

## IN THE FAIR WORK COMMISSION

4 yearly review of modern awards – AM2014/200 Aquaculture Industry Award

### NSW FARMERS (INDUSTRIAL) ASSOCIATION

#### OUTLINE OF SUBMISSIONS

##### Background

1. The NSW Farmers (Industrial) Association represents the interests of farmers across NSW. We are the peak state farming organisation in NSW with members growing food and fibre, ranging from livestock, wool, grains, cotton, horticulture, dairy and including oysters.
2. The NSW Farmers (Industrial) Association provides representation on behalf of its oyster producer members who have material interest in the Aquaculture Industry Award.
3. The NSW Farmers (Industrial) Association makes this submission in response to the exposure draft Aquaculture Industry Award issued by the Fair Work Commission on 8 December 2014 and in response to a number of submissions made by other parties about the exposure draft.

##### Submissions

4. Issues dealt with in the FWCFB 9412 decision - A number of provisions dealt with by the Full Bench Decision on 23 December 2014 require amendment or deletion so they are consistent with the Decision.
5. Clause 3.1 – We submit that the proposed description of the coverage clause in the exposure draft is suitable.
6. Clause 5.2 – For the purpose of completeness, it is proposed to include clause 8.4 'methods of arranging ordinary working hours' into the list of facilitative provisions.
7. Clause 6.5(ii) – The purpose of the exposure draft is to make the award easier to read and understand. Casual employees are not entitled to notice of termination or severance pay by the application of the National Employment Standards, therefore it will be of assistance to clarify as such in the award.
8. Clause 9.1(a) – The exposure draft meal break provision is a departure from the original award provision. We propose for the word "within" to be replaced with "not later than" to retain the understanding that an employee is to be given meal break at the 5 hour mark at the latest, not within the first 5 hours of work.
9. Clause 11.2(b) and clause 11.3(a) – Diving allowance prescribed in clause 11.2(b) is a wage related allowance as additional compensation for the type of work being performed. Clause 11.3(a) prescribes an allowance applicable when the employee is

required to provide their own diving equipment, this allowance is in addition to the allowance prescribed in clause 11.2(b). The allowance prescribed in clause 11.3(a) is not payable if an employer provides diving equipment for the employee.

10. Clause 11.3(d)(i) – We submit that travel time should be paid at the ordinary rates of pay.
11. Clause 14.3 – To provide consistency with clause 14.2, it is proposed for the following clause to be inserted as clause 14.3(b):  
“Casual employees will be paid at the rate in clause 14.3(a) for any overtime worked instead of the loading prescribed in clause 6.5(b).”
12. Schedule B.1.1 – The rate for Saturday and Sunday work should be 125% and 150% respectively. The monetary calculations are correct.
13. Schedule B.1.2 and schedule B.2.2 – Explanation under public holiday column should be clarified that they are referring to non-continuous shift workers and continuous shift workers.
14. Schedule B.3.2 – The rate for continuous shift workers on public holiday is suppose to be 200%, instead of 250%. The monetary calculations are correct.

Signature:



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Date: 17 February 2015