

**From:** Ruchi Bhatt [<mailto:Ruchi.Bhatt@aigroup.com.au>]  
**Sent:** Wednesday, 24 August 2016 5:11 PM  
**To:** Chambers - Clancy DP; AMOD  
**Subject:** AM2014/231 Horticulture Award 2010 - outstanding issues

Dear Deputy President,

We refer to the above matter and proceedings conducted before the Commission on 8 August 2016. During those proceedings, the Australian Industry Group (**Ai Group**) sought and was granted an opportunity to consider its position in respect of two outstanding issues. Please find below a response in respect of each. We apologise sincerely for the delay in providing this response.

#### **Item 27 – NFF proposal of 5 August 2016**

It appears that the NFF's proposal would amount to a substantive change to the *Horticulture Award 2010 (Award)*, which is opposed by the AWU. In light of this, we consider that it would be appropriate that it be dealt with through the relevant separate process that is adopted by the Commission in respect of other substantive changes sought to the Award that are also contentious. At the relevant time, Ai Group may seek to be heard in respect of the NFF's proposal.

#### **Item 53 – definition of “wine industry”**

As we understand it, the Commission's member support team will undertake an analysis of the definition of “wine industry” as it appears in this Award and others, as well as the relevant history preceding those provisions. We refer to paragraph 465 of the transcript of proceedings on 8 August 2016 and paragraph 296 of the transcript of proceedings on 6 June 2016 in this regard.

This information may inform our position as to whether the NFF's proposal would give rise to an unintended substantive change to the coverage of the Award. Accordingly, we may seek an opportunity to provide comment to the Commission once this research has been published.

Kind regards,  
Ruchi.

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