaining appropriate records; transcribing into records; producing more advanced documents; applying knowledge of clerical and/or office operating procedures; sorting and processing and recording from original source documents; identifying and extracting information from internal and external sources; and computer program applications commensurate with tasks.</p>		
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Proposed MI5 with Slaughtering Consolidation

Original wording	Short Submissions	AMIC Response to Hearing
<p>Slaughterer (associated with a retail butcher shop)</p> <p>CHANGE Move to MI6</p>	<p>The work of a slaughterer in a retail or manufacturing establishment is the same (or substantially) as slaughtering in a processing establishment; if anything the task is more involved due to lack of labour support.</p> <p>The AMIEU submits that the change is necessary to ensure that slaughterers working in retail shops are not disadvantaged compared to their peers in abattoirs.</p> <p>The existence of this classification also creates ambiguity as to which classification may properly apply.</p> <p>Legal reference: s 157(2A), s 134(1)(a), s 134(1)(g), s 160 FW Act.</p>	<p>The basic assertion of the parity between a slaughterer in a retail or manufacturing establishment, and the slaughter in a meat processing establishment is untrue.</p> <p>Whilst a number of the basic tasks being performed are the same, they are not performed in retail or manufacturing under the pressure of a constant speed chain, and the effort and techniques applied can be quite different. Meat processing establishments are required to undertake significant retraining requirements in relation to retail or manufacturing slaughterers before they can be engaged on the chain in a meat processing establishment.</p> <p>This change is opposed.</p> <p>There is no ambiguity the application of the classifications is clearly allocated in the award to persons engaged in slaughtering activity in the respective nominated streams. The indicative tasks for slaughtering only applies in meat processing establishments.</p> <p>To the best of AMIC's knowledge, some retail establishments continue to conduct their own slaughtering operations. Altering this classification in accordance with the application would be to grant a increase in classification and a pay increase to these employees without conducting any, or any proper or adequate, work value case.</p>
<p>Slaughterer (meat manufacturing establishment)</p>	<p>Delete</p>	

<p>Tunnel boner</p> <p>CHANGE</p> <p>Delete</p>	<p>This is inconsistent with the existing definition of a boner, which sits at MI6.</p> <p>Legal reference: s 134(1)(g), s 160 FW Act</p>	<p>This change is opposed because the tunnel boning task involves less skill than the full boning role. It involves marking the joint at either end and pulling the bone with a twist. Historically, unit values in tally systems have supported this difference in skill, with a much lower unit value being applied to tunnel boning than other types of boning: see the evidence of Mr Gleeson, who is a qualified tradesman butcher.</p>
<p>Sawyer</p> <p>CHANGE</p> <p>Band/power saw operator breaking animals into primal cuts</p> <p>Move to MI 6</p>	<p>The sawyer is a skilled position which generally determines the speed of the rest of the chain.</p> <p>Where this work is performed in retail butcher shops it is highly involved, to the extent it is not performed by the butcher who is MI7 or MI8 in any event.</p> <p>Language is amended to capture other kinds of power saw operators breaking animals into primals.</p> <p>Legal reference: s 134(1)(a), s 157(2A), FW Act</p>	<p>Any change to the existing classification would require significant analysis as to whether the existing work value is or is not appropriate, having regard to the different kinds of saws (such as splitting saws and tipping saws) used in the different environments in which they might become utilised. This change is opposed in the absence of any probative and reliable independent evidence.</p>
<p>Bench power saw operator</p>	<p>Delete</p>	

<p>Slaughterer (calves and beef) Class 2 Knocking; Slaughterer (pigs) Class 2 Stunning;</p> <p>CHANGE Knock or stun animal (render unconscious);</p>	<p>Refer to principal legal argument.</p> <p>Legal reference: s 157(2) – (2a), 134(1)(a), s 134(1)(d).</p>	<p>AMIC opposes this change on the basis of its opposition to the consolidation of species and the significant difference in the respective tasks when performed in relation to sheep and cattle.</p>
<p>Slaughterer (calves and beef) Class 2 Shackling</p>	<p>Shackling (using hoists)</p>	
<p>Slaughterer (calves and beef) Class 2 (Chaining and hoisting)</p>	<p>Operate hoist in slaughter area</p>	

		AMIC Response to Hearing
<p>Slaughterer (calves and beef) Class 2 Pithing</p> <p>CHANGE</p> <p>Delete</p>	<p>Antiquated language is superseded by “knock or stun animal.” The expert evidence obtained by the AMIEU shows that pithing is no longer used in plants.</p> <p>Legal reference: s 134 (1)(g), s 160 FW Act</p>	<p>The term refers to two different functions, one of which is no longer used and one of which is a requirement of certain export customers and is still used for that reason.</p> <p>A blanket removal is opposed. Should not be deleted</p>
<p>Slaughterer (calves and beef) Class 2 Tying weasands (in shackling area)</p> <p>CHANGE</p> <p>Free with knife and / or tie weasands</p>	<p>As it stands, tying weasands outside of a shackling area sits at MI4. The tasks are identical.</p> <p>Legal reference: s 134 (1)(a), s 134(g), s 160 FW Act</p>	<p>As per earlier submissions in relation to tying weasands, as the differences between the two tasks are well-established and have existed for very many years. There is no independent probative evidence to the contrary</p>
<p>Slaughterer (calves and beef) Class 2 Cheeking</p> <p>CHANGE</p> <p>Move to MI6</p>	<p>Refer to principal argument.</p>	<p>As above</p>

<p>Slaughterer (calves and beef) Class 2 Skinning heads</p> <p>CHANGE Skin heads / scalping</p>	<p>This task is called “scalping” when done on sheep. It does not currently appear as a standalone task in the classification structure, but in practice is often performed by Class 1 slaughterers.</p> <p>Refer to principal argument. Legal reference: s 157(2) – (2A), 134(1)(a), s 134(1)(d), s134(1)(g).</p>	<p>No reason, valid or otherwise, is advanced in the evidence for the gratuitous elevation of this sheep slaughtering task, which is so insignificant that it is not mentioned as such, into a category of an indicative task of Class 1 slaughterer.</p> <p>Skin heads in cattle slaughtering involves removal of all of the skin from a whole head of the cow, and is a reasonably complex task Scalping in sheep slaughtering involves one single cut and the removal of a single piece of skin from the top of the head. There is no comparison to skinning heads.</p> <p>The change is opposed.</p>
<p>Slaughterer (calves and beef) Class 2 Removing forefeet including skinning foot and saving sinew; Remove foreshanks;</p> <p>CHANGE Remove forefeet, foreshank or trotters using conventional knife (knuckling)</p>	<p>Reference to conventional knife recognises that similar tasks are performed at MI 4 using mechanical Whizard knives which involve less skill.</p> <p>Typically a mechanical cutter is used as against using knife to remove trotters and forefeet.</p> <p>To use a knife is more laborious and more challenging, and needs to be uplifted.</p> <p>Refer to principal argument.</p> <p>Legal reference: s 157(2) – (2a), 134(1)(a), s 134(1)(d),s 134(1)(g), s 160.</p>	<p>This change is said to be requested as a result of confused and erroneous assertions by the Union.</p> <p>It is apparently correctly conceded, consistently with the submissions by AMIC and, contrary to earlier submissions by the Union, that the use of mechanical Whizard involves less skill than the use of a conventional knife. However, a Whizard knife is not used for removing forefeet, skinning the foot and saving sinew, or removing fore shanks, as, unlike a conventional knife, they are not physically capable of performing those tasks.</p> <p>Typicality, a conventional knife is used to break the skin, and a mechanical cutter is used thereafter to progress the task. A mechanical cutter (which is an entirely different tool to a Whizard knife) cannot be brought into contact with skin and hair, and can only be used internally once skin has been broken or removed.</p> <p>The existing clause makes no mention of the technology or tools or mixture of tools which might be used to perform the relevant indicative tasks, and AMIC is entirely unsure why a change is sought which specifies for the first time that this task must be performed using a conventional knife, which is far from the usual case.</p> <p>Not only is this change incomprehensible, in that it appears to create a new class of work which is not currently listed under the current Award for cattle slaughtering. It confuses and mistakes the nature and form of the equipment used, and the reason why it is used. Its only purpose appears to be a somewhat clumsy attempt to conflate the relatively simple task of knuckling sheep with the more difficult and complex task relating to cattle as currently described in the Award.</p>

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<p>Slaughterer (calves and beef) Class 2 Cut aitch bone</p>	<p>No change</p>	
<p>Slaughterer (calves and beef) Class 2 Clearing and dropping rectum gut and bungs;</p> <p>CHANGE Clear and drop rectum gut and bung (anus)</p>	<p>Dropping rectum (current MI4) is near identical to the removal of the gut and bungs.</p> <p>Refer to principal argument.</p> <p>Legal reference: s 157(2) – (2a), 134(1)(a), s 134(1)(g), s 134(1)(d), s 134(1)(g), FW Act.</p>	<p>AMIC opposes the change on the species consolidation ground, as it appears to conflate and confuse the named task associated with cattle slaughtering with the similarly named but simpler and easier task associated with sheep, slaughtering. The roles are not, and cannot be, “near identical”, whatever that may mean, because of the different size and anatomy of animals and speed of activity involved.</p>
<p>Slaughterer (calves and beef) Class 2 Remove muzzle piece</p>	<p>No change</p>	
<p>Slaughterer (pigs) Class 2 Mark and saw briskets</p> <p>CHANGE Mark and cut briskets with saw or scissors</p>	<p>Adopt generic language to incorporate same task for other species.</p> <p>Refer to principal argument.</p> <p>Legal reference: s 157(2) – (2a), 134(1)(a), s 134(1)(d), s 134(1)(g), FW Act.</p>	<p>As above</p>
<p>Slaughterer (pigs) Class 2 Gambrelling</p> <p>CHANGE Move to MI 4</p>	<p>Gambrelling on pigs has been downgraded from MI5 to MI4 for the purposes of consistency of tasks.</p> <p>Refer to principal argument.</p> <p>Legal reference: s 157(2) – (2a), 134(1)(a), s 134(1)(d), s 134(1)(g), FW Act.</p>	<p>This role, like all other indicative tasks, has been assessed as being appropriate for the level to which it has been attached under the Award. No case exists for altering any of the classifications upwards or downwards, and this movement is not supported by any evidence of any comment whatsoever. It is said to be for the purposes of consistency of tasks, without any comparison of the respective tasks having been undertaken.</p> <p>The change is opposed</p>

<p>Lining up, backing down and chopping or sawing down pigs;</p> <p>CHANGE</p> <p>Delete</p>	<p>The work and skill involved in this task is identical to the same work performed by a Class 1 slaughterer in relation to beef and is consolidated into the sawing task at MI6.</p> <p>Refer to principal argument. Legal reference: s 157(2) – (2a), 134(1)(a), s 134(1)(d), s 134(1)(g), FW Act.</p>	<p>There is no independent, empirical measurement or other reliable comparison from which the conclusion in relation to this matter, that the task is identical to the same work performed by a class I slaughterer in relation to beef, could possibly be drawn.</p>
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Current MI6

Meat processing establishment stream	<p>Slaughterer (calves and beef) Class 1 (sticking including removing sweetbreads; skin first leg; skin second leg; pocketing silverside; resetting; flanking; clearing brisket and venting; siding; necking; rumping; backing off; skinning briskets and fore shanks; operating air or conventional knives on hide strippers; operating downward hide-puller; fronting out; sawing down);</p> <p>Slaughterer (beef)—bed and cradle; Slaughterer (sheep) Class 1 (stick, first leg (including papering), second leg (including papering and hanging up second leg), cheek, open neck and spear cut, clear neck and forelegs, clear briskets, free and tie weasand, splitting down and removing trotters, flanking, paunching, and/or additional task where no restrainer is used, catch, stick and shackle);</p> <p>Slaughterer (pigs) Class 1 (sticking, fronting out).</p>
All meat industry streams	<p>Boner;</p> <p>Carcase grader; Skin classer;</p> <p>In addition to the clerical and/or office tasks listed in Meat Industry Levels 3 to 5, an employee at this level requires only some general guidance after training and there is scope for discretion/judgment at this level to provide assistance to clerical persons in clerical levels below.</p>

Proposed MI6

Meat processing establishment stream	Slaughterer class 1: (tasks listed below) Stick animal (Cutting throat) Skin legs (on sheep may include hanging up second leg onto hook); Pocketing silverside; Rosetting Clear flanks Clear udders / pizzles / Wax eyes Clear brisket
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Clear sides Clear cheeks Clear forelegs Clear neck Clear
shoulders

Clear rump / chump Cheeking

Spearcut / Y Cut

Operate hide or pelt puller (including use of knives where necessary)

Split skin

Backing off (peel off pelt or hide) Shave pigs

Front out (evisceration)

Lining or backing down using a knife Sawing down

Bed and cradle

Band/power saw operator breaking animals into primal cuts

<p>All meat industry streams</p>	<p>Slaughterer (associated with a retail butcher shop) Boner</p> <p>Carcase grader Skin classer</p> <p>In addition to the clerical and/or office tasks listed in Meat Industry Levels 3 to 5, an employee at this level requires only some general guidance after training and there is scope for discretion/judgment at this level to provide assistance to clerical persons in clerical levels below.</p>
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Proposed MI6: Inclusive of Slaughtering Consolidation

Original wording	Proposed wording	AMIC Response to Hearing
<p>Slaughterer (calves and beef) Class 1 Sticking (including removing sweetbreads); Slaughterer (sheep) Class 1 Stick Slaughterer (pigs) Class 2 Sticking;</p> <p>CHANGE Stick animal (cut throat)</p>	<p>Species consolidation. Refer to principal argument.</p> <p>Legal reference: s 157(2) – (2a), 134(1)(a), s 134(1)(d), s 134(1)(g), FW Act.</p>	<p>AMIC opposes this change in accordance with its opposition to the consolidation of species.</p> <p>The stated ambition of obtaining consolidation between the work performed on different species by the blanket “consolidation” of indicative tasks for different species, which tasks have been adjudicated over many years as being of a different work value, is not a ground upon which the Commission might act in such a matter to promote indicative tasks into higher classifications and thereby increase the wages of relevant employees.</p>
<p>Slaughterer (calves and beef) Class 1 Skin first leg; Skin second leg; Slaughterer (sheep) Class 1 First leg (including papering); Second leg (including papering and hanging up second leg)</p>	<p>Consolidating tasks and making generic across species.</p> <p>Refer to principal argument.</p> <p>Legal reference: s 157(2) – (2a), 134(1)(a), s 134(1)(d).</p>	<p>As above</p>

<p>CHANGE TO</p> <p>Skin legs (on sheep may include hanging up second leg onto hook);</p>		
<p>Slaughterer (calves and beef) Class 1 Pocketing silverside;</p>	<p>No change</p>	
<p>Resetting</p> <p>CHANGE TO</p> <p>Rosetting</p>	<p>Typographical error.</p> <p>Legal reference: s 160, FW Act</p>	<p>Resetting should be spelt as rosetting</p>

<p>Slaughterer (calves and beef) Class 1 Flanking; Clearing brisket and venting; Siding; Necking; Rumping; ; Backing off; Skinning briskets and foreshanks;</p> <p>Slaughterer(sheep) Class 1; Cheek; Open neck and forelegs; Clear brisket;</p> <p>CHANGE TO Clear flank; Clear brisket; Clear side; Clear neck; Clear rump / chump; Back off (peel off pelt or hide); Clear cheek;</p>	<p>Language needs to change in order for consolidation of species to occur.</p> <p>Refer to principal argument.</p> <p>Legal reference: s 157(2) – (2a), 134(1)(a), s 134(1)(d), s 134(1)(g).</p>	<p>AMIC opposes this change on the basis of its opposition to species consolidation. This change involves the inclusion of indicative tasks and classifications to levels into which they have not been placed in the several iterations of the Award. This movement is said to be justified, not on proven work value grounds but in order to “change the language” in order for consolidation of species to occur.</p>
<p>Slaughterer(sheep) Class 1 Open neck and spear cut</p> <p>CHANGE TO</p>	<p>Spear cut / Y cut</p>	<p>As above</p>

Spear cut/Y Cut		
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<p>Slaughterer (calves and beef) Class 1 Operating air or conventional knives on hide strippers; Operating downward hide-puller;</p> <p>CHANGE TO Operate hide or pelt puller (including use of knives where necessary)</p>	<p>Consolidating tasks and necessary for species consolidation (pelting occurs on sheep, hiding occurs on cows).</p> <p>Legal reference: s 134(1)(a), s 134(1)(g), s 157(2A).</p>	<p>As above. In addition, the pelt of a sheep is substantially smaller and lighter than the hide of a cow, and is far easier to remove. This is usually done by punching rather than by using tools or implements This change is opposed</p>
<p>Slaughterer (calves and beef) Class 1 Fronting out Slaughterer (pigs) Class 1 Fronting out; Slaughterer (sheep) Class 1 Paunching;</p> <p>CHANGE TO Front out (evisceration)</p>	<p>Clarifying language to provide plain English explanation and for multi species consolidation.</p> <p>Legal reference: s 134(1)(a), s 134(1)(g).</p>	<p>Not required. This change is opposed</p>
<p>Slaughterer (calves and beef) Class 1 Sawing down;</p>	<p>No change</p>	

<p>Slaughterer (beef) Bed and cradle</p>	<p>Unchanged</p>	
<p>Slaughterer (sheep) Class 1 Free and tie weasand</p> <p>CHANGE TO Move to MI 5</p>	<p>Consistency with multi-species. Refer to principal argument.</p> <p>Legal reference: s 157(2) – (2a), 134(1)(a), s 134(1)(d).</p>	<p>As above. Whilst similarly described, the task has no relativity to the corresponding indicative task in relation to cattle</p>
<p>Slaughterer (sheep) Class 1 Splitting down and removing trotters</p> <p>CHANGE TO Split skin</p>	<p>Removing trotters is now dealt with in MI 5 for consistency.</p> <p>Legal reference: s 134(1)(a), s 134(1)(d), s 134(1)(g).</p>	<p>As above.</p>
<p>Slaughterer (sheep) Class 1 Flanking</p> <p>CHANGE TO Clear udders / pizzles / wax eyes</p>	<p>Clearing udders is typically treated as part of flanking (as above) but is added here as a separate task for clarity. Change is necessary for species consolidation.</p> <p>Refer to principal argument.</p> <p>Legal reference: s 157(2) – (2a), 134(1)(a), s 134(1)(d).</p>	<p>As above.</p> <p>This change, together with many of the foregoing changes is said to be necessary for species consolidation. Species consolidation is not a ground upon which the Full Bench is authorised to grant increases in wages, in the absence of a valid and sustained work value case</p>
<p>Delete Slaughterer (sheep) Class 1 and/or additional task where no restrainer is</p>	<p>Already covered by items above.</p>	

used, catch, stick and shackle		
Lining or backing down using a knife	Moved from MI5. See descriptor at MI5. Legal reference: s 157(2) – (2a), 134(1)(a), s 134(1)(d), s 134(1)(g).	This change is opposed as it is unclear what is intended
Slaughterer (associated with a retail butcher shop)	Moved from MI5 Legal reference: s 157(2A), s 134(1)(a), s 134(1)(g), s 160 FW Act.	This change is opposed for reasons explained earlier in relation to butcher shop slaughtering.
Band/power saw operator breaking animals into primal cuts	Moved from MI5. See descriptor as MI5. Legal reference: s 134(1)(a), s 157(2A), FW Act	As above

IN THE FAIR WORK COMMISSION

Matter no: AM2021/57

Australasian Meat Industry Employee's Union ("AMIEU")

Applicant

AND

Australian Meat Industry Council ("AMIC")

Respondent

AND

JBS Australia Pty Ltd ("JBS")

AND

Australian Industry Group ("AIG")

Respondent

WITNESS STATEMENT OF CHERYL WOLENS

1. I, Cheryl Wolens – General Manager Workforce Services for AMIC of 2 Innovation Parkway, Birtinya, affirm this Wednesday 26 June 2024.
 - a. I have been asked to undertake research and to collate requested information relating to the Federal Meat Industry award history dating back to the *Federal Meat Award* 1981 through to the current modern *Meat Industry Award* 2020.
2. I have been provided with the following documents to consider in respect of the task set before me:
 - a. AMIEU application to vary the award dated 20 April 2021.
 - b. Witness statements of Graeme Smith, Gary Rolten, Steve Leight and Dr Patrick O'Leary.
 - c. The abridged short AMIEU submission.
3. I have been engaged to work in the Meat Industry since 2019, when I commenced working with Primo Foods as the State Human Resources Operations Manager.
4. Primo Foods is a well-known and sizable ham, bacon and smallgoods manufacturing enterprise with a factory at Wacol which employed approximately 1600 employees across 3 shifts.
5. My role consisted of providing HR Support for two other Queensland sites:
 - >Production Street operation at Wacol - employed approximately 200 people.
 - >Food Partners operation at Riverview - employed approximately 100 people.
6. During this time, I managed the day-to-day HR operations department for the main Primo facility and the other two sites whilst based at Wacol, and provided on the ground

HR, Safety, Recruitment, Learning and Development, Payroll, Injury Management, and Reception for the three sites.

7. I was in this role for approximately 2 years.
8. My role included interpreting the award, as well as negotiating enterprise agreements with the AMIEU and other unions. There were three agreements that I was heavily involved in. The main agreement was for the production operations which included Production Street Facility and the main Primo facility at Wacol. The second agreement was the maintenance agreement. The third agreement was for the Food Partners facility at Riverview.
9. My role was a hands-on role and whilst I did not work on the floor, I visited the work areas frequently with respect to investigating processes, procedures, training and understanding tasks for training requirements, recruitment, award interpretation and negotiation of enterprise agreements.
10. I have also worked with Kilcoy Global Foods as the Head of Human Resources Northern Operations, commencing in April 2022. The role covered the facility at Kilcoy north-west of Brisbane, being a large meat processing establishment, which processed approximately 1500 head of cattle per day, as well as the HR oversight for the new value-add facility at Bells Creek, Caloundra.
11. Kilcoy Pastoral Company was started in 1953 by the Kennedy family and was acquired in 2013 by Hosen Capital. This was the start of the transformation into Kilcoy Global Foods.
12. At the time I was employed, the Kilcoy site employed approximately 1800 employees across a seven day a week operation running a day shift and a night shift.
13. My role involved providing operational HR support to all teams at the facility and included award interpretation, the renewal of the enterprise agreement, training, recruitment, foreign labour and supporting the safety team.
14. During my time in the meat industry, I have certainly been immersed (very quickly and heavily) with my roles. I have faced several challenges that have strengthened my knowledge, experience, exposure and understanding of the industry and the people centric nuances.
15. I am now the General Manager for Workforces Services with the Australian Meat Industry Council and apply my knowledge, experience and industry exposure to my current role with the added advantage of working across all industry including Processing, Smallgoods, Retail, and Exporters. I work closely with our members to provide advice, guidance and assistance with day-to-day matters and have a strong understanding of their concerns and issues and stand as their advocate across many matters.
16. My detailed examination of the award history shows in my opinion, that the union has taken an approach to a number of changes sought in these proceedings which is based

almost entirely on a narrow view of the names attached to certain classifications, rather than examining the history, context and content of the classifications which they now seek to change. History through the awards shows that some tasks were born out of different streams and species and are not the same as this task being performed in different streams and species other than the use of a name. It became apparent quite quickly that very similar worded tasks were described coverage over different streams of the industry, which often had very different meanings in those different industry streams. The difference in meaning and the different context of those terms in the awards from which they originated is often reflected in very different skills and very different work values.

17. I have attached to this statement a tracking summary of the major award clauses which are drawn from historical award sources that are publicly available and that I was able to find during my research, and which I consider may be relevant to the classification/reclassification application made by the AMIEU in this matter. Where I consider there are particular matters of historical importance or relevance to this case, I have added a brief note of my observations in relation to those matters.
18. There are some spelling errors and minor wordsmithing considerations in the modern award that require correction, and these have been noted in the attachment, together with their origin, if that is possible to ascertain.
19. I believe that my award tracking research as recorded in the attachment is historically accurate, and that the notes or observations that I have made in the attachment are, in my opinion, true and correct the best of my knowledge.

Signed: *Cheryl Wolens* Date: 4 July 2024
Cheryl Wolens

Summary of Award History

Current Level	Proposed Level	Task	Relevant History
C14/M1	MI2/3 (very limited tasks in MI2)	Entry level - On the job training	Submission has already been provided in C14 Hearing.
MI2	MI4	Order person delivering meat/meat products	<p>Origin is Retail Award 1981 and delineated from "Carter and Driver" section. Thought to mean push bike and other forms of delivery.</p> <p>The origin of this is Division "B" - Retail Shops. It is Classification 11 - Orderman who delivers but does not cut meat and who is not a carter or driver. The carter or driver area expressed the cars in relation to how much tonnage was involved. Page 22 - Federal Meat Industry Award 1996 shows how the carter and driver part is lifted out of the 1981 Award and shows that the person with just a car or a bike was always meant to be a level 2. The union evidence does not refer to this history. This order man was in smallgoods and if not was meant to be iteratively going up levels out of the carter and driver depending on tonnage.</p>

MI2	MI7	Linker	<p>Origin is the Smallgoods Stream, a lower-level task. The level 7 linking task presupposed a trade qualified butcher doing linking as part of a whole set of tasks, not an employee performing linking as a stand-alone task. The linker role been present since the 1981 Award. Retail certainly use hand linking and it is a junior role that is taught to apprentice butchers. The retail witness stated that it is entirely possible that some manufacturing plants are still using hand linking. The Union proposal is put on the basis that they THINK that this is no longer performed in any more in processing. The reason a linker is attached to a MI7 is because linking is part of a broad overall qualified butcher role which will include linking. In reality, it is a junior role in the retail butchery and done by apprentices. This role has been around since 1981 and hand linking is still undertaken in the retail sector (Birtinya Butchery witness statement), it is also done as a junior role and apprentice role. Linking performed by a machine appears to be common in large meat manufacturing establishments . I also do not think that it is correct to make an argument for redundancy as it can be part of a broader role, this is not an argument for redundancy as the indicative tasks are built as stand-alone tasks and as roles that could including tasks from a number of broad banded categories.</p>
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MI2	MI4,5,6	Slaughterer's Assistant	<p>Origin is the Ham and Bacon section 1981.</p> <p>The role of slaughterhouse assistant comes from Division I in 1981 - the Ham and Bacon section. It is not in the other awards or sectors. In a processing plant for Cattle and Sheep, there was much other labour there to assist, but in Ham and Bacon factories, there was only the slaughterer and the assistant.</p> <p>Insufficient information to determine affirmatively whether the classification has currency</p>
MI2	MI3	Tablehand	<p>Origin is Smallgoods Section 1981 Level 2.</p> <p>The other stream that table was used was in "Abattoirs" /Meat Processing – at the lowest level, "Employee separating and/or handling offal at the eviscerating table".</p>
MI3	MI4	Fillerman	<p>Origin is Smallgoods Section of Award 1981.</p> <p>Fillerman is a separate task in 1981, on a different level to that of a mixing machine operator, and remains so. The evidence discloses that mixing machine operator is the person spicing and seasoning the meat in a mixing machine, whereas a fillerman pipes the said spicy mixture into the sausage or salami casings.</p>
MI3	MI3	Packing Room Hand	No level change

			<p>The slicer and/operating scales task's origin is the Smallgoods Stream in the 1981. The Union application has attempted to bring the "slicing and or operating scales" out of the ham and bacon section and then thought to conflate it with the MI4 (packer/scaler position) out of Smallgoods and the MI5 position of slicer in the processing sector. None of these tasks are related, much less the same - the claim is to ambiguity, but the evidence from the Smallgoods sector is that the two smallgoods tasks which have any weighing component in them are entirely different.</p> <p>Slicer in processing is a very different situation. It is a well recognised separate classification of a highly trained and highly skilled worker the processing sector, and has no relationship to the machine slicing and small quantity weighing in the Ham and Bacon sector</p> <p>The words slicer and/or operating scales is from the Smallgoods Section 1981.</p>
MI3	MI4	Slicer and/or operating scales	
MI3	MI5	Slicer and/or operating scales	Same as above
MI3	Unsure	Employees directly connected to the slaughter floor - tasks as moving cattle sheep up the race	<p>The reference to employees directly and indirectly connected to the slaughter floor has been a) included in here as if it is, in fact, a classification in its own right and b) ambiguous. The origin of these terms is the 1981 Award, in which "employees directly connected to the slaughter floor" was an introductory phrase which introduced which types of indicative tasks came under that expression. It was a grouping sentence, not a classification, in its own right, as it has been characterised with the application has been purported here.</p>
MI3	Unsure	Employees indirectly connected to the slaughter floor - clean tripe or offal)	As above

MI3	MI4	Removal of head meat	<p>From 1981 Origin at Level 2, upgraded to Level 3 in Year 2010 Modern Award.</p> <p>Union states that this knife work fits better within trimming. Expert evidence (Mr Gleason) states removal of head meat has been altered by ergonomic equipment from a reasonably hard job to a far simpler and easier task. The union evidence as to degree of difficulty would appear to be outdated and no longer relevant</p>
MI3	Delete and then make MI4	Operating Whizzard Knifes	<p>The Whizzard knives have been deliberately placed in a lower skill set continuously since 1981. There very clearly seemed to be three levels. Operating a whizzard knife as one of the lowest sets in the classification scale and then the next level is trimming (with higher skill level), and the next one up is boning and slicing (which are qualified and skilled).</p>
MI3	MI4	Wrapping, weighing, pricing, packing and packaging uncooked meat	<p>From the 1981 award onwards, these tasks feature as the second lowest classification in the framework and are therefore rated as an unskilled task. To simply assert, without any evidence, or reference to the terms of the classification itself that this classification is a Quality Assurance role is not supported by any part of the history of this award provision . This does not appear to be the intent of the level across the years at all, and if a quality assurance role has been added to it, it would be expected to be expressly referred to in the classification descriptor</p>
MI3	MI4	Assistants in buffer and fluffer	<p>There does not appear to be any assistant buffers and fluffers throughout the prior history of awards however, it appears that this was included from the award modernisation in 2010 took place. Some larger plans maintained their own hide treatment facilities under this award.</p> <p>There is no award history that explains why these classifications were included in the award in 2010. It can be reasonably inferred that it was intended to be a role to step up to the role of a buffer and fluffer.</p>

MI4	MI5	Cashier	<p>This appears to be an error in relation to the Union interpretation of the definitional material without regard to its history.</p> <p>The definitions all throughout the Awards going back through to 1981 define the difference between a person who is simply using a cash register being distinguished from an employee someone who is a salesperson.</p> <p>A Cashier works the register and has no other skilled work to perform.</p> <p>A salesperson has knowledge of the meat, can cut meat and prepare for sale. This role has skills that justify the difference in classification level and is defined as such. Witness evidence confirms this position, effectively saying in the smaller butcher shops that the "salesperson" is their qualified butcher, as there is no way that they would allow the person skilled in taking the money to cut expensive pieces of meat.</p> <p>Definitions in the Award right up until 2020 are as follows :cashier means an employee engaged to collect and/or process money or other payment tendered for retail sales of meat and/or meat products, and who is not a salesperson Level 4</p> <p>Salesperson means an employee (not being a general butcher) who is employed in a self-service establishment in the replenishing of display or storage cabinets or work associated or employed in a meat retail establishment shop, selling meat products and whose principal responsibility will be dealing directly with customers in respect to sales of meat and other butcher shop products, and who may also perform the following duties:</p> <ul style="list-style-type: none"> (a) cut uncooked meat for weight; (b) wrap meat or smallgoods; (c) divide sausages, Frankfurt's or other smallgoods and for this purpose use a knife for cutting; (d) sell goods already prepared; and (e) prepare counter ready products.
MI4	Unsure	Loaders and Labourers	<p>Is the union suggesting that it goes from a level 4 to a level 3? Unsure of what the union is asking here. Are they suggesting a table hand goes from a level 2 to a level 3.</p>

MI4	MI5	Smallgoods seller from a vehicle	<p>Federal Meat Industry Award 1981 - A smallgoods seller shall mean an employee in charge of a van engaged in soliciting wholesale business fulfilling sales from stocks of meat products carried in the van in exchange for cash or cheque received in payment for such sales or goods sold on credit. Essentially comes from the smallgoods stream and should remain as a level 4 as all through the history we can see this aligned at a level 4 consistently and would not support an increase. It is clearly differentiated in the awards as separate from the carter driver.</p>
MI4	MI4	Packer and/or scaler (smallgoods)	<p>This Packer and/or scale operator is from Smallgoods and seems to have appeared between 1981 and 1996 - in the level 9 system is a Level 5. The cooker/scalder in 1996 seems to have been replaced with a packer/scaler *****</p> <p>A scales operator has various levels and requirements. Therefore, this understanding of scales operator is in line with smallgoods for operating scales, packing ham or bacon into cans</p>
MI4	Unsure	Change wording to be general - Class 3 feeding or moving pigs or cattle tc	Insufficient information to justify any change
MI4	MI5	Tying Weasands in a shackling area	<p>Federal Meat Industry Award 1981 - We think the differentiation is weasands in a shackling area was higher at a Class 2 versus a non-shackling area at a Class 3 - but actually refers to (dressing on rail).</p> <p>Also, the variance from a Level 4 to a Level 5 is the difference between Sheep class 3 and a calves and beef class 2. Not like for like.</p>

MI4	MI5	Remove heads by severing spinal cord and placing on table or chain	Appears in Tally indicative tasks in 1996 as Item No. 13. (Class 3) This relates to beef processing – and has been in place as Class 3 since 1996. The holding of the head was the task has been performed and the lifting and placing on the table or chain, which are the difficult components of this task, are now undertaken for the most part in meat processing by machine designed and used for that purpose (evidence of Gleason). The task therefore decreased in complexity to that of a labourer/knife hand
MI4	Unsure	Placing and removing chains on hide stripper and removing tail, skin from hide	Unsure whether this is just a wording change.
MI4	MI6	Hide Puller	It is actually "operating" downward hide puller in level 6 and just hide puller in level 4 in processing stream. In the 1981 Puller there seems to be a differentiation between hide puller as Class 3 and "Downward hide puller" was a Class 1.
MI4	MI5	Shackling (not using hoist)	Shackle to fixed Hook – Class 3 – in 1981 Award. Slaughterer Sheep Class 3 - Shackle to fixed hook Level 4. Slaughterer Pig Class 3 - Shackling Level 4. Slaughterer Calves and Beef Class 2 - Shackling Level 5. Chain and Hoist level 5.
MI4	MI6	Sheep Opening up	Application asserts that Evisceration is same on sheep and cows. Union states that should move to MI6 as evisceration is the same level of difficulty on both small stock and large stock. Unanimous opinion of all experienced experts called by the respondents entirely refutes this contention .

MI4	MI5	Clear Gut rectum and bladder	<p>Origin Class 3 from 1981. All</p> <p>Meat Processing all streams - Slaughterer Sheep Class 3 - Opening up, clear rectum gut and bladder, strip rectum gut and bladder level 4. Meat Processing stream - Slaughterer calves and beef Class 2 - cleaning and dropping rectum gut and bungs level 5.</p>
MI4	MI5	Strip rectum gut and bladder	<p>Origin Class 3 from 1981</p> <p>Same as above</p> <p>Meat Processing all streams - Slaughterer Sheep Class 3 - Opening up, clear rectum gut and bladder, strip rectum gut and bladder level 4. Meat Processing stream - Slaughterer calves and beef Class 2 - cleaning and dropping rectum gut and bungs level 5.</p>
MI4	MI5	Trimming	<p>Federal Meat Industry Award - Trimming carcasses, sides and quarters, Trimming offal, Washing and trimming tongues, Trimming, And then moves to</p> <p>Meat Processing Stream - Class 3 calves and beef at Level 4 -Trimming Sides, Trimming forces, trimming hinds. Slaughterer Sheep Class 3 - Trimming at level 4. Slaughterer Pigs Class 3 - Trimming at level 4. All meat industry streams - Trimmer at level 4</p>
MI4	MI5	Dropping Rectum	<p>Origin Class 3 from 1981</p> <p>Same as above</p> <p>Meat Processing all streams - Slaughterer Sheep Class 3 - Opening up, clear rectum gut and bladder, strip rectum gut and bladder level 4. Meat Processing stream - Slaughterer calves and beef Class 2 - cleaning and dropping rectum gut and bungs level 5.</p>

MI4	MI5	Removal of head meat	<p>To remove this and reclassify as trimming would cause ambiguity between trimming tasks and potential the removal of cuts such as beef cheeks etc and would add confusion to the job value. This appears to have come from beef processing stream.</p> <p>Federal Meat Industry Award - Employee removing head meat under employees directly connected to slaughter floor (following labour)</p> <p>Went from Level 2 to Level 3 The evidence of Gleason establishes that this work has been dramatically simplified by the introduction of ergonomic assistance called a head chisel which removes the jaw from the skull and exposes the head meat, which is simply and easily retrieved without major obstruction</p>
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MI5	MI6	Slaughterer in a butcher shop	<p>FMIA 1981 – Slaughterman in a butcher shop. Paid as the second highest pay level.</p> <p>Then in 2000 Timework Classification 2000 - Trade qualified slaughterman Grade 10 proposed new level 6. General Butcher (not serving) Grade 8 proposed new level 6. Federal Meat Smallgoods Award 2000 - Slaughterer in abattoir grade 9 proposed new level 5. Ham and Bacon Section - Slaughterer Grade 9 proposed new level 5.</p> <p>Then in 2010 Slaughterer calves and beef Class 3 - level 4. Slaughterer sheep Class 3 - level 4. Slaughterer pigs Class 3 - Level 4. Meat Manufacturing Stream - Slaughterer level 5. Meat Processing Slaughterer calves and beef Class 2 level 5. Slaughterer pigs Class 2 level 5. Meat Processing Slaughterer calves and beef Class 2 - Level 6. Slaughtering beef - bed and cradle level 6. Slaughtering Sheep Class 1 - level 6.</p> <p>From a work value perspective - slaughtering in an abattoir is conducted in an entirely different environment, and at a different pace than a Butcher shop. The environment relates to the intensity, heat, smell and environment of an abattoir in general. More physical in an abattoir due to the repetitive nature with numbers required daily across the operations.</p>
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MI5	MI6	Slaughterer - Meat Manufacturing establishment	<p>FMIA - "Division C Smallgoods Section" Second highest level. Slaughterman in a slaughterhouse associated with a butcher's shop or smallgoods factory.</p> <p>As in 2010 Slaughterer calves and beef Class 3 - level 4. Slaughterer sheep Class 3 - level 4. Slaughterer pigs Class 3 - Level 4. Meat Manufacturing Stream - Slaughterer level 5. Meat Processing Slaughterer calves and beef Class 2 level 5. Slaughterer pigs Class 2 level 5. Meat Processing Slaughterer calves and beef Class 1 - Level 6. Slaughtering beef - bed and cradle level 6. Slaughtering Sheep Class 1 - level 6. Slaughterer Pigs Class 1 - Level 6.</p> <p>From a work value perspective - see previous submission</p>
MI5	MI6	Tunnel Boner	<p>FMIA – 1981 – Origin in Ham and Bacon Section. It appears as one level higher than a boner.</p> <p>2000 Federal Meat Smallgoods Award 2000 - Ham and Bacon Section - Tunnel Boner Grade 8 level 5.</p> <p>2010 MIA Meat Manufacturing Establishment - Tunnel Boner level 5.</p> <p>The tunnel boner appears to be more aligned to retail operations and boner more aligned to processing operations. Tunnel boner appears to have originated in the meat manufacturing in Ham and Bacon and not something that should or would align to a boner in production processes. The two classifications have been created and listed by the industrial parties as separate indicative tasks for many years. The evidence (Mr Gleason) is that it is a relatively simple task and certainly much more simple than the task of boning in the meat processing stream</p>

MI5	MI6	Bench Power Sawyer Operator	<p>FMIA – 1981 Division F – Item 6 of 12 (and paid in the middle)</p> <p>1996 Federal Meat Industry Processing Award - Section C Boning and/or prepacking level 4.</p> <p>2000 Timework Classification 2000 - Current grade 4 - proposed level 4.</p> <p>2010 All Meat streams - Sawyer and Bench power saw operator same level at level 5.</p> <p>The union argument does not make sense. A Sawyer is an employee who breaks down a carcass, side, quarter or other piece using a saw, either for the pre-work-up for boning or in accordance with the required specifications. Doubt the argument warrants an increase in level. Insufficient information as to the case that is made for a change, in light of this history and description.</p>
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MI5	Stays the same but sheep slaughterer is lifted up	Knocking and Stunning	<p>1981 – Second Highest paying job in FMIA</p> <p>FMIA Federal Meat Industry Division A - Abattoir Classification - Knocking and Stunning both connected with slaughter floor and appear at the same level of pay.</p> <p>Timework Classification 2000 - Division A - Abattoir Classification connected directly with slaughter floor level 4.</p> <p>2010 MIA Meat Processing stream - Slaughterer Calves and beef Class 2 - level 5. All Meat Streams - connected directly with slaughter floor tasks such as knocking and making tallow level 5. Slaughterer Pigs Class 2 - Stunning level 5.</p> <p>2020 MIA Meat Processing Establishment stream - Slaughter Sheep Class 3 Stunning level 4. Meat Processing Stream - Slaughter Calves and Beef Class 2 Knocking level 5. Slaughterer Pigs - Class Stunning level 5. Beef knocking is done by the use of a captive bolt whilst the animal is in a restraining device. This is not done in the case of sheep.</p>
MI5	CHECK	Shackling	<p>These two points are the same. 1981 Federal Meat award uses the words Shackling and hoisting under Division A - Abattoir Classification. Chaining and hoisting then appears under MIA 2010 Meat Manufacturing Processing Stream level 5. MIA 2020 - Meat Processing Slaughterer calves and beef Class 2 - shackling (chaining and hoisting) level 5.</p> <p>There is no reference to shackling and hoisting small stock. Only calves and beef. Union case for change is not readily understandable . As per the history - it only appears at a level 5 for calves and beef in both 2010 and 2020 MIAs.</p>

MI5	CHECK	Chaining and Hoisting	<p>Appears in 2010 MIA - Meat Processing Establishment - Tying weasands (not shackling area) level 4. Tying weasands (in shackling area) level 5.</p> <p>2020 MIA - Meat Processing Establishment - Slaughterer Calves and Beef Class 3 - Tying weasands (not in shackling area) level 4. Slaughterer Sheep Class 3 - Rod Weasands level 4. Meat Processing - Slaughterer Calves and Beef Class 2 - Tying weasands (in shackling area) level 5. Meat Processing Slaughterer Sheep Class 1 - free and tie weasands Level 6.</p>
MI5	ALL TYING WEASANDS to stay in MI5 instead of 1 in MI4 and 1 in MI5	Tying Weasands in a shackling area	It appears that weasands are no longer tied but are clipped or secured with a rubber band. Beyond this, the reasoning of the union for a change is that there is no difference between the tasks allocated to 2 different levels in predecessor awards
MI5	MI6	Cheeking	<p>1981 Federal Meat Industry - Division A - Abattoir Classification - Removing Cheek meat (jowelling) connected directly with slaughter.</p> <p>2010 MIA - Meat Processing Establishment - Calves and Beef Class 2 - Cheeking level 5. Meat Processing Establishment - Slaughterer Sheep Class 1 - Cheek level 6.</p> <p>2020 MIA - Meat Processing Establishment - Calves and Beef Class 2 - Cheeking level 5. Meat Processing Establishment - Slaughterer Sheep Class 1 - Cheek level 6. This role has been significantly simplified by the introduction of the head chisel (evidence of Gleason). The Union case does not appear to have taken this into account</p>
MI5	Stays the same but sheep gets lifted up	Scalping	<p>1981 Federal Meat Industry - Division A - Abattoir Classification - Skinning Heads directly connected with slaughter floor. Same level as Knocking No case made for the increase based on award history.</p>

MI5	Class 2	Remove forefeet	<p>1981 Federal Meat Industry - Division A - Abattoir Classification - Skinning Heads directly connected with slaughter floor. Same level as Knocking</p> <p>2010 MIA - Meat Processing Establishment - Calves and Beef Class 2 - Skinning heads level 5.</p> <p>2020 MIA - Meat Processing Establishment - Calves and Beef Class 2 - Skinning heads level 5.</p>
MI5	Original sheep upgrade	Clear rectum gut and bungs	<p>1981 Federal Meat Industry - Slaughterer Class 3 Sheep - Clear rectum gut and bladder level 3. Slaughter Calves and Beef Class 2 - Cleaning and dropping rectum gut and bungs.</p> <p>2010 MIA Meat Processing stream - Slaughterer Sheep Class 3 - Clear rectum gut and bladder and strip rectum gut level 4. Meat Processing Establishment - Calves and beef Class 2 - Cleaning and dropping rectum gut and bungs level 5.</p> <p>2020 MIA Meat Processing stream - Slaughterer Sheep Class 3 - Clear rectum gut and bladder and strip rectum gut Level 4. Slaughterer Pigs Class 3 - dropping rectum level 4. Slaughterer Calves and Beef Class 2 - Cleaning and dropping rectum gut and bungs level 5.</p>

			<p>1981 Federal Meat Industry - Slaughterer Calves and Beef Class 2 - Mark and saw briskets</p> <p>2000 Meat Processing 2000 - Mark and saw briskets Class 3 proposed level 4.</p> <p>2020 MIA Meat Processing Stream - Slaughterer Calves and Beef Class 2 - Mark and saw briskets level 5.</p>
Mi5	Original sheep upgrade	mark and Saw briskets	
MI5	MI4	Gambrelling	A downgrade?
			<p>Processing and Sawing down appears in 2000</p> <p>Processing Award 2000 - Class 1 Employee lining down, backing down and chopping or sawing down pigs - level 4</p> <p>2010 MIA - All meat industry streams - Lining up, backing down and chopping or sawing down pigs level 5.</p> <p>2020 MIA - All meat industry streams - Lining up, backing down and hopping or sawing down pigs level 5. Slaughterer Sheep Class 1 - Splitting down level 6.</p>
MI5	MI6	Lining up and sawing down	
			<p>Appears in 2000 Processing Award 2000 - Hide puller level 3. Operating downward hide puller level 5.</p> <p>2010 MIA Meat Processing Establishment - Hide puller level 4. Slaughterer Calves and Beef Class 1 - Operating downward hide puller level 6.</p> <p>2020 MIA Meat Processing Establishment - Hide puller level 4. Slaughterer Calves and Beef Class 1 - Operating downward hide puller level 6.</p>
MI6	Pull up sheep	Pull up hide or pelt puller	

MI6	Pull up sheep	Evisceration	<p>1981 Federal Meat Industry Class 3 - Opening Up</p> <p>2000 Processing Award 2000 - Class 3 - Opening Up Level 3</p> <p>2010 MIA - Slaughterer Sheep Class 3 - Opening Up level 4. Meat Processing Establishment - Slaughterer Calves and Beef Class 1 - Fronting Out level 6. Slaughterer Pig Class 1 - Fronting out level 6.</p> <p>2020 MIA - Meat Processing Establishment - Slaughterer Calves and Beef Class 1 - Fronting out level 6. Slaughterer Pigs Class 1 - Fronting out level 6.</p> <p>Fronting out appears to be consistent wording for Calves and Beef and Pigs. Sheep to do not appear to be included in the same way (opening up for sheep) for reasons that are not clear in the award history.</p>
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IN THE FAIR WORK COMMISSION

Matter no: AM2021/57

Australasian Meat Industry Employee's Union ("AMIEU")

Applicant

AND

Australian Meat Industry Council ("AMIC")

Respondent

AND

JBS Australia Pty Ltd ("JBS")

AND

Australian Industry Group ("AIG")

Respondent

WITNESS STATEMENT OF NEVILLE BERNARD TAME

1. I, Neville Bernard Tame of 10 Tarrabool Street, Westlake 4074, Meat Industry Industrial Consultant hereby make the following statement: –

2. I am a self-employed consultant engaged in advising various participants in the meat processing industry in relation to employment, human resources, and industrial relations issues in that industry, primarily involving the application of the Meat Industry Award 2020.

3. I have been employed or engaged in or in connection with the meat industry, with a focus and expertise on employment and industrial relations matters since 1971. My work and engagement have included the following:
 - 1965- 1971 Paymaster Sigma Pharmaceuticals.

 - 1967-1971 Paymaster -Champion Meat Packing Company Pty Ltd (previously Newport Freezing Works).

 - 1971-1977 Industrial Officer at Champion Meat Packing Co. Pty Ltd. Division of R.J. Gilbertson Pty Ltd.
Responsible for resolving HR and Industrial matters on plant.

 - 1977 to 1983 Industrial Officer of the Victorian Meatworks Association.
Industry advocate for major meat companies operating in Victoria, all of whom were members of the Meat and Allied Trades Federation, which was a predecessor to AMIC.
VMA members were respondent to the Victorian Meatworks and Byproducts Agreement Award 1976 which operated in isolation from the Federal Meat Industry Interim Award 1965.

I represented approximately 38 companies who employed

over 15000 employees operating in all sectors of the meat processing industry.

I was responsible for resolving HR and industrial issues for Members.

1983 to 1986 Executive Officer of the Victorian Meatworks Association.

I was responsible for negotiating with the AMIEU the terms and conditions of the Victorian Meatworks and Byproducts Agreement Award 1976.

I represented all members on proceedings before the then Conciliation and Arbitration Commission, and was responsible for resolving HR and industrial issues for members.

1978 1981 Employer representative on the following Victorian State Wages

Boards: -

Slaughtering for Export Award.

Rendering Award.

Casings Award.

Byproducts Award.

1983 to 1986 Representative /member on the following: -

Victorian Liveweight Selling Review Committee.

Victorian Livestock Marketing Study Group. Co-authored the initial language for Computer Aided Livestock Marketing (CALM)

1986 to 1988

Assistant National Director of Industrial Relations for MATFA.

The Victorian Meatworks Association merged with MATFA in 1986 and I was then appointed to this position.

Reported to National Director of Industrial Relations.

Represented MATFA members in proceedings before the Conciliation and Arbitration Commission, and negotiations with various unions including the AMIEU on a range of industrial issues.

Responsible for resolving HR and industrial issues for members.

1988 to 1989 National Director of Industrial Relations for MATFA.

Responsible for negotiating with the AMIEU the terms and

conditions of the Federal Meat Industry Award

Represented all members on proceedings before the then
Conciliation and Arbitration Commission.

Responsible for resolving HR and industrial issues for members.

1989 to 1991 Industry Consultant.

On resigning from the above position,

I set up my own business and consulted to many companies in
the meat and other industries.

I was also retained by MATFA on an ongoing contractual basis.

1991 to 2004 Assistant General Manager Industrial Relations and
Personnel

Australia Meat Holdings Pty. Ltd. (AMH).

Together with the General Manager I was responsible for
negotiating and resolving on plant HR and industrial issues
with various unions at all sites.

Represented my employer in proceedings before the IRC.

Employer representative at MATFA industrial relations
meetings and Commission proceedings.

2004 to 2009 General Manager Industrial Relations and Personnel for
Swift

Australia Pty. Limited (formerly AMH) and subsequently JBS.

The company employed over 7000 employees at that
time.

I was responsible for negotiating and drafting all the initial
and subsequent Enterprise Agreements for AMH and its
subsequent owners at all its operations until 2009.

Represented my employer in proceedings before the
Commission.

2009 to now Consultant to numerous meat processing companies and
employers in other industries

Those companies include, but is not limited to: -

Oakey Beef Exports,

Thomas Borthwick and Sons (Australia) Pty. Ltd. Mackay,

The Northern Co-Operative Meat Company,

Cassino RSM Processing.

Casino Hide Tanners.

Harvey Industries Group Pty Ltd.
Richmond Dairies Pty Ltd.
Rio Tinto.
Wilmar Gavilon Pty Ltd.

History of Wage Rates and Classifications.

4. To the best of my knowledge, classifications for Class 1,2 and 3 slaughterers for beef, calves, sheep and pig slaughtering have been in the Meat Industry Award 2020 and its historical equivalents since at least 1965.
5. The National Wage Case August 1989 provided that adjustment of pay would be allowable for completion of successful exercises under the 'structural efficiency' principle. It provided for all award rates to be 'broadbanded' into generic classification levels, to replace the hundreds of award rates set by reference to a narrow function. Award rates were to be set by reference to the metals and building tradesperson rate of \$356.30 and \$50.70 per week supplementary payment. They were to be set on the basis of 'relative skill, responsibility and the conditions under which the particular work is normally performed'.
6. As I recall, because of that decision, MATFA (as AMIC was then known), had a series of discussions with the AMIEU in relation to relativities and the application of the structural efficiency principle as they related to classifications in the Federal Meat Award.
7. In my capacity as either the National Director of Industrial Relations for MATFA or as a consultant there to, I represented MATFA in the negotiations surrounding the relativities and broadbanding of the 91 classifications in the Federal Meat Industry Interim Award 1965.
8. I prepared all the documentation and calculations for the broadbanding of classifications and relativity percentages of the wage rates based on the Full Bench decision as they related to the Metal Industry Award.
9. There were serious debates during those discussions however the AMIEU did not raise any issue in relation to the classification of the indicative tasks for Class 1,2, and 3 slaughterers of beef, calves, sheep or pigs.
10. It is my recollection that ultimately those negotiations resulted in agreement being reached between MATFA and the AMIEU, on what the parties generally referred to as the Minimum Rates Adjustments (MRA's) which were subsequently approved by the Commission and inserted in the Federal Meat Industry Award at about that time.

Rationalisation of Federal and State Meat industry Awards and Agreement Awards.

11. During the early 1990's the AIRC decided to rationalise and simplify Federal and State Awards and Agreements.
12. There was a significant number of Federal Awards, State Awards and Agreement Awards that existed in the meat industry throughout Australia.
13. At the end of that process, mostly presided over by Commissioner Leary (as her Honour then was), three separate sector Federal Awards were made by a Full Bench of the AIRC in 1996, which converted Parts 1,2 and 3 of the Interim Award, into a separate Retail Award, a Smallgoods Award and a Meat Processing Award.
14. I was heavily involved on behalf of employer parties, including AMH and the National Meat Association in the preparation, research and negotiation with the unions including the AMIEU, which led to consolidation of a very large number of Federal and State awards, and the making of the three separate awards referred to above.
15. During that award rationalisation process, the simplification process, the relativities process, the supplementary payments debate and the classification broadbanding negotiations, I can say from my personal knowledge derived from having conducted those processes on behalf of most of the employers in the meat industry throughout Australia until 1991 and thereafter for AMH, there was never any issue raised by the AMIEU, in relation to the classification of indicative tasks and rates for beef, calves, sheep and pig slaughterers.
16. If any such issue had been raised during that period, I was the person representing the interests of employer/s in those issues who would have been required to deal with that issue, and my clear recollection is that no such issue was raised during that time. As a result, the classification structures in those three awards were presented to the Full Bench in 1996 by way of agreement between all of the industrial parties, including the AMIEU.
17. Likewise, I am not aware of any issues raised by the AMIEU in relation to any other relativities and/or classifications for employees who are generally regarded as labourers in the three industry sectors as defined in the Meat Industry Award 2020. Again, if such issues have been raised, they would have been raised with me, particularly in relation to the processing sector, and my clear recollection is that this did not occur.

Broadbanding of Classifications and Wage Rates.

18. To the best of my knowledge, prior to the current application, the AMIEU has not raised any issues with the indicative tasks of slaughterers, or the levels at which those various indicative tasks have been placed in the classification structures. Nor has the AMIEU

sought any amendment to the broadbanding, reclassification and rationalisation of labourers' tasks, throughout the whole period since the number of classifications in the 1965 Award were reduced from 91 to 8, in the form in which they now appear in the 2020 Award because of the MRA agreed rates and classifications.

19. There have been many occasions since those MRA amendments were made to the Award when the AMIEU could have raised these matters if they were of realistic concern and where it would have been appropriate and relevant to do so, and no issue has been raised.
20. From my own personal experience throughout my career since 1965 combined with the MRA amendments this stability in the terms of the existing classification structures and relativities, particularly in relation to slaughterers and other less skilled roles, has meant that these factors have become an embedded feature in the financial costings and assumptions adopted throughout the meat industry.
21. This stability has been a result of a long sequence of consent arrangements and awards having been put in place with the agreement of the employers and the AMIEU over almost 6 decades.
22. To suddenly change those classifications and significantly increase award wages outside the normal cycle of national wage increases is likely to cause very serious costing and pricing difficulties for many employers. Depending upon the price / cost margins which are governing their businesses, this could have a significant effect on the viability of many businesses, particularly small and medium businesses which are currently operating by reference to the award.

Enterprise Agreements.

23. Prior to and since the inception of Enterprise Agreements, I have been involved in negotiating with the AMIEU on Award and Enterprise Agreements in all States except South Australia.
24. I have negotiated and drafted at least 100 Enterprise Agreements for various employers with a range of unions. Until very recently, I have had to maintain my knowledge of actual and potential issues that were pertinent or likely to concern EA negotiations, having regard to the legislative requirements of the Fair Work Act.
25. Prior to and since the MRA process, I have not once heard any concern expressed by the AMIEU at a Federal or State level about the relevance or accuracy of the indicative tasks in the Award for slaughterers or ancillary labourers. This would have been an important issue, because it would directly relate to compliance with the BOOT test, and the other financial considerations relating to the making of agreements.
26. In addition to the considerations relating to the importance of stable award structures in the award, the situation is equally, if not more, important in cases where many meat industry employers have negotiated Enterprise Agreements based on their obligations under the Award and the BOOT test.

27. Usually, employers consider annual National Wage Case increases in formulating wage rates in any proposed EA.

28. Unexpected Award increases, like the AMIEU is attempting to achieve by this application, could mean that employers will be obliged to further increase wage rates in their EA's which were negotiated in good faith having regard to the Award provisions at the time of their making. This can have very serious adverse effects for the viability of some businesses.

Signed: N. Tame Date: 4.7.2024
Neville Tame

IN THE FAIR WORK COMMISSION

Matter No: AM2021/57

Matter: Application to vary the *Meat Industry Award 2020*

WITNESS STATEMENT OF SHANE ANTHONY CLANCY

I, Shane Anthony Clancy, of 36 Innovation Parkway, Birtinya, in the State of Queensland, say as follows:

My roles with Kilcoy Global Foods

1. I am currently employed as the Strategic Project Lead at Kilcoy Global Foods (**Kilcoy**), a multi-species meat processing group which owns several meat processing facilities. I have been in my current position for the past 4 years.
2. In my current role, I am responsible for ensuring the efficient and up to date running of meat processing plants. This includes leading innovation in the company, identifying opportunities for improvement in meat processing, conducting due diligence on new plants that are starting up, as well as operational reviews which seek to ensure that every part of the process line in a meat processing facility is as efficient as possible and is capable of higher productivity.
3. In my role, I have to understand every single part of the process so that I can come up with ways in which that process can be improved. A good illustration of this is the fact that I have had to design our new state of the art boning room facility at Kilcoy from scratch using my knowledge of the process for each position and how different meats are processed that was a \$50,000,000 project. I am currently redesigning our recently acquired beef plant at Lance Creek. We are investing \$100,000,000 over two years on this new build.
4. Kilcoy now employs world leading AI led processing. This involves a system employing robotics under AI guidance. Under this system, robots cut carcasses prior to those carcasses processing to the boning room. This is world first technology.

5. The Kilcoy group has three main processing plants in Australia:
 - (a) KGF Kilcoy - which originally was a lamb, goat and beef processing facility, but which now concentrates on beef processing;
 - (b) KGF Kyneton – which processes beef, lamb and goats;
 - (c) KGF Lance Creek – which is a beef processing facility.
6. In my current role, I am responsible for due diligence from a processing point of view for all facilities.
7. Prior to my current role as the Strategic Project Lead, I spent 20 years as the General Manager of Operations for Kilcoy. This involved the day to day running of the plant and general oversight of all aspects of the operations of the Meat Processing Facility. Part of this also involved oversight of Human Resources and Industrial Relations. In that role, I needed to know everything about the process that took place at the plant including all aspects of the slaughtering and boning.
8. During my time as General Manager of Operations, the business of Kilcoy grew strongly, year on year at a rate of 10-20%. When I first started in the role, Kilcoy slaughtered 400 cattle per day, employing 400 staff and operated 5 days per week. However, since I led the introduction of a new enterprise agreement, we introduced a new 7-day unique operating arrangement. We now operate 7 days per week, 330 days per year. In the last 18 years, Kilcoy has not stopped processing whereas some of our competitors cannot guarantee continuity in their plants.
9. We now employ 1550 people at just one of our sites and we have one of the largest grain fed beef processing plants in the Southern Hemisphere.

My experience in the meat industry

10. My work for Kilcoy Global Foods has been informed by a lifetime of experience in the meat industry. In all, I have 46 years of experience in the meat industry.
11. I have worked in the meat industry since 1978, when at the age of 14 I was first employed as a sweeper in a meat processing plant.

12. Within 6 months of starting, I started slaughtering working with pork, lamb and beef.
13. Soon after obtaining my driver's license I travelled around Australia looking for slaughtering work. Throughout my career on the processing floor (which spanned 19 years prior to being promoted into management roles), I had diverse jobs which involved all aspects of meat processing work, from skinning to slaughtering and to boning. Throughout my career, I have worked on various species (including lamb solo/conventional/Inverted dressing systems, beef solo/rail campac systems upward and downward hide pullers , goat, deer and buffalo) and I am well aware of the differences involved in the processing of various species.
14. More than this, during my time in the meat industry, I have seen considerable change in facilities from solo slaughtering to the transition over to the rail system of slaughtering and finally to the chain driven or Campac systems. I have also seen changes such as the transition from the solo dressing of lamb on the ground to conventional systems to the inverted slaughtering system.
15. Some notable hands-on roles included working for:
 - (a) Ralphs at Cranbourne in Victoria;
 - (b) Castricum Brothers at Dandenong in Victoria;
 - (c) Bunbury Meats in Western Australia;
 - (d) Robs Jetty in Western Australia
 - (e) Wodonga Meats in Victoria;
 - (f) Ferntree Gully Meats in Victoria; and
 - (g) Point Stuart in the Northern Territory.
16. Most of these roles were in multi-species plants.

17. Notably in my role at Castricum Brothers I was also employed for three years as a trainer for slaughters of lamb and beef. At the time, Castricum Brothers was a very large exporter.
18. I transitioned to plant management in my role as Plant Manager for Garfield Meats in 1995. From then on, I managed processes within plants and ensured efficient production across species.
19. Notably, as part of my work over the years, I have also been responsible for s457 visa sponsorship for skilled workers from overseas. I have been responsible for bringing 1000 skilled workers into Australia and ensuring that those skilled workers have the skill and ability to fit into the role of a slaughterer. This has also required that I assess whether such workers are able to work their way around a carcass.
20. I hold Mintrac overseas accredited certification as an overseas assessor and have done so for 18 years. This allows me to recruit from anywhere overseas.
21. Attached to this statement and marked **SC-1** is a copy of a resume that I prepared two years ago.

General comments on working with beef and sheep carcasses

22. In my experience, working with beef carcasses and working with sheep or lamb carcasses are very different involving different levels of skill, and effort and involving different levels of risk of loss to the business. I would strongly disagree with any suggestion that working with the two species involve the same exertion and skill level.
23. This should be a statement of the obvious given that a beef carcass and a sheep carcass are completely different. Some of the beef carcasses that Kilcoy works with are heavy wagyu beef cows and bulls that can weigh up to 600kg. On average most beef carcasses weigh around 350kg and a lamb carcass only weighs around 20kg to a maximum of 25 kilos. For example, a beef liver alone can weigh 5-7kg- about a quarter of the weight of a whole lamb carcass.

24. Because the processing of beef is so much more labour intensive than when processing sheep or lamb, the number of beef carcasses that can be processed is considerably less than the number of lamb carcasses. For example, in our beef plants, we can process two beef carcasses per minute, whereas, in our lamb plants, we can process 10-12 carcasses per minute, depending on the size of the gang and the system being used.
25. When working with a beef carcass, more exertion and more skill is required. This is to limit loss to the business. For example, when separating the paunch material from the diaphragm of a beef carcass, this involves the release of a huge weight which is far higher than the total weight of a smaller animal.
26. If I were to hire a person from overseas on a backpacker program, I could have that person start to eviscerate lamb straight off the plane within a matter of weeks, no matter the stature, prior training or experience of the worker concerned. But for the evisceration of beef, many of smaller stature could not do it and for those that could physically handle the work, it would still take at least 2 months to train such a person to exercise the level of skill required.
27. There are considerable risks involved in processing beef carcasses, remembering that all parts of the beef carcass can be sold including all offal and tripe. Indeed, we can sell a full body of beef including all parts for approximately \$2500. A full lamb carcass would probably be sold for \$200.
28. However, any contamination as a result of unskilled work on the evisceration of a beef carcass could lead to the loss of all the offals in a beef carcass which would be a considerable loss of value.
29. For that reason, when building up a team in a meat processing facility, you have to make sure that the people involved in the process are of the best possible skill level so that they will be the right fit for the position. In my experience of building teams, I have been concerned to ensure that we build the best possible teams with the maximum possible skill level. Skill levels are pivotal for most plants.
30. I fully disagree with any attempt to create some sort of false equivalency between working with beef carcasses and working with sheep/lamb carcasses.

Comments on the report of Mr Graham Smith

31. I have had the opportunity of reading the report prepared by Mr Graham Smith in this matter. Based on my experience in the industry, I have a number of points of disagreement with the report that I wish to put on the record.

Removal of Head Meat

32. I refer to points 11 and 12 of the report of Mr Graham Smith on page 14 of that report, where he discussed the removal of head meat. In that report, he says that removal of head meat is essentially a boning task.
33. In my experience, the removal of head meat involves considerably less skill that is required for knife work and/or trimming. Indeed, in my experience it is a completely different task.
34. Often the removal of head meat from a skull is mechanically assisted and simply cannot be compared to boning. To compare the removal of head meat to for example boning a hindquarter or a forequarter makes no sense. Boning a hindquarter out involves separating natural seams of each primal cut to eliminate yield loss and primal damage. Boning meat off a head involves no segregation as far as seaming or primal yield loss. It is a completely different task.
35. The potential for loss when working with other parts of the body is far more than with working with head meat and therefore, there is less concern if an unskilled worker is working on the removal of head meat.
36. To train a new employee to remove head meat would take me up to a maximum of two weeks since it involves so little skill. Whereas to train an employee to be a skilled boner involving knife work would take around two months of training.

Whizzard Knives

37. I refer to point 13 of the report of Mr Graham Smith on pages 14-15 of that report. In that section Mr Smith says that the use of a whizzard knife requires the same level of skill as a trimmer using a conventional knife.

38. I disagree with Mr Smith on this point and indeed would say that it is a different task involving different levels of skill and different levels of labour.
39. In my experience, whizzard knives are used in the training process for less experienced workers to develop the skills and hand-eye coordination, prior to allowing such workers to work with conventional knives. Working with a whizzard knife is a basic introductory level skill. In our business, when workers develop greater skill and greater levels of hand-eye co-ordination, they can then graduate onto using conventional knives.
40. Moreover, there is less effort involved for a worker who uses a whizzard knife and a worker using a whizzard knife (as opposed to a conventional knife) is not required to clean and maintain that whizzard knife. Instead the maintenance of a whizzard knife is conducted by the maintenance team.
41. To train a person to use a whizzard knife, would in my experience take around 1-2 days, whereas to use a conventional knife takes a lot longer (approximately 4 weeks) because of the skill required.
42. Because whizzard knives involve considerably less skill effort and maintenance by those using them, those who exclusively use whizzard knives would not be paid as much as those using conventional knives who are far more skilled and who exert more effort in the use and maintenance of conventional knives.

Head Removal

43. I refer to point 18 of the report of Graham Smith at pages 15-16 of that report.
44. I disagree with Mr Smith's statement regarding the removal of heads. In my experience, there are aids that are used to remove heads from carcasses to the rail and generally the removal of the head is not skilful work.

Tying weasands

45. I refer to point 21 of the report of Graham Smith in which he makes some general comments with respect to the tying of sheep and beef weasands.

46. I make the comment that the tying of sheep weasands is, in my experience, less skilled than tying beef weasands.
47. In my experience, it would only take two days to train a worker to be able to tie sheep weasands whereas it would take more time to train a worker to tie beef weasands.

Hide Pullers

48. I refer to point 23 of the report of Graham Smith at pages 16-17.
49. In our business, a hide puller for beef is key for the presentation and dressing of carcasses on the floor.
50. Further, the tasks involved with hide pulling for beef is more complex than hide pulling for sheep or lamb.
51. Sheep hide pulling only involves putting a piece of skin into a clamp and having a machine pull the skin off. A worker could be trained in a matter of days to be able to perform that task.

Dropping rectum

52. I refer to points 26 to 28 of the report of Graham Smith. In those paragraphs, Mr Smith states that there is no longer a distinction between beef and lamb slaughtering in that there is now a requirement to tie or bag the bung of all species.
53. This is not correct. I am not aware of any processing facility tying or bagging the bung of a lamb or sheep. It is still a requirement for beef.
54. In my experience, this task of dropping rectum is more complex when performed on a beef carcass. Indeed, there is no comparison.

Tunnel Boning

55. I refer to points 33 and 34 of the report of Graham Smith at page 20 of that report, where he refers to tunnel boning. I disagree with his statement that there is no substantive difference between tunnel boning and other types of boning.

56. Tunnel boning merely involves marking the muscle and marking the bone and just pulling the bone out, hence why they call it tunnel boning. It is quite easy. Whereas boning a hind quarter of a leg of beef is a completely different workload, very detailed cutting lines, significant opportunity for yield loss if we get it wrong. It's also very strenuous.
57. When beef boning, a boner is obviously separating, for example, the leg on carcass, the hind quarter on carcass, you're separating four or five key primal cuts, whereas tunnel boning, you're just pulling the bone out of the inside of a whole leg, because to take the bone out of a hind quarter of beef is up to five high value cuts that you've got to separate with very minute margins for error. One cut might be \$10 a kilo, the other one might be \$3 a kilo.

Skinning vs scalping

58. I refer to point 37 of the report of Graham Smith. In that point, Mr Smith says that skinning a head is the same or similar to scalping.
59. In my experience, skinning a head of beef is skinning the whole hide off of the head. Scalping a sheep involves only one cut.
60. The two tasks are therefore different in that skinning a beef head involves multiple cuts and a reasonable level of skill is needed.

Skinning

61. I refer to point 49 of the report of Graham Smith on page 23 of his report where he says that the skinning of animals, regardless of species, is the same task.
62. I disagree with this point. Obviously, larger animals take longer to skin.
63. In my experience, there is a lot more work involved in skinning beef as opposed to skinning lamb.
64. In my experience, there is also a skill difference. For example, it would take me only around two weeks to train someone to skin a section of lamb. However, it would take me 6-8 weeks to train someone to be able to skin a section of beef.

65. In my experience, the training, skill and exertion involved in beef skinning is greater than for lamb skinning.

Fronting out and paunching

66. I refer to point 51 of the report of Graham Smith on page 23 of his report where he refers to fronting out and paunching and says that this is the same task on each species.
67. As someone who has performed this role on all species and chosen workers to perform this role, I can say that this assertion by Mr Smith is incorrect. There is considerably more skill and exertion required in the process for beef as opposed to any other species.
68. If I was choosing a person to be able to do this task on a beef carcass, I would need to ensure that that person was of a suitable build and strength to be able to do the task having regard to the exertion required whereas this would not be a consideration in regard to sheep carcasses.
69. Moreover, it would take me up to 8 weeks to train someone to be able to perform this task on a beef carcass, whereas the task would not take very much training when applied to sheep or lamb carcasses.
70. It should be noted that the considerable skill that is needed for this task is also necessary for the prevention of loss. If this task is done badly, there is a risk of contamination which could potentially lead to the loss of all offals.

Concluding questions

71. I refer to point 65 of the report of Graham Smith on page 26 of his report where he says that many of the tasks are the same between the different species with much the same degree of difficulty.
72. This is self-evidently not the case.
73. As is clear from my comments above, the level of training, skill and exertion required to work with beef carcasses is altogether at a much higher level than with the carcasses of smaller species.

74. When choosing slaughterers and boners to work with beef, I would have regard to the stature and physical strength of the applicant involved. Moreover, if choosing someone to work on higher skilled tasks with conventional knives, I would need to be satisfied of a higher level of training and skill with those wanting to occupy those roles. These would not be considered as important when thinking about applicants wanting to work on sheep or lamb.

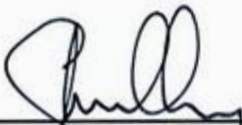
Other remarks

75. I note that there are considerable changes to meat processing over the last two decades as a result of innovation in the way that processing is done.

76. This will mean that for different parts of the process, there are different things that can be said with respect to the old solo and conventional slaughtering system as opposed to the modern inverted system.

77. Had this matter been heard 20+ years ago, many of the tasks that are being talked about would be of far more relevance, whereas with innovation, more state-of-the-art processing facilities are moving away from some of the tasks described in the classification structure.

78. Nevertheless, I accept that there are still facilities that use older methods of meat processing.



Shane Anthony Clancy

4 July 2024

IN THE FAIR WORK COMMISSION

Matter no: AM2021/57

Australasian Meat Industry Employee's Union ("AMIEU")

Applicant

AND

Australian Meat Industry Council ("AMIC")

Respondent

AND

JBS Australia Pty Ltd ("JBS")

AND

Australian Industry Group ("AIG")

Respondent

WITNESS STATEMENT OF PATRICK GERARD GLEESON

I, **Patrick Gerard Gleeson**, of 335 Dalby-Nungil Road, Dalby in the State of Queensland, Consultant,

state as follows: –

1. I am a consultant carrying on a consultancy business as a Red Meat Specialist, advising red meat processors on labour efficiencies, ergonomics, and yield improvement. I have been engaged in my current consultancy practice for about four years.
2. My previous history in the red meat industry is as follows:
 - a. 1980 – commenced a 4-year apprenticeship as a butcher;
 - b. 1984 completed my apprenticeship and qualified as a tradesman butcher;
 - c. later in 1984 I commenced working as a Boner for KR Darling Downs in Toowoomba for a period of 12 months;
 - d. in 1985 commenced working as a Boner at Beef City meat processing establishment at Cecil Plains south of Toowoomba for 9.5 years;
 - e. in about 1994, commenced working for Nippon at the large Oakey Beef meat processing establishment at Oakey in south-west Queensland for a period of 25 years, during which time I occupied the following positions:
 - i. QA Officer
 - ii. Boning Room supervisor
 - iii. Senior Boning Room supervisor
 - iv. QA Manager
 - v. Assistant Plant Manager
 - vi. Plant manager

- vii. General Manager for 11 years, the last 4.5 years of which I was also responsible for management of the Borthwicks meat processing Plant in Mackay, Queensland.
3. After leaving Nippon, I established my present consultancy, and have advised clients in a number of states of Australia in relation to the matters set out above. I have maintained a very close relationship with a range of meat processing operators and suppliers and designers of plant and equipment for the processing establishments, with a high degree of emphasis on the processing of beef cattle.
4. In each of the roles set out above, I gained a very detailed knowledge from the perspective of a trade qualified butcher and a Boner, up to and including General Manager, of the way in which the work of a beef meat processing establishment is successfully and economically organised, and the requirements of the various roles in such an establishment.
5. As a part of my consultancy, it is absolutely necessary that I maintain a very current body of knowledge in relation to the way in which the slaughtering of beef cattle is organised in the way in which labour efficiency my best be achieved in a processing establishment. In recent years I have travelled widely overseas and undertaken research, in particular in Europe, in relation to the way in which meat processing establishments in those countries are advancing their efficiencies and developing practices and procedures which might be able to be adopted in Australia.
6. I have no equivalent experience with the slaughtering of sheep or pigs, although I am generally aware of the processes and the nature of the processes, as they in some respects relate to the work, I perform with beef cattle establishments and processors.
7. I have been requested by the legal/industrial representatives of AMIC to provide my opinion, on the basis of my extensive industry experience, in relation to statements made in proceedings before the Commission, in respect of certain classifications in the Meat Industry Award. I have no financial or other affiliation with AMIC, and other than the fact that some of my consultancy clients may be members of AMIC (the details of which I am not aware) I have no financial or other relationship with any of the parties in these proceedings.
8. I have been shown a report by Mr. Graeme Smith and I refer below certain paragraphs in that statement by reference to the paragraph numbers used by Mr. Smith.
9. **As to paragraph 11**, the work of removing head meat from cattle, if done with a conventional knife, requires an amount of training and a moderate level of skill. However, unlike many other knife work tasks, it requires repeating the same limited actions in relation to every head and does not require a variety of other skills as most knife work duties do.

10. More importantly, the vast majority of meat processing plants have now effectively eliminated almost all of the difficult aspects of this task by introducing a mechanical aid known as a head chisel. This machine mechanically separates the jaw from the rest of the head, which allows one worker to easily remove the remnant meat from the jaw, whilst the primary operator of the head chisel can simply remove cheek meat and other remnants of meat from the balance of the head, without having to negotiate around the jaw, as was previously the case.
11. The separation of this task in this way means that both parts of the previous task have been rendered vastly more simple and enables a person to be much more easily trained, because the necessity for most of the skill previously required to perform this task has been eliminated. This task could be easily carried out by a low skilled labourer or knife hand.
12. No part of this task, whether carried out with the mechanical assistance or not, could be equated to the work of a Boner. A Boner is a very highly skilled and trained employee, whose work is carried out on a boning chain and which is substantially more skilled and complex than anything that a head meat employee would encounter.
13. The training required to qualify a Boner to perform all of the cuts on a side of beef would take many months. A person removing head meat without mechanical assistance could be trained in approximately two days, and less than one day if the mechanical assistance was used. The degree of difficulty associated with taking head meat without mechanical assistance is equivalent to that of a labourer at MI3, and would be substantially less than that if the mechanical assistance was used.
14. **As to paragraph 13**, a Whizzard knife is the brand name of a pneumatic tool used in the meat industry and other food industries such as in the shaving of cooked meat from a doner in a kebab shop. It has almost no similarity to a conventional knife and cannot perform most of the tasks that can be performed by conventional knife. It consists of an air operated machine that spins a sharp circular inwards sloping blade which is used largely by pulling the circular blades across a surface proposed to be cut, backwards towards the operator.
15. It is used in two contexts as a meat processing plant. One situation is where the circular blade is approximately 50 mm in diameter and is used in the boning room for extracting remnant meat products or fat that are difficult to retrieve by the use of a conventional knife. It cannot cut in any other motion than by drawing the circular blade across the surface to be treated and cannot be used to separate primal cuts or anything of that kind.

16. As a standalone activity, the smaller blade version of the Whizard knife is used as an introductory tool for new starters and learners, to familiarise them with the boning work around which they are working, and to provide them with strength and resilience training for their hands and wrists and assisting them to learn how to hold their hand and arm to avoid injury whilst working for long periods. As such, it is very much a new starter/learner activity and unskilled or very low skilled.
17. The other use for Whizard knives is on the slaughter floor. The larger version of the knife is used to reduce the fat cover on sides or bodies. By drawing the blade over the fat cover, it will shave a thin amount of the fat off the side or body until the required depth is achieved. The Whizard knife can be used for removing thick and thin skirts from the internal chest cavity, which is a relatively simple task that requires about one day's training to familiarise an employee with this duty. Otherwise, is very little being that this tool can be used for in a meat processing establishment. These tasks are allocated to low skilled labourers and new starters.
18. Even when used in the larger form of the slaughter floor, Whizard knife work is considered to be a low skill task, and has, since its introduction into meat processing, been treated as being at a lower level than an employee who is skilled with a conventional knife, largely because the Whizard knife is a mechanical blade which actually performs the cutting work, whereas with a conventional knife, it is the user of the knife who must perform the cutting work and apply the effort to achieve that result. It has always been considered, in my experience over my career, as a much lighter and simpler task than ordinary knife work or slicing. The Whizard task on the slaughter floor is often given to a slicer who is struggling with their work or an injury or is otherwise not sufficiently fit to complete all of their slicing tasks, rather than a new starter. In this context it is used for alternative or suitable duties because of its simplicity and lack of difficulty.
19. A function of a Slicer Boner or knife worker in the meat processing industry is that they are required to maintain their conventional knives in good and hygienic condition, and to ensure they are properly sharpened at all times they are working. Unlike employees engaged to use a conventional knife, a Whizard knife operator is not required to do these tasks, because the tool is collected and sharpened by the maintenance staff at the end of a shift or day. It is then returned to the worksite for the operator to continue work.
20. This is an important difference between a Whizard knife operator and any other person using a conventional knife, as knife sharpening is an important skill that must be learned and utilised by a worker using a conventional knife.
21. **As to paragraph 18:** Like the task of head meat removal, the task of severing the head has been very greatly assisted by the introduction in recent years of a mechanical aid which involves a powered hook device which, when placed on the head by the

operator, takes hold of the head and lifts it up and places it onto the chain or table as required, to avoid the necessity of the employee doing so. This assistance has removed essentially all of the most strenuous and difficult parts from this task.

22. This task now only requires cutting into the occipital joint and severing the spinal cord and cutting the flesh around the neck to allow the mechanical hook to lift the head away from the animal and place it where it is required. If performed with the mechanical aid, which to my knowledge exists in almost every meat processing plant of which I am aware, the remnant task is a low level and reasonably simple task to learn and to perform.
23. If performed entirely manually and without the assistance of the mechanical aids, it is a reasonably heavy job. However, if the purpose of these proceedings relates to the assessment or reassessment of the correct classification level for this task, it would be incorrect or inaccurate to do so without taking into account whether or not the task is being assisted by the mechanical aid, because the use of that aid essentially converts the original fairly heavy manual task into a much lighter and less complicated task with a much lower level of effort and complexity.
24. **As to paragraph 19:** In my experience, no meat processing works of which I am aware utilises any process other than mechanical shears or cutters for removing hind feet or foot removal. It has been many years since any modern plant utilised a conventional knife for this task.
25. **As to paragraph 21:** the task of tying weasands as such is no longer performed, as essentially all meat processing operations now use a clip, which is in itself a simpler process.
26. **As to paragraph 26:** In beef slaughtering, this task is a very strenuous and difficult process, which involves two slaughterers to be involved the same time. I am not aware as to whether the corresponding process in sheep slaughtering requires two employees to perform, but I seriously doubt that that is the case.
27. **As to paragraph 31:** I disagree that the level class 3 (at MI 4) can be identified or distinguished in the way suggested in this paragraph. The award identifies a number of indicative tasks that identify a person performing those tasks as working at a particular level in either beef slaughtering or sheep slaughtering.
28. However, there are a number of minor tasks which are performed in and about the beef slaughtering team by new learners and young trainees, which would cause the line to be stopped if they cease to perform that work. These tasks involve the monitoring of possible Hormonal Growth implants and data tags on a carcass and similar activities.

If they cease working and the line stops for that reason, they cannot be treated as a labourer standard and are not at MI5 standard.

29. In my opinion, Mr. Smith's concept of identifying whether roles fit into particular levels of slaughtering streams as expressed in paragraph 31 is incorrect. In my view the content and skill and difficulty of each role needs to be considered in its own right as to whether that role meets the indicative task description, rather than whether or not the processing would be stopped if they stepped away from their position. Even the simplest task that needs to be done to maintain production could stop the chain if it is ceased. That does not mean that this task is a class 3 or MI4 or value. Whether that particular task should then be at level 3 or any other level, has in my experience always been determined by where particular tasks have been recognised by very long-standing industry practice, from the highest to the lowest, with due allowance if necessary for technological assistance that may have been introduced to make the task significantly less difficult.
30. **As to paragraph 32:** It is my understanding from my days working as a retail butcher apprentice, and my experience since that time, that a Slaughterer associated with a retail butcher shop would be working alone, or with a slaughterer's assistant or labourer assisting them. Such a worker would not be working to the speed and time pressure of a chain and would be able to work more or less at their own pace, which substantially reduces the complexity and stress associated with the performance of the task. That situation would never occur in a meat processing facility, and a higher classification for a meat processing establishment slaughterer would be warranted in that case, in my opinion.
31. **As to paragraph 34:** I performed a substantial amount of tunnel boning when I was employed in a butcher shop during my apprenticeship. I can say from my personal experience that tunnel boning is very much easier and less stressful, than the boning which occurs in a meat processing establishment. A traditional Boner is required to follow the seams of the side or quarter being boned and otherwise undertake work which requires many months training. As a person who has undertaken both types of boning over a number of years, I can say that there is effectively no comparison in terms of strenuous work or technical difficulty between the performance of tunnel boning and the performance of "traditional" boning in a meat processing establishment. Traditional boning is vastly more difficult and of a higher level of skill, training and responsibility than tunnel boning.
32. **As to paragraph 51:** Insofar as the fronting out of cattle (evisceration) is concerned, I totally disagree with the statement made that fronting out of pigs and cattle and paunching of sheep are exactly the same thing.

33. I am aware from consulting MLA publications that the size of cattle currently being processed in the Australian industry ranges from 250 kg to 500 – 550kg carcass weight, whereas the live weight of sheep in the Australian market is somewhere in the order of 23kg to 26 kg. The enormous size and weight of these cattle ensures that it is a very significant effort on the part of the slaughterer to hold in the intestines with his knee during an evisceration process, whilst doing the further cuts above his head into the gut cavity, which cuts are necessary to stop the entire viscera (weighing potentially between 50 and 60kg) from falling from the carcass onto the slaughterer.
34. The viscera itself which is being removed is likely to weigh substantially more than an entire sheep. Sheep viscera, by contrast, would weigh a fraction of the 23 kg live weight and the entire process of pointing takes no more than a few seconds.
35. Beef evisceration is very hard work and very difficult to perform. Many slaughtering teams have a rotational system where the slaughterer only performs their role in relation every second or third body on the chain, to allow the slaughterer a rest between bodies because of the effort and difficulty of the task, which can place the slaughterer under extreme physical strain for at least two minutes at a time, constantly throughout the shift. To the best of my knowledge this does not occur in sheep slaughtering.
36. Having regard to the size of a general anatomy of a sheep, the task of paunching has no relationship or equivalence whatsoever to the skill and effort that is involved in the evisceration of cattle.
37. **As to paragraph 65.** The question and answer at paragraph 65 cannot, in my view, provide any proper guidance as to the difficulty of the “slaughtering” task as between small stock and large stock. The Slaughtering function involves the performance of a wide range of tasks, usually in a team environment by a group of employees who have varying degrees of skill. One cannot assess the difficulty of cattle slaughtering or sheep slaughtering as an overall function, but rather the individual tasks that are to be performed (some difficult and some less so) must be assessed on the basis of the actual difficulty or otherwise of individual tasks, which in turn will depend upon a wide range of variables, such as the species, its size and anatomy and characteristics. These factors amongst others require a different approach in relation to almost every task that is represented in the slaughtering team.
38. Each task on each species has its own difficulties and characteristics, and I am aware that the cattle slaughtering process and the sheep slaughtering process occur at dramatically different speeds. A large to medium beef processing plant would process approximately 1000 head of cattle per day with a carcass weight between 250 and 500 kg, whereas a reasonable size sheep slaughtering plant could process as many as 6000

sheep per day at approximately 23 to 25 kg each. The entire process in each case is conducted very differently in terms of volume of animals and speed of repetition of tasks involving animals and the individual animal parts being handled, which, in the case of sheep, can only weigh a small fraction of the very large weight with which cattle slaughterers and bonus must deal in relation to each part of their work.

39. There is also a very substantial amount of mechanical assistance available in all kinds of processing plant in today's meat processing establishments, but in particular in sheep processing plants. Whilst this is not my central area of expertise, I am generally familiar with the way in which that mechanical assistance has developed in the small stock processing industry, because of my professional interest in the design and implementation of labour-saving devices in meat processing establishments.
40. Further, and in different ways, I have witnessed a significant advance in the mechanical aids available in cattle slaughtering which has, for example, substantially reduced the difficulty of a number of the tasks mentioned by Mr. Smith in his report. I have personally witnessed the operation of this equipment in a large number of plants in Australia, but I have noted that Mr. Smith did not mention in his report the existence of the two devices that I have mentioned in particular.
41. If one was to view the operation of a sheep processing plant and a beef processing plant side-by-side, the very substantial differences in activity and physical strength and stamina required to perform those respective functions would be immediately evident. In my view is simply not possible to say that the work involved in each of those establishments is the same.
42. Given the differences in the nature of the product the size of the product and the speed with which the process is undertaken, all of which bears upon the difficulty in performing the task, the slaughtering tasks and other roles, in my view it is simply not true to say that the respective tasks which have similar names or similar apparent functions, are the same, or "on a par" in terms of overall difficulty and skill. I make this statement from a perspective on which I have worked my entire working life in the big processing industry, and I have not performed sheep or pig slaughtering as an occupation. However, I am very well aware of the factors which lead to difficulty in the beef slaughtering sector, and very many of them relate to the size and weight of the pieces and animals being processed. I have also very well aware that sheep and pigs are generally much smaller than cattle and that therefore a significant component of the difficulty associated with beef slaughtering cannot physically be present when slaughtering significantly smaller animals.
43. That is not to say that many sheep processing employees do not exercise significant skill in what they do, but as I have said, the weight and size and complexity of the cattle is a core part of the difficulty of all cattle slaughtering tasks. In my view, this factor

cannot be dismissed simply by the fact that sheep slaughtering is conducted at a much faster rate than cattle slaughtering, which cancels out the difference in difficulty.

44. The reason why sheep slaughtering, and pig slaughtering is able to be conducted at a very much faster rate is that all of the activities concern much lighter and smaller animals and parts of animals and much smaller frames, which do not require the level of mechanical assistance and other devices, without which cattle slaughtering simply could not be undertaken with any speed or efficiency at all.
45. Because a number of tasks spoken of by Mr. Smith have been made far more easy by ergonomic assistance, so that they no longer justify the difficulty or skill classification to which Mr. Smith has referred, it would be necessary, if the classifications in this award were to be amended, to do so in a way which takes into account whether the work is done today with or without the relevant mechanical assistance, because the difference in the difficulty of those tasks is very significant and very clear. Otherwise, classifications described by Mr. Smith may be mistakenly reassessed for the work value reassessed by reference to levels of difficulty which no longer exist, or which may no longer exist.
46. **As to paragraph 66:** incidental tasks such as skinning a leg or activities of that kind that are mentioned by Mr. Smith in this paragraph may well be similar when performed, without regard to the animal on which it is occurring. But the core activities such as knocking shackling and evisceration are dramatically different by reason of the size and speed and technological assistance available, and the other matters to which I have referred.
47. I do not consider that a valid comparison can be made by simply comparing the name of two respective functions, or small tasks of the kind mentioned by Mr. Smith. Similarity in the name of two tasks may disguise a very large difference in the carrying out of those tasks, and the similarity in small details may also conceal the difficulty in processing the respective animals from which they came.



Signed: _____ Date: 04/07/2024

Patrick Gleeson

IN THE FAIR WORK COMMISSION

Matter Number: AM2021/57

s.158 - Application to vary or revoke a modern award

AUSTRALASIAN MEAT INDUSTRY EMPLOYEES UNION
Applicant

AFFIDAVIT OF MICHAEL CRAIG MCCARTHY

I, Michael Craig McCarthy of c/- 62 McRoyle Street, in the State of Queensland, Wacol Factory Manager sincerely affirm and declare:

1. I am employed by Primo Foods Pty Limited (**Primo**) as its Wacol Factory Manager.

OPERATIONS AT PRIMO'S WACOL FACTORY

2. Primo's Wacol factory is a meat manufacturing establishment located at Wacol in Brisbane. The factory employs approximately 810 employees in meat manufacturing and associated activities and is broken up into three different areas:

- (a) Raw Side, where raw meat is received, de-cartoned and processed to the point that it is ready to be cooked or otherwise processed in a way that makes it ready for human consumption;
- (b) Cooked Side, where product is cooked, chilled, sliced where appropriate, weighed and packed, scanned, quality checked, packed into cardboard cartons and palletised; and
- (c) A distribution area referred to as the QDC, where product is stored, picked and released for transport.

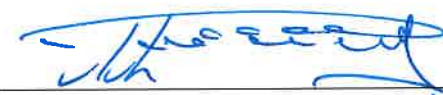
Filed By: Australian Meat Industry Council

Address for service: Office 21, 2 Innovation Parkway, Birtinya QLD 4575

Contact Name: Cheryl Wolens

Telephone: 0498 609 772

Email: cwolens@amic.org.au


Signature of deponent


Signature of witness

3. At the Wacol factory, on the Cooked side specifically, approximately 60-65% of the workforce is employed as Level 2 Process Workers under the Primo Foods Pty Ltd – JBS Primo Wacol Enterprise Agreement 2022. The corresponding classification for these workers in the Meat Industry Award 2020 is a Level 3.

MY EXPERIENCE AND EDUCATION

4. I have over 30 years' experience in food manufacturing and logistics, with the last 12 or so years spent working in the meat industry.
5. I commenced employment with Primo on or about 2 January 2013 in the role of Dispatch Manager at Wacol. In that role:
 - (a) I was responsible for the overall management of product dispatch from the Wacol factory including oversight of packaging, product weight and metal detection; and
 - (b) I spent at least 80% of my working week on the floor in the Cooked Side, directly observing work being performed.
6. In around 2017, I was I was promoted to the newly created role of Pack Side Manager which absorbed the duties I previously performed as Dispatch Manager, with the addition of the oversight and management of all production managers on the Cooked Side. In that role I spent at least 80% of my working week on the floor in Cooked side, directly observing work being performed.
7. In my current role, which I commenced in around March 2021:
 - (a) I have overall responsibility for the safe and efficient operation of the factory at Wacol. This includes general oversight and management of the following functions:
 - i. Environmental;
 - ii. Safety;
 - iii. Human Resources;
 - iv. Production
 - v. Quality; and
 - vi. Maintenance.

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- (b) I spend approximately 10% of my working week walking the floor of the factory (in all areas) and directly observe work being performed.
8. I have knowledge of every task which is performed in the production environment at the Wacol factory through my direct observation of those tasks being performed on a regular basis over the last 11 years.
9. I have also participated in negotiations to replace 2 production enterprise agreements at the Wacol factory since I commenced employment with Primo, and as a result I have a good understand of how the tasks performed at the Wacol factory align with the Meat Industry Award classifications.
10. Prior to my employment with Primo:
- (a) I was employed by Real Dairies for about 2 years as the Queensland Manager of its cheese conversion and powder blending plant located in Darra;
 - (b) I was employed by Australian Convenience Foods for about 3 years as the Queensland Manager;
 - (c) I was employed by Dairy Farmers (which later became National, and then Lion) for about 15 years during which time I held the following positions:
 - i. Queensland Distribution Manager (for about 5 years);
 - ii. Site Manager (for about 3 years); and
 - iii. Production Manager (for about 7 years);
 - (d) I owned and ran my own company, the Old English Ice-Cream Company for 10 years.
11. I hold the following qualifications:
- (a) A Diploma in Business, which I attained in around 1990 from Ithica TAFE;
 - (b) A Diploma in Marketing, which I attained in around 1990 from Ithica TAFE;
 - (c) A Certificate III in Smallgoods Manufacturing which I attained about 29 years ago from Gilbert Chandler; and



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- (d) Various certifications relevant to my work in the dairy industry including in relation to pasteurisation, stabilisation and emulsification which I attained between about 1990 and 2010.

PRODUCTS MANUFACTURED AT PRIMO WACOL

12. At its Wacol factory, Primo manufactures ham, silverside, bacon, salami and smallgoods.
13. Smallgoods are manufactured meat products which are produced by adding spice, fillers and other additives before being filled in a casing and cooked. Smallgoods are manufactured to a point where there is no identifiable single primal muscle left.
14. Salami is produced using a similar method, however, a starter culture is added to the product before it is filled into a casing and it is then fermented to achieve water activity so that it is ready for consumption.
15. Bacon is made from the middle of the pig, which contains the loin and the belly. Primo also produces belly bacon which is just the belly and short cut which is just the loin. Ham is made from the leg of the pig. The 'muscle' is intact and none of these products is broken down and reconstituted in the same way that smallgoods or salami are.

WITNESS STATEMENT OF GRAHAM SMITH

16. I have been shown a report prepared by a Mr Graham Smith dated 20 February 2024 which was filed in this matter (**Report**). I provide the following responses to the issues raised in that Report as they relate to meat manufacturing, based on my experience outlined above.
17. As to paragraph 6 of the Report, I say as follows:
- (a) As far as I am aware, Primo does not engage any 'packing room hands' at the Wacol factory, who perform the tasks described by Mr Smith. However, as appears below at paragraph 18(d), Primo does employ a number of employees to perform low skilled general work in the packing area to assist in the packing process, and who are engaged and paid at the Award equivalent of MI3.
- (b) The only position that involves some of the tasks described by Mr Smith is what we would refer to as a Chillerman.
- (c) Chillermen are required to review and interpret work orders to determine what product will be packed next and from which chiller it needs to be collected, retrieve

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the product, attach it to the work order and deliver it to the packers for weighing and packing.

18. As to paragraph 9 of the Report, I say as follows:

- (a) In the Wacol factory, product is weighed and packed in different ways, depending on whether it is a fixed-weight or random weight product. Fixed-weight products include products like cocktail franks, bacon and sliced ham, where it is possible to adjust the quantity of product going into the packet to achieve a specified weight. Random weight products include products like ham and silverside (both primal cuts of meat), where the weight is governed by the weight of the primal cut, and it is not possible to adjust the quantity of product going into the packet to achieve a specified weight.
- (b) A worker who weighs and packs fixed-weight product performs what I would consider an unskilled, entry level position. These workers require minimal training on how to complete this task. By my estimation, someone new could be trained to perform this task in a matter of minutes. These workers:
- i. receive, on a daily basis, instructions from their supervisor regarding the product they will be weighing and packing for the day, and the target product weight;
 - ii. are stationed along a conveyor which is connected to a machine which distributes the product or the product will be in a tub beside them;
 - iii. are required to pick up product from the conveyor (or the tub) by hand, place it onto a small set of scales similar to kitchen scales or shop scales until it reaches the designated weight and then drop it by hand will into a packet;
 - iv. are not required to read or interpret work orders, or calibrate scales, sticker the products, or perform any quality assurance checks to ensure that the packaged product meets specifications; and
 - v. do not perform slicing tasks in addition to the tasks described above. Slicing, at the Wacol factory is performed by a machine. The operators of those machines are engaged and paid at a higher level than the unskilled workers described above in subparagraphs (i) to (iv).



Signature of deponent



Signature of witness

- (c) After the product is weighed and packed, it is sealed and received by a Bizerba machine, which performs a check weighing process based on a series of parameters (determined by Primo and the customer) and will reject any products where the weight or size of the product in the packet exceeds those parameters. Because the Bizerba machine conducts an automatic quality check on the work of the fixed weight packers, there are no commercial consequences for any mistake, as the machine will automatically reject such error. To the extent that the Bizerba machine does a quantity check on the final product, that machine performs the tasks which I understand are usually associated with the role of 'scaler' in this scenario.
- (d) If the product is accepted by the Bizerba machine, it is distributed to a table where workers pack the sealed products into cardboard cartons. This task is carried out on a table in a packing area and is also an unskilled, entry level position. These workers are engaged as (Level 2 Process Workers under the Primo Foods Pty Ltd – JBS Primo Wacol Enterprise Agreement 2022. These packers do perform some very minor degree of inspection duties in relation to the *packaging*, as distinct from the product in the packaging, because they are required to confirm that the package is sealed correctly (i.e. that there is no holes in the packaging and there is no meat that is compromising the seal), however they do not perform any quality assurance checks on the meat product itself. For this reason they are not otherwise trained or expected to identify defects in the product itself.
- (e) A worker who weighs, scales, stickers and packs random weight products (referred to at Primo as a Price-weigh Scaler), performs a more skilled role. Price-weigh Scalers usually require approximately one weeks' worth of training before they can be certified as competent. Price-weigh Scalers are required to:
- i. Ensure the scales have been calibrated by the Quality Control Team;
 - ii. Weigh the product to determine if it meets weight specifications provided to them by the Quality Control Team;
 - iii. Generate and apply labels in a precise position; and
 - iv. identify potential issues with the efficient operation of the scales (including being alert to unexpected readings, keeping the scales free from moisture and ensuring that the scales are positioned correctly on the table).



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Signature of witness

- (f) Price-weigh Scaler's are responsible for ensuring that the product is weighed accurately and meets specifications. Unlike fixed-weight product, random weight product is not subsequently scanned by the Bizerba machine. This means that the Price-weigh Scaler's level of responsibility is significantly greater. There will be direct commercial consequences if they don't do the job properly.

SUBMISSIONS

19. I have been shown a copy of the submissions filed by the Australasian Meat Industry Employees' Union (**AMIEU**) in this matter and published on 5 March 2024 (**Submissions**). I provide the following responses to some of the issues raised in those Submissions as they relate to meat manufacturing, based on my experience outlined above.
20. As to the AMIEU's Submissions in relation to 'Linkers', I say as follows:
- (a) I agree that the work of a 'linker' can now be performed using a machine as it is at Primo. No one is engaged by Primo at the Wacol Factory to perform this task by hand, however employees are engaged to operate a filler machine (which also links the products) as their predominant or fulltime role.
- (b) I am unable to comment as to whether linking is still performed by hand by smaller meat manufacturing establishments or butchers.
21. As to the AMIEU's Submissions in relation to 'Fillermen' and 'Mixing Machine Operators', I say as follows:
- (a) I am aware from my own personal knowledge that these are not the same roles. They are very different roles which both still exist in meat manufacturing establishments.
- (b) A Mixing Machine Operator measures and mixes specific quantities of meat, spices and other additives and fillers for placement into a mixing machine according to a product specification or recipe, and then operates that machine.
- (c) A Fillerman receives the pre-mixed meat from the Mixing Machine Operator after it has been mixed and operates a filling machine which pipes the meat filling into a casing.
22. I affirm that the contents of this affidavit are true.

Signature of deponent

Signature of witness

Signature of Deponent:



.....
MICHAEL CRAIG MCCARTHY

At Wacol on 28 June 2024

Before me:



.....
JAANA HELI KAARINA MOLLOY

JUSTICE OF THE PEACE



Signature of deponent



Signature of witness

Kyle Hartmann

Re: The Australian Meat Industry Council (AMIC)

IN THE FAIR WORK COMMISSION

Matter no: AM2021/57

Australasian Meat Industry Employee's Union ("AMIEU")

Applicant

AND

Australian Meat Industry Council ("AMIC")

Respondent

AND

JBS Australia Pty Ltd ("JBS")

AND

Australian Industry Group ("AIG")

Respondent

WITNESS STATEMENT OF KYLE HARTMANN

1. I, Kyle Hartmann – Business Analyst – McMahon and Associates, of 2 Innovation Parkway Birtinya, affirm this 1st July 2024.
2. I have been asked by the Australian Meat Industry Council (AMIC) to provide cost modelling of the impact of the proposed increases in classifications that have been proposed in the Union Application referred to above (AM2021/57).
3. My experience in modelling wages, is that I have been working extensively on wage remediation models for over 15 years for companies who have experienced issues with underpayments, or, building cost models as part of large remediations and rectifications related to enforceable undertakings lodged with the Fair Work Ombudsmen (FWO). Many of these companies worked under the Meat Industry Award (2010 and 2020), and therefore much of the modelling was built based on the Meat Industry Award or an EBA that was underpinned by the Meat Industry Award.
4. I have no vested interest in the outcome of this cost modelling exercise, except for the fact that AMIC (through McMahon and Associates who are currently advising AMIC in relation to this matter) have asked me to model this data for them. My professional work is primarily conducted as a consultant to McMahon and Associates, who are a firm of industrial relations consultants.
5. AMIC have requested that I use information provided to me by AMIC members to build workforce compositions, modelling the computed potential cost impact of the classification framework increases to the industry.

6. AMIC has requested of the companies that hold membership that they provide workforce composition details in order to allow me to model the cost impact to beef, sheep, pork, retail, manufacturing and processing businesses, of a small, medium, and large size. This has involved the use of commercial in confidence information, so I have de-identified the contributors to maintain the confidentiality of the member organisation.
7. I have also detailed all of the assumptions made in order to produce the figures to show an indicative impact of the proposed increases. I have used data from real-life organisations as the basis upon which the calculations and workforce compositions are built so as to give a close indication as to impact.
8. I have been provided with the following additional documents to consider in respect of the task set for me:
 - a. Workforce Compositions from 5 Beef processing companies.
 - b. Workforce Compositions from 3 Sheep processing companies.
 - c. Workforce Compositions from 2 Pork processing companies.
 - d. Workforce Compositions from 4 Manufacturing companies.
 - e. Workforce Compositions from 2 Retail Companies.
 - f. AMIEU submissions.
 - g. JBS and AMIC initial notes and comments on AMIEU submissions.

Attached hereto is a copy of the report prepared by me, and containing the assumptions that I have adopted so that the outcome of the report can be interrogated using different assumptions, in circumstances that might be different from those that I have assumed.

Signed: _____

Kyle Hartmann

Date: _____

4/7/2024

ALL ESTABLISHMENTS SUMMARY

ALL ESTABLISHMENTS SUMMARY

Establishment	Basic Staffing levels FTE	Number of Head Processed	Average Output Per Head (KG)	Total Output (KG)
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Basic Wage Cost TOTAL Existing	Basic Wage Cost TOTAL Proposed	Basic Wage Increase (\$)	Increase (%)
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COST PER HEAD			
Basic Wage Cost Per HEAD Existing	Basic Wage Cost Per HEAD Proposed	Increase (\$)	Increase (%)

COST PER KILO			
Basic Wage Cost Per KILO Existing	Basic Wage Cost Per KILO Proposed	Increase (\$)	Increase (%)

MEAT PROCESSING ESTABLISHMENTS - BEEF

BEEF #1	868	340000	321	109000000
BEEF #2	634	200000	270	53940000
BEEF #3	1521	423944	255	108105723
BEEF #4 - Refer Notes	464			
BEEF #5 - Refer Notes				

\$42,980,568.80	\$43,379,444.16	\$398,875.36	0.93%
\$31,192,523.44	\$31,390,676.72	\$198,153.28	0.64%
\$75,344,306.96	\$75,931,139.44	\$586,832.48	0.78%
\$22,903,084.88	\$23,108,075.12	\$204,990.24	0.90%
		\$1,133,354.56	

\$126.41	\$127.59	\$1.17	0.93%
\$155.96	\$156.95	\$0.99	0.64%
\$177.72	\$179.11	\$1.38	0.78%

\$0.3943	\$0.3980	\$0.0037	0.93%
\$0.5783	\$0.5820	\$0.0037	0.64%
\$0.6970	\$0.7024	\$0.0054	0.78%

Averages Across All BEEF

\$155.11	\$156.34	\$1.23	0.79%
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\$0.5516	\$0.5560	\$0.0044	0.79%
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MEAT PROCESSING ESTABLISHMENTS - SHEEP

SHEEP #1	285	705000	20	13959000
SHEEP #2 - Refer Notes	416			
SHEEP #3 - Refer Notes				

\$14,044,499.04	\$14,185,585.44	\$141,086.40	1.00%
\$20,496,198.32	\$20,642,185.20	\$145,986.88	0.71%
		\$191,711.52	

\$19.92	\$20.12	\$0.20	1.00%

\$1.0061	\$1.0162	\$0.0101	1.00%

Averages Across All SHEEP

\$19.92	\$20.12	\$0.20	1.00%
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\$1.0061	\$1.0162	\$0.0101	1.00%
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MEAT PROCESSING ESTABLISHMENTS - PIGS

PIGS #1 - Refer Notes	467			
PIGS #2	387	598000	71	42188900

\$23,097,701.12	\$23,355,450.56	\$257,749.44	1.12%
\$19,029,097.36	\$19,240,074.88	\$210,977.52	1.11%

\$31.82	\$32.17	\$0.35	1.11%

\$0.4510	\$0.4560	\$0.0050	1.11%

Averages Across All PIGS

\$31.82	\$32.17	\$0.35	1.11%
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\$0.4510	\$0.4560	\$0.0050	1.11%
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MEAT RETAIL ESTABLISHMENTS

RETAIL #1	20	Not Applicable	Not Applicable	2500000
RETAIL #2 - Refer Notes	14	Not Applicable	Not Applicable	

\$1,030,424.72	\$1,035,759.92	\$5,335.20	0.52%
\$715,094.64	\$721,062.16	\$5,967.52	0.83%

Not Applicable	Not Applicable	Not Applicable	Not Applicable
Not Applicable	Not Applicable	Not Applicable	Not Applicable

\$0.4122	\$0.4143	\$0.0021	0.52%

Averages Across All RETAIL

\$0.4122	\$0.4143	\$0.0021	0.52%
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\$0.4122	\$0.4143	\$0.0021	0.52%
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MEAT MANUFACTURING ESTABLISHMENTS

MANUFACTURING #1	82	Not Applicable	Not Applicable	3000000
MANUFACTURING #2	1014	Not Applicable	Not Applicable	53502853
MANUFACTURING #3	967	Not Applicable	Not Applicable	65000000
MANUFACTURING #4	909	Not Applicable	Not Applicable	70568461

\$4,084,016.56	\$4,102,670.00	\$18,653.44	0.46%
\$49,282,467.52	\$50,211,543.20	\$929,075.68	1.89%
\$47,089,305.12	\$47,777,624.96	\$688,319.84	1.46%
\$44,251,373.92	\$45,038,039.28	\$786,665.36	1.78%

Not Applicable	Not Applicable	Not Applicable	Not Applicable
Not Applicable	Not Applicable	Not Applicable	Not Applicable
Not Applicable	Not Applicable	Not Applicable	Not Applicable
Not Applicable	Not Applicable	Not Applicable	Not Applicable

\$1.3613	\$1.3676	\$0.0062	0.46%
\$0.9211	\$0.9385	\$0.0174	1.89%
\$0.7245	\$0.7350	\$0.0106	1.46%
\$0.6271	\$0.6382	\$0.0111	1.78%

Averages Across All MANUFACTURING

\$0.7534	\$0.7660	\$0.0126	1.67%
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\$0.7534	\$0.7660	\$0.0126	1.67%
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TOTAL BASIC WAGE INCREASE ACROSS ALL 16 ESTABLISHMENTS \$5,903,734.72

ALL ESTABLISHMENTS SUMMARY

NOTES

BEEF #4 - Company has not shared information in regard to numbers of Cattle processed or Output KG's

BEEF #5 - Company has only shared data for Jobs/Classifications that have been affected by the Proposed changes due to commercially sensitive nature of the information.

SHEEP #2 - Company has not shared information in regard to numbers of Sheep processed or Output KG's

SHEEP #3 - Company has only shared data for Jobs/Classifications that have been affected by the Proposed changes due to commercially sensitive nature of the information.

PIGS #1 - Company has not shared information in regard to numbers of Pigs processed or Output KG's as it is commercially sensitive.

RETAIL #2 - Company has not shared information in regard to output KG's

MEAT PROCESSING ESTABLISHMENT - BEEF
INCREASES PER JOB across all 5 sites

Tasks as per MIA 2020 Section A.3	EXISTING Level as per MIA 2020 section A.3	Hourly Rate	PROPOSED AMIEU Level	NOTES ON PROPOSED LEVEL	Hourly Rate	Hourly Rate % INCREASE	STAFF PER JOB ACROSS ALL SITES-FTE (1976hrs)	TOTAL INCREASE PER JOB ACROSS ALL SITES \$	% OF TOTAL INCREASE
MI1									
An employee at this level will be a person with no experience in the industry undergoing on-the-job training for an initial period of at least 3 months.	MI1	\$23.46	MI3	No MI2 classifications relevant to Meat Processing establishments, therefore need to allocate MI3	\$24.54	4.60%	484	\$1,032,894.72	40.95%
MI3 - All meat industry streams									
Employee indirectly connected with the slaughter floor—tasks such as cleaning tripe by machine/hand	MI3	\$24.54	MI4	If changed description to say without knives, this would mean that in plants where employees use knives or scissors during this process, as per AMIC & JBS responses, would be classified as MI4 as per AMIEU's proposed classification of "Employees using knives except where otherwise specified"	\$25.11	2.32%	153	\$172,326.96	6.83%
Separating and/or handling offal at the eviscerating table	MI3	\$24.54	MI4	As per AMIEU proposed change to Knifehand classifications, this would mean that this would change to MI4 as knives are used in this process as per AMIC & JBS responses	\$25.11	2.32%	69	\$77,716.08	3.08%
Removing head meat	MI3	\$24.54	MI4	As per AMIEU submission	\$25.11	2.32%	44	\$49,558.08	1.96%
Operating Whizard Knives	MI3	\$24.54	MI4	As per AMIEU submission	\$25.11	2.32%	107	\$120,516.24	4.78%
Wrapping, weighing, pricing, packing and packaging uncooked meat	MI3	\$24.54	MI4	As per AMIEU submission	\$25.11	2.32%	795	\$895,424.40	35.50%
MI4 - All meat industry streams									
MI4 - Meat Processing Establishment stream - Slaughterer (CALVES & BEEF) Class 3									
tying weasands (not in shackling area)	MI4	\$25.11	MI5	As per AMIEU submission	\$25.56	1.79%	9	\$8,002.80	0.32%
removing heads by severing spinal cord and placing on table or chain	MI4	\$25.11	MI5	As per AMIEU submission	\$25.56	1.79%	15	\$13,338.00	0.53%
hide puller	MI4	\$25.11	MI6	As per AMIEU submission	\$26.08	3.86%	26	\$49,834.72	1.98%

BEEF INCREASES PER JOB

Tasks as per MIA 2020 Section A.3	EXISTING Level as per MIA 2020 section A.3	Hourly Rate	PROPOSED AMIEU Level	NOTES ON PROPOSED LEVEL	Hourly Rate	Hourly Rate % INCREASE	STAFF PER JOB ACROSS ALL SITES- FTE (1976hrs)	TOTAL INCREASE PER JOB ACROSS ALL SITES \$	% OF TOTAL INCREASE
saving sinews from forelegs	MI4	\$25.11	MI5	Not listed in MI4 proposal. However, there is reference to Saving sinews and forefeet in MI5 proposal	\$25.56	1.79%	16	\$14,227.20	0.56%
MI5 - Meat Processing Establishment stream - Slaughterer (CALVES & BEEF) Class 2									
cheeking	MI5	\$25.56	MI6	As per AMIEU proposed Slaughtering consolidation	\$26.08	2.03%	26	\$26,715.52	1.06%
skinning heads	MI5	\$25.56	MI6	As per AMIEU proposed Slaughtering consolidation, In the submission it says that the task is completed by a Class 1 Slaughterer which is MI6	\$26.08	2.03%	5	\$5,137.60	0.20%
MI5 - All meat industry streams									
Sawyer	MI5	\$25.56	MI6	As per AMIEU proposed Slaughtering consolidation	\$26.08	2.03%	24	\$24,660.48	0.98%
Bench power saw operator (breaking up)	MI5	\$25.56	MI6	As per AMIEU proposed Slaughtering consolidation	\$26.08	2.03%	31	\$31,853.12	1.26%

MI6 - Meat Processing Establishment stream - Slaughterer (CALVES & BEEF) Class 1

MI6 - Meat Processing Establishment stream - Slaughterer (BEEF)

MI6 - All meat industry streams

MI7 - All meat industry streams

TOTAL INCREASE FOR ALL SITES \$2,522,205.92

**MEAT MANUFACTURING ESTABLISHMENT -
INCREASES PER JOB** across all 4 sites

Tasks as per MIA 2020 Section A.3	EXISTING Level as per MIA 2020 section A.3	Hourly Rate	PROPOSED AMIEU Level	NOTES ON PROPOSED LEVEL	Hourly Rate	Hourly Rate % INCREASE	STAFF PER JOB ACROSS ALL SITES- FTE (1976hrs)	TOTAL INCREASE PER JOB ACROSS ALL SITES \$	% OF TOTAL INCREASE
MI1									
An employee at this level will be a person with no experience in the industry undergoing on-the-job training for an initial period of at least 3 months.	MI1	\$23.46	MI2	As per AMIEU submission	\$24.25	3.37%	153	\$238,839.12	9.86%
MI2 - Meat Manufacturing establishment stream									
table hand	MI2	\$24.25	MI4	As per JBS Response	\$25.11	3.55%	659	\$1,119,878.24	46.22%
MI3 - Meat Manufacturing establishment stream									
Filerman	MI3	\$24.54	MI4	As per AMIEU submission claiming role is a "mixing Machine Operator"	\$25.11	2.32%	26	\$29,284.32	1.21%
Packing-room hand	MI3	\$24.54	MI4	As per AMIEU submission	\$25.11	2.32%	852	\$959,624.64	39.61%
Slicing	MI3	\$24.54	MI5	As per AMIEU submission	\$25.56	4.16%	6	\$12,093.12	0.50%
and/or operating scales,	MI3	\$24.54	MI4	As per AMIEU submission	\$25.11	2.32%	12	\$13,515.84	0.56%
MI3 - All meat industry streams									
Removing head meat	MI3	\$24.54	MI4	As per AMIEU submission	\$25.11	2.32%	2	\$2,252.64	0.09%
Operating Whizard Knives	MI3	\$24.54	MI4	As per AMEIU submission	\$25.11	2.32%	1	\$1,126.32	0.05%
Wrapping, weighing, pricing, packing and packaging uncooked meat	MI3	\$24.54	MI4	As per AMIEU submission	\$25.11	2.32%	9	\$10,136.88	0.42%
MI4 - Meat Manufacturing establishment stream									
MI5 - Meat Manufacturing establishment stream									
MI5 - All meat industry streams									
Sawyer	MI5	\$25.56	MI6	As per AMIEU proposed Slaughtering consolidation	\$26.08	2.03%	3	\$3,082.56	0.13%
Bench power saw operator (breaking up)	MI5	\$25.56	MI6	As per AMIEU proposed Slaughtering consolidation	\$26.08	2.03%	32	\$32,880.64	1.36%
MI6 - All meat industry streams									
MI7 - All meat industry streams									
								TOTAL INCREASE FOR ALL SITES	\$2,422,714.32

MEAT PROCESSING ESTABLISHMENT - PIGS
INCREASES PER JOB across all 2 sites

Tasks as per MIA 2020 Section A.3	EXISTING Level as per MIA 2020 section A.3	Hourly Rate	PROPOSED AMIEU Level	NOTES ON PROPOSED LEVEL	Hourly Rate	Hourly Rate % INCREASE	STAFF PER JOB ACROSS ALL SITES-FTE (1976hrs)	TOTAL INCREASE PER JOB ACROSS ALL SITES \$	% OF TOTAL INCREASE
MI1									
An employee at this level will be a person with no experience in the industry undergoing on-the-job training for an initial period of at least 3 months.	MI1	\$23.46	MI3	No MI2 classifications relevant to Meat Processing establishments, therefore need to allocate MI3	\$24.54	4.60%	18	\$38,413.44	8.20%
MI3 - All meat industry streams									
Employee indirectly connected with the slaughter floor—tasks such as cleaning tripe by machine/hand	MI3	\$24.54	MI4	If changed description to say without knives, this would mean that in plants where employees use knives or scissors during this process, as per AMIC & JBS responses, would be classified as MI4 as per AMIEU's proposed classification of "Employees using knives except where otherwise specified"	\$25.11	2.32%	28	\$31,536.96	6.73%
Removing head meat	MI3	\$24.54	MI4	As per AMIEU submission	\$25.11	2.32%	7	\$7,884.24	1.68%
Operating Whizard Knives	MI3	\$24.54	MI4	As per AMIEU submission	\$25.11	2.32%	7	\$7,884.24	1.68%
Wrapping, weighing, pricing, packing and packaging uncooked meat	MI3	\$24.54	MI4	As per AMIEU submission	\$25.11	2.32%	324	\$364,927.68	77.86%
MI4 - All meat industry streams									
MI4 - Meat Processing Establishment stream - Slaughterer (PIGS) Class 3									
dropping rectum	MI4	\$25.11	MI5	As per AMIEU submission	\$25.56	1.79%	4	\$3,556.80	0.76%
MI5 - Meat Processing Establishment stream - Slaughterer (PIGS) Class 2									
gambrelling	MI5	\$25.56	MI4	As per AMIEU proposed Slaughtering consolidation	\$25.11	-1.76%	1	-\$889.20	-0.19%
MI5 - All meat industry streams									
Sawyer	MI5	\$25.56	MI6	As per AMIEU proposed Slaughtering consolidation	\$26.08	2.03%	14	\$14,385.28	3.07%
Lining up, backing down and chopping or sawing down (pigs)	MI5	\$25.56	MI6	As per AMIEU proposed Slaughtering consolidation	\$26.08	2.03%	1	\$1,027.52	0.22%
MI6 - Meat Processing Establishment stream - Slaughterer (PIGS) Class 1									
MI7 - All meat industry streams									

PIGS INCREASES PER JOB

Tasks as per MIA 2020 Section A.3	EXISTING Level as per MIA 2020 section A.3	Hourly Rate	PROPOSED AMIEU Level	NOTES ON PROPOSED LEVEL	Hourly Rate	Hourly Rate % INCREASE	STAFF PER JOB ACROSS ALL SITES- FTE (1976hrs)	TOTAL INCREASE PER JOB ACROSS ALL SITES \$	% OF TOTAL INCREASE
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TOTAL INCREASE FOR ALL SITES

\$468,726.96

MEAT RETAIL ESTABLISHMENT - INCREASES PER JOB across all 2 sites

Tasks as per MIA 2020 Section A.3	EXISTING Level as per MIA 2020 section A.3	Hourly Rate	PROPOSED AMIEU Level	NOTES ON PROPOSED LEVEL	Hourly Rate	Hourly Rate % INCREASE	STAFF PER JOB ACROSS ALL SITES-FTE (1976hrs)	TOTAL INCREASE PER JOB ACROSS ALL SITES \$	% OF TOTAL INCREASE
MI1 An employee at this level will be a person with no experience in the industry undergoing on-the-job training for an initial period of at least 3 months.	MI1	\$23.46	MI3	As per below MI2 will be changed to MI4 by AMIEU submission, therefore next logical step is MI3 classification	\$24.54	4.60%	2	\$4,268.16	37.76%
MI2 - Meat Retail Establishment Stream Order person delivering meat/meat products.	MI2	\$24.25	MI4	As per AMIEU short submission	\$25.11	3.55%	1	\$1,699.36	15.03%
MI3 - All meat industry streams									
MI4 - Meat Retail Establishment Stream Cashier	MI4	\$25.11	MI5	As per AMIEU submission	\$25.56	1.79%	6	\$5,335.20	47.20%
MI4 - All meat industry streams									
MI5 - Meat Retail Establishment Stream									
MI5 - All meat industry streams									
MI6 - All meat industry streams									
MI7 - All meat industry streams									
MI8 - Meat Retail Establishment Stream									

TOTAL INCREASE FOR ALL SITES \$11,302.72

MEAT PROCESSING ESTABLISHMENT - SHEEP INCREASES PER JOB across all 3 sites

Tasks as per MIA 2020 Section A.3	EXISTING Level as per MIA 2020 section A.3	Hourly Rate	PROPOSED AMIEU Level	NOTES ON PROPOSED LEVEL	Hourly Rate	Hourly Rate % INCREASE	STAFF PER JOB ACROSS ALL SITES- FTE (1976hrs)	TOTAL INCREASE PER JOB ACROSS ALL SITES \$	% OF TOTAL INCREASE
MI1									
An employee at this level will be a person with no experience in the industry undergoing on-the-job training for an initial period of at least 3 months.	MI1	\$23.46	MI3	No MI2 classifications relevant to Meat Processing establishments, therefore need to allocate MI3	\$24.54	4.60%	95	\$202,737.60	42.34%
MI3 - All meat industry streams									
Employee indirectly connected with the slaughter floor—tasks such as cleaning tripe by machine/hand	MI3	\$24.54	MI4	If changed description to say without knives, this would mean that in plants where employees use knives or scissors during this process, as per AMIC & JBS responses, would be classified as MI4 as per AMIEU's proposed classification of "Employees using knives except where otherwise specified"	\$25.11	2.32%	40	\$45,052.80	9.41%
Separating and/or handling offal at the eviscerating table	MI3	\$24.54	MI4	As per AMIEU proposed change to Knifehand classifications, this would mean that this would change to MI4 as knives are used in this process as per AMIC & JBS responses	\$25.11	2.32%	23	\$25,905.36	5.41%
Removing head meat	MI3	\$24.54	MI4	As per AMIEU submission	\$25.11	2.32%	3	\$3,378.96	0.71%
Operating Whizard Knives	MI3	\$24.54	MI4	As per AMIEU submission	\$25.11	2.32%	6	\$6,757.92	1.41%
Wrapping, weighing, pricing, packing and packaging uncooked meat	MI3	\$24.54	MI4	As per AMIEU submission	\$25.11	2.32%	121	\$136,284.72	28.46%
MI4 - All meat industry streams									
MI4 - Meat Processing Establishment stream - Slaughterer (SHEEP) Class 3									
opening up	MI4	\$25.11	MI6	As per AMIEU submission	\$26.08	3.86%	11	\$21,083.92	4.40%
clear rectum gut and bladder	MI4	\$25.11	MI5	As per AMIEU submission	\$25.56	1.79%	9	\$8,002.80	1.67%
strip rectum gut	MI4	\$25.11	MI5	As per AMIEU submission	\$25.56	1.79%	7	\$6,224.40	1.30%
tie rectum gut	MI4	\$25.11	MI5	As per AMIEU submission	\$25.56	1.79%	2	\$1,778.40	0.37%

SHEEP INCREASES PER JOB

Tasks as per MIA 2020 Section A.3	EXISTING Level as per MIA 2020 section A.3	Hourly Rate	PROPOSED AMIEU Level	NOTES ON PROPOSED LEVEL	Hourly Rate	Hourly Rate % INCREASE	STAFF PER JOB ACROSS ALL SITES- FTE (1976hrs)	TOTAL INCREASE PER JOB ACROSS ALL SITES \$	% OF TOTAL INCREASE
M15 - All meat industry streams									
Sawyer	M15	\$25.56	M16	As per AMIEU proposed Slaughtering consolidation	\$26.08	2.03%	20	\$20,550.40	4.29%
Bench power saw operator (breaking up)	M15	\$25.56	M16	As per AMIEU proposed Slaughtering consolidation	\$26.08	2.03%	7	\$7,192.64	1.50%
M16 - Meat Processing Establishment stream - Slaughterer (SHEEP) Class 1									
free and tie weasand	M16	\$26.08	M15	As per AMIEU M16 inclusive of slaughtering consolidation	\$25.56	-1.99%	6	-\$6,165.12	-1.29%

M16 - All meat industry streams

M17 - All meat industry streams

TOTAL INCREASE FOR ALL SITES \$478,784.80

In attendance: Kirsten Hartmann, Interviewer (**KH**)
Patricia Otto, Interviewee (P)

Re: The Australian Meat Industry Council (AMIC)

IN THE FAIR WORK COMMISSION

Matter no: AM2021/57

Australasian Meat Industry Employee's Union ("AMIEU")

Applicant

AND

Australian Meat Industry Council ("AMIC")

Respondent

AND

JBS Australia Pty Ltd ("JBS")

AND

Australian Industry Group ("AIG")

Respondent

WITNESS STATEMENT OF PATRICIA OTTO

1. I, Patricia Otto – General Manager – Birtinya Butchery, of 30/8 The Avenue Birtinya 4575 affirm this 1st July 2024.
2. I have been asked by the Australian Meat Industry Council (AMIC) to provide a statement in relation to the matters that have been brought forward in the Union Application referred to above (AM2021/57).
3. AMIC have requested that I speak to any items that directly affect the Retail Stream of the Meat Industry Award 2020, and any other commentary on items affecting all meat industry streams where I feel that I have merit/experience/qualifications to provide evidence.
1. I have been provided with the following documents to consider in respect of the task set before me:
 - a. AMIEU application to vary the award dated 20 April 2021.
 - b. Witness statements of Graeme Smith, Gary Rolten, Steve Leight and Dr Patrick O'Leary.
 - c. The abridged short AMIEU submission.
4. My employment history is as follows:

I have worked in many different roles in different industries, from hospitality, retail, finance and insolvency, and fashion design and manufacturing. I have held leadership roles in finance and in fashion. My partner and I own and operate the business of Birtinya Butchery, in which I am the Gen Manager. He has the title of Director, but to us, our titles are arbitrary because we both run the business, including all the day-to day operations of the shop together. The business is an independent retail butchers shop.

5. My current roles and tasks are that I am involved in pretty much every aspect of the business. It's our shop, it's our livelihood, so Marcus (my partner) and I operate it on our own behalf, and we are there every day.
6. The specific tasks that I perform include administration, payroll, Human Resources, accounts, stock ordering, packaging and value-added items. I also work in the shop as well, preparing products in the windows and serving customers. On the retail side, we also have an ecommerce platform that I run, and then we have logistics as well, so we do local and third-party deliveries of meat and meat products. I am fully aware of the operation of all aspects of the business from my own personal knowledge.
7. I do not cut meat because I'm not qualified to, that is, I am not a qualified butcher. We employ qualified butchers with whom I work closely, and I look at the quality, and act upon the feedback from a consumer point of view as to how things aesthetically should look. Although I don't actually do the physical task itself, the responsibility still falls on my and my partner's shoulders because, these are our products that we are selling to our customers.
8. The first item in the Union application of note to me, is the suggested removal of an order person delivering meat or meat products from MI2 in the meat retail establishment stream. I strongly disagree with this. We have a driver who only delivers meat. He has no skills whatsoever to serve customers, to package any goods or to process any goods. If he were to work in the shop, he would need a lot of training to be upskilled. The way that his work organised in our business, he performs no other duties, and his soul task of the delivery of orders in the local area is a very low skill job; all you need is a current car driver's licence. They do this in a small delivery van.
9. The order man delivering meat is not a redundant role. Our order person works on a casual basis on one day per week for five or six hours on that day. On the other side of this proposal, we cannot afford to lose a qualified staff member to go out on the road and do deliveries for five or six hours.
10. I cannot emphasise enough that this delivery role is a low skilled role. For example, my delivery person would not be allowed to work in the store and to greet customers, and we do not require him to do so. This is because we have a certain standard within the shop, and it would be necessary to provide any such employee with training as to how we like to greet customers as they come into the store. At the moment, we do weekly deliveries, on one day a week, but we are a growing business, which has only been in operation for four years, so we hope that this part of our business will increase. We hope to be able to deliver every day at some time in the future. We are open seven days a week.
11. In relation to the linking role, this task will is still done by hand in my shop. A linker is not a separate identified task in retail, will however we do hand link, which is a task that

is taught as part of a butcher's apprenticeship. All of the linking undertaken in the shop, is done by hand. Sausages are hand linked after having been filled by the filler filler.

12. Linking is a very simple task. We have a school-based apprentice who just turned 15 years old, and he does the linking in our store. It is a very junior, low skilled role. It's probably one of the first things that they will learn in terms of doing a task of making sausages and batching, that's the first thing that they do is they learn how to link first, and then they move up from there, in reverse order from the manner in which the sausages are made. A linker can be explained as essentially, when the sausage meat gets filled in the casing as a long continuous tube, the linker twists them by hand to then create the individual sized sausages that you see in the window. To my knowledge this is a very common practice in the retail sector, and all or most independent retail butchers link their sausages by hand. As I have said, it is such a simple task that our junior apprentices have been performing this work for the whole time we have been operating this business.
13. I am aware of others that are not retail that are also linking by hand. For example, we have a bacon supplier, which manufactures nitrate free bacon that we order. They also manufacture sausages as part of a small Artisan style meat manufacturing business, and I am aware that they link all of their sausages by hand. The only other way of linking sausages is by a machine, which is very expensive and not warranted and not used to my knowledge in an independent butcher shop or a small meat manufacturing business, like our bacon supplier.
14. We use our apprentices and juniors doing packing roles whilst they are learning to do lower skilled roles. For example, packing meat. Our lower skilled people do the packing even before they are allowed to work with the customers. It would be the lowest skill role in the shop.
15. I cannot speak to the small goods maker in a meat retail establishment as we do not make smallgoods (other than sausages) in our butcher shop as we do not have the space to.
16. In relation to the Union saying that a cashier is the same as a salesperson, we do salespersons, because that role is performed in our shop by a qualified retail butcher, who can understand and deliver the customers needs in relation to particular cuts of meat.. There is a lower level cashier, who may occasionally handle small quantities of the product.
17. The cashier (as compared to a salesperson) is a person who takes the money. There is no cutting. They may put a tray in the window, but they would have the same skill level as that of a first-year school-based apprentice. They are not doing any technical role that might require any sort of formal training related to the butchery trade. Those roles are only for apprentices and butchers. We do employee cashier but we definitely do not have a salesperson, who has that kind of skill.
18. I am informed the Award describes a cashier as "an employee engaged to collect and/or process money or other payment tendered for retail sales of meat and/or meat products and who is not a salesperson". Our cashiers do that work and the salesperson definition in the award generally describes the role that our qualified butchers are doing in our shop.

19. The cashier role is absolutely not a redundant role. If it was removed from the award, either our cashier would be no longer covered by the award for we would be required pay a cashier at level 5 in recognition of a skill level does not make sense. The only person cutting meat or with that level of knowledge about the meat in our store is a qualified butcher.
20. The best way I can describe it, that the butchers do all the hard work to get the product into the window, and the cashiers just put the sale through, put it in the shopping bag, and give it to the customer. We absolutely need cashiers for our business, and at that skill level. If this were to happen no independent butcher could afford to pay someone that much for such a low skilled job. It would drive up our wage costs significantly and unnecessarily.
21. In terms of these classification increases this is going to impact us directly in terms of wage costs, but also if wages are going up for our suppliers, our prices are going to go up. If wages are going up for our suppliers, our prices are going to increase. What we pay for our meat and our products are going to have to . also increase With inflation, as everybody is fully aware of, prices are already you'd think as high as they could possibly go.
22. We have no objection whatsoever to paying employees in accordance with the skill levels which they have and which they bring to their work. It would be unnecessarily inflating our wages cost, and the price of our product to the community if low skill and low pay positions are removed, and we are required to either stop employing such people, or to pay significantly more than the skill level requires. It is difficult enough to conduct such a business and provide a very necessary food product to the community at an affordable price, without unnecessary increases that would be brought about by the proposals that I have talked about earlier in this statement.

Signed: _____



Patricia Otto

Date: 01/07/2024
