

## SUMMARY OF SUBMISSIONS

This table is a summary of submissions lodged for this award on or before 5.00 pm on 24 June 2016

*This summary does not include submissions received in relation to the learner shearer issue, which is being dealt with in AM2015/23*

STATUS as at 27 June 2016

A = agreed or not opposed (as per [NFF sub 16/06/16](#)); F = determined by or before another Full Bench; W = withdrawn; D = not agreed

Item	Party	Document	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Their reference	Notes	Status
1.	NFF	<a href="#">Sub-14/04/16</a>	1.2		<b>Title and commencement</b> Remove words 'as varied' to clarify the modern award, as opposed to the variation, commenced on 1 January 2010.	Paras 10–11	Standard wording inserted in all exposure drafts <a href="#">[2015] FWCFB 4658</a> at [8]	F
	AWU	<a href="#">Reply-sub-5/05/16</a>			Not opposed to NFF submission	Para 1		
	NFF	<a href="#">Further-sub-16/06/16</a>			Agreed in relation to the other agricultural awards.			
2.	NFF	<a href="#">Sub-14/04/16</a>	2.1, 2.3		<b>The National Employment Standards and this award</b> NES is a defined term, no need to be referred to in full. Description should be amended to accommodate terms and conditions that operate for benefit of employers covered by award. Should reflect current term, and deal with situation where there is no noticeboard and limited/no internet coverage.	Paras 13–16	Proposed wording in submission.  Determined by Full Bench in <a href="#">[2014] FWCFB 9412</a>	W
	AWU	<a href="#">Reply sub-5/05/16</a>			Provisions in clause 2 determined by Full Bench <a href="#">[2014] FWCFB 9412</a> at [21–29]. AWU particularly concerned with NFF proposal to	Para 3		

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					insert <del>‘that apply to the employment of employees’, conflates concepts of covering and applying to employees, distinction is important to maintain – as award covers an employee but may not apply because an enterprise agreement is in operation.</del>			
	NFF	<a href="#">Further-sub-16/06/16</a>			Withdrawn			
3.	BusSA	<a href="#">Sub-15/04/16</a>	3.3	3	<b>Coverage – Definition of Wine Industry</b> Definition changed (creating inconsistency) – Definition in ED does not include ‘the planting of wine grape vines’.	Para 11.1.1	<i>See also item 4 &amp; 116</i>	D
	NFF	<a href="#">Further-sub-16/06/16</a>			Discussion in relation to other agricultural awards has canvassed an approach whereby the definition of ‘wine industry’ in the Wine Industry Award would be adopted by cross-reference in those awards where it is used to delineate coverage between the two awards.			
4.	BusSA	<a href="#">Sub-15/04/16</a>	3.3	3	<b>Coverage - Definition of Wine Industry</b> <i>Parties asked whether wine industry should be defined by reference to the Wine Industry Award or by reference to definition in Schedule G?</i> Supports definition of wine industry according to the <i>Wine Industry Award 2016</i> – most appropriate mechanism to ensure the definition remains current.	Para 11.2.1	<i>See also item 3 &amp; 116</i>	D
	AWU	<a href="#">Sub-17/04/16</a>			Subject to not disturbing existing coverage arrangements, consideration could be given to	Para 4	Example provided in submission.	

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					linking the exclusions specifically to the coverage of other relevant awards – reflecting approach taken in cl.4.2 of the <i>Building and Construction General On-site Award 2010</i> .			
		<a href="#">Reply-sub-5/05/2016</a>			Relies on <a href="#">Sub -17/04/2016</a> , potentially better approach to draft the exclusion from coverage including for the wine industry.	Para 4		
	NFF	<a href="#">Sub-14/04/16</a>			Reference to definition in sch. G suitable as long as that definition is identical to that contained in the Wine Industry Award. Currently, part of the definition is missing.	Para 17		
	ABI& NSWBC	<a href="#">Sub-15/04/16</a>			Supports clause as currently drafted – consistent with clause 3.3(d), which will make clearer the delineation between the two awards.	Para 19.1		
	NFF	<a href="#">Reply-sub-5/05/16</a>			Support proposal of AWU. Suggest one change to wording in first paragraph of this clause: <i>Without limiting the generality of the exclusion in clause 3.1, this award does not cover employers or employees covered by:</i>	Para 11-12		
	AWU	<a href="#">Reply-sub-5/05/16</a>			Relies on their <a href="#">Sub -17/04/2016</a> if this proposal is not adopted agree to amendment proposed by NFF. Believes ABI submission similar effect.	Para 4, 72, 79		
	NFF	<a href="#">Further-sub-16/06/16</a>			Discussion on the same issue in other awards has settled on an approach where coverage clause definitions are located in the coverage clause.			

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5.	NFF	<a href="#">Sub-14/04/16</a>	3.4(a)		<b>Coverage</b> 'Act' is a defined term and does not need to be spelt out in full.	Para 18	Proposed wording in submission.	D  <i>While the Act is defined in each award, the full name is used in the coverage clause of all EDs for clarity</i>
	AWU	<a href="#">Reply-sub-5/05/16</a>		Does not believe NFF amendment justified and notes similar wording adopted across most ED.	Para 5			
	NFF	<a href="#">Further-sub-16/06/16</a>		Agreed in relation to other agricultural awards.				
6.	NFF	<a href="#">Sub-14/04/16</a>	3.5 and 3.6		<b>Coverage</b> Should be amended to include reference to defined term 'pastoral industry' for simplicity and ease of understanding.	Para 19 - 20	Proposed wording in submission.	D  <i>This wording is used in all EDs as per [2009] AIRCFB 945</i>
	AWU	<a href="#">Reply-sub-5/05/16</a>		Does not believe NFF amendment justified and notes similar wording adopted across most ED.	Para 5			
	NFF	<a href="#">Further-sub-16/06/16</a>		Agreed in relation to other agricultural awards.				
7.	NFF	<a href="#">Sub-14/04/16</a>	5		<del><b>Facilitative provisions</b> Term unnecessary. If included, clause should be amended to list all terms that permit parties to agree on award variations.</del>	<del>Paras 21-23</del>	<del>Proposed wording in submission.</del>	W
	AWU	<a href="#">Reply-sub-5/05/16</a>		Inclusion of facilitative provision determined in <a href="#">[2014] FWCFB 9412</a> at [37-43] does not see need to depart from decision. - Does not oppose inclusion of clauses 6.4(d) and 30.3 - Does oppose inclusion of Award flexibility clause (as operates independently of facilitative provision)	Paras 6-8			

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					and Dispute resolution clause.											
	BusSA	<a href="#">Reply-sub-6/05/16</a>			Agree with AWU											
	NFF	<a href="#">Further-sub-16/06/16</a>			NFF withdraws suggestion to delete facilitative provisions clause. Parties are likely to agree to changes to the current proposed clause to ensure it is complete. See Attachment A to submission for list.											
8.	AWU	<a href="#">Sub - 17/04/2016</a>	5.2		<b>Facilitative provisions</b> Reference to clause 30.3 incorrectly refers to individual agreement, not majority agreement.	Para 5		A								
	ABI&NS WBC	<a href="#">Reply-sub-6/05/16</a>			AWU correct, 30.3 requires agreement by ‘an individual’. Additionally reference to 30.5 is incorrect, proposes following amendments:	Para 19.1										
					<table border="1"> <thead> <tr> <th>Clause</th> <th>Provision</th> <th>Agreement between an employer and:</th> </tr> </thead> <tbody> <tr> <td>30.3</td> <td>Spread of ordinary hours</td> <td>An individual</td> </tr> <tr> <td>30.5</td> <td>Method of implementing a 38 hour week</td> <td>The majority of employees</td> </tr> </tbody> </table>	Clause	Provision	Agreement between an employer and:	30.3	Spread of ordinary hours	An individual	30.5	Method of implementing a 38 hour week	The majority of employees		
Clause	Provision	Agreement between an employer and:														
30.3	Spread of ordinary hours	An individual														
30.5	Method of implementing a 38 hour week	The majority of employees														
	NFF	<a href="#">Further-sub-16/06/16</a>			Agree with ABI/NSWBC											

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9.	BusSA	<a href="#">Sub-15/04/16</a>	Part 2		<p><b>General Employment Conditions</b>  Parties are asked to consider whether award should clarify the application of various parts of award.  Unsure of intent of question – further clarification required from FWC</p>	Para 11.2.2	<p><i>Part 2 of the ED (and Part 3 of the current award) provide 'General Conditions of Employment' however it is not clear to whom or when these provisions apply where there is inconsistency with another clause in the ED e.g. 'general' clause 10.2(c) provides a meal allowance after 1.5 hours which is inconsistent with cl.32.8 for Piggery attendants</i></p>	D
	NFF	<a href="#">Further-sub-16/06/16</a>		Not agreed, NFF view is that no change is necessary.				
10.	NFF	<a href="#">Sub-14/04/16</a>	6.1		<p><b>Types of employment</b>  Unnecessary – duplicates existing terms.</p>	Para 24	Consistent with wording used in other EDs	F
	AWU	<a href="#">Reply-sub-5/05/16</a>		Supports inclusion of term 6.1 and note will enhance consistency with other EDs.	Para 9.			
	NFF	<a href="#">Further-sub-16/06/16</a>		Not agreed				
11.	NFF	<a href="#">Sub-14/04/16</a>	6.3(a)		<p><b>Full-time employment</b>  For consistency, clause should be amended to include 'an average of'.</p>	Para 25	Proposed wording in submission.	D
	AWU	<a href="#">Sub - 17/04/16</a>		Should be amended to make reference to 38 ordinary hours per week – otherwise overtime hours outside the span of ordinary	Para 6	<i>See also item 13</i>		

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					hours in cl.30.3 could be included in the guaranteed 38 hours for the week.			
	NFF	<a href="#">Reply-sub-5/05/16</a>			Disagrees with AWU submission to restrict number of hours full-time and part-time employee engaged to work ordinary hours. Does not believe definition clause intended to deal with rates of pay. AWU amendment would change meaning.	Para 13-14		
	AWU	<a href="#">Reply-sub-5/05/16</a>			Not opposed to 'an average of 38 hours', notes potential ambiguity Part 8 – Shearing operations which does not allow for averaging of ordinary hours for Shearers and Crutches; notes casual basis available to all but Woolclassers and Shearing Shed Experts who can be engaged by the day. Propose amendment to NFF submission to incorporate AWU <a href="#">Sub -17/04/2016</a> : <i>"A full-time employee is an employee who is engaged to work an average of 38 <u>ordinary</u> hours per week".</i>	Paras 10-11		
	NFF	<a href="#">Further-sub-16/06/16</a>			Parties are likely to be agreed that the clause should include 'an average of'. Parties are not agreed on the restriction of hours to 'ordinary hours'.			
12.	NFF	<a href="#">Sub-14/04/16</a>	6.3(b)		<b>Full-time employment</b> Reference to pay scales obsolete, should refer to 'the applicable rate of pay'.	Para 26	Proposed wording in submission.	A
	AWU	<a href="#">Reply-sub-5/05/16</a>			Agrees with NFF's proposed amendment			

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	BusSA	<a href="#">Reply-sub-6/05/16</a>			Agree with NFF	11.3		
	NFF	<a href="#">Further-sub-16/06/16</a>			NFF proposal likely to be agreed between the parties			
13.	AWU	<a href="#">Sub-17/04/16</a>	6.4(a)(i)		<b>Part-time employment</b> Should be amended to make reference to 38 <i>ordinary</i> hours per week – otherwise overtime hours outside the span of ordinary hours in cl.30.3 could be included in the guaranteed 38 hours for the week.		Provision may be affected by <a href="#">AM2014/196</a>  <i>See also item 11</i>	D
	NFF	<a href="#">Further-sub-16/06/16</a>			Not agreed			
14.	NFF	<a href="#">Sub-14/04/16</a>	6.4(b)		<b>Part-time employment</b> Clause should be moved into cl.6.5 as it deals with casual employment.	Para 27		A
	AWU	<a href="#">Reply-sub-5/05/16</a>			Agrees with NFF's proposed amendment	Para 13		
	BusSA	<a href="#">Reply-sub-6/05/16</a>			Agree with NFF	11.4		
	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed.			
15.	NFF	<a href="#">Sub-14/04/16</a>	6.4(c)		<b>Part-time employment</b> Should be amended to correct typographical error.	Para 28	Proposed wording in submission.	A
	AWU	<a href="#">Reply-sub-05/05/16</a>			Agrees with NFF's proposed amendment	Para 13		
	BusSA	<a href="#">Reply-sub-06/05/16</a>			Agree with NFF	11.5		



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	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed.			
16.	NFF	<a href="#">Sub-14/04/16</a>	6.5(a)		<b>Casual employment</b> Current wording changes meaning of clause. Should be amended to re-insert words ‘as such’ or ‘engaged and paid as a casual employee’.	Para 29	Proposed wording in submission.	A
	AWU	<a href="#">Sub - 17/04/16</a>			Should be amended to include ‘as such’, otherwise any employee engaged and paid by the hour can be treated as a casual.	Para 8		
	AWU	<a href="#">Reply-sub-05/05/16</a>			Supports NFF’s amendment, part-time employee could also be ‘paid by the hour’.	Para 14		
	BusSA	<a href="#">Reply-sub-06/05/16</a>			Agree with NFF and AWU	11.6		
	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed subject to final wording.			
17.	NFF	<a href="#">Sub-14/04/16</a>	6.5(c)(i)		<b>Casual employment</b> <i>Clause 40.1 of this exposure draft (clause 45.1(1) of the current award) provides for Shearers to be engaged by the day and clause 40.5 (clause 45.4(g) of the current award) provides for Woolpressers to be engaged on a time work basis. Parties are asked to comment on whether this is inconsistent with clause 6.5(c)(i)</i> There is no inconsistency – clauses simply outline different options for payment of Shearer or Woolpresser. For sake of clarity and consistency with other terms of award,	Paras 30–34	Proposed wording in submission. Provision may be affected by <a href="#">AM2014/197</a>	A

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					clause should be amended as suggested.			
	BusSA	<a href="#">Sub-15/04/16</a>			No apparent inconsistency – however proposes the following amendment: ‘Casual Shearers, Crutchers and Woolpressers engaged as pieceworkers will be paid the piecework rates prescribed by this award’.	Para 11.2.3		
	AWU	<a href="#">Sub-17/04/16</a>			Given scope for payment at time work rates, clause should be amended to read: ‘Shearers, Crutchers and Woolpressers will be engaged as casual pieceworkers in accordance with the terms specified in Part 8 – Shearing Operations’.	Para 9		
	NFF	<a href="#">Reply-Sub-05/05/16</a>			Note wording provided by AWU and Business SA. Contend their wording in <a href="#">Sub-14/04/2016</a> should be preferred.	Para 15		
	AWU	<a href="#">Reply-sub-05/05/16</a>			Amendment proposed by NFF substantially same as AWU; Supports proposal made by BusSA suggest clearer than what proposed at para [9] AWU <a href="#">Sub -17/04/2016</a> .	Para 15		
	BusSA	<a href="#">Reply-sub-06/05/16</a>			Agrees with AWU proposal <a href="#">Sub -17/04/16</a> at para [9]	11.7		
	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed subject to final wording.			
18.	NFF	<a href="#">Sub-14/04/16</a>	6.6(a)		<b>Farm and livestock hand at shearing or crutching</b> Not easy to understand, original wording should be retained.	Para 35		D

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	AWU	<a href="#">Reply-sub-05/05/16</a>			Submits ED wording clearer than 10.5 of current MA. ED wording should be kept.	Para 16		
	NFF	<a href="#">Further-sub-16/06/16</a>			Not agreed			
19.	AWU	<a href="#">Sub - 17/04/16</a>	7		<b>Breaks</b> Clause is problematic for piggery attendants who work as shiftworkers because there is a paid crib break entitlement. Clause should be amended to exclude those who will receive the paid crib break.	Para 10	Proposed wording provided in submission.	A
	NFF	<a href="#">Reply-Sub-05/05/16</a>			Supports AWU submission. Propose alternative form of words.	Para 16	Provided wording in submission.	
	BusSA	<a href="#">Reply-sub-06/05/16</a>			Agrees with AWU, however their proposed wording unclear. Succinct references to specific clause mentioned by the AWU should be made.	11.8, 11.38		
	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed subject to final wording.			
20.	NFF	<a href="#">Sub-14/04/16</a>	7.1(c)		<b>Meal break</b> Should be amended to retain current MA wording and meaning. Limitation that work performed during meal break attracting a double time rate should be limited to work undertaken in response to a direct instruction from employer.	Paras 36–38		A
	AWU	<a href="#">Reply-sub-5/05/16</a>			Does not oppose to NFF's amendment on the basis that it reflects clause 15.1(b) of the current award.	Para 17		
	BusSA	<a href="#">Reply-sub-</a>			Agree with NFF	11.9		

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		<a href="#">6/05/16</a>						
	NFF	<a href="#">Further-sub-16/06/16</a>			NFF amendment likely to be agreed.			
21.	AWU	<a href="#">Sub - 17/04/16</a>	9.1		<b>Period of payment</b> The words 'actual ordinary' should be deleted as they indicate the payment obligation would not apply to overtime hours.	Para 11	Proposed wording provided in submission.	A
	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed.			
22.	NFF	<a href="#">Sub-14/04/16</a>	10		<b>Allowances</b> New opening sentence states the obvious and not required.	Para 39	<i>This wording is used in all EDs</i>	F
	AWU	<a href="#">Reply-sub-5/05/16</a>			Disagrees with NFF. New sentence helpful and should be retained.			
	NFF	<a href="#">Further-sub-16/06/16</a>			Not agreed			
23.	NFF	<a href="#">Sub-14/04/16</a>	10.1(a)		<b>Allowances — all purpose</b> <del>All purpose allowance' should be defined as 'an allowance which is added to the minimum rate of pay before award entitlements to leave or payment of loadings (other than the casual loading) or penalties are calculated'.</del>	Para 40		W
	AWU	<a href="#">Reply sub-5/05/16</a>			Disagrees with NFF. Definition of "all purpose allowance" is settled, amendment would be contrary to <a href="#">[2015] FWCFB 6656</a> at [110].	Para 19		
	NFF	<a href="#">Further-sub-16/06/16</a>			Withdrawn			

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24.	NFF	<a href="#">Sub-14/04/16</a>	10.1(a)(iii)		<b>Allowances – travelling allowance</b> <i>Clause 17.4 of the current award defines the Travelling allowance as an ‘all purposes allowance’. Parties are asked to confirm whether this is correct.</i> ‘Travelling allowances should not be treated as all-purpose allowances – they reimbursements for expenses and are inherently uncertain.	Para 41		A
	ABI&NS WBC	<a href="#">Sub-15/04/16</a>			Submits travelling allowance should not and cannot be construed as an all-purpose allowance as only paid in limited circumstances, and quantum of which will in many cases be unknown.	Paras 19.2 and 19.3		
	BusSA	<a href="#">Sub-15/04/16</a>			Travel allowance incorrectly categorised as all-purpose allowance. Paid in situation where employee is required to travel from one place to another for purpose of work, and cannot appropriately form part of worker’s ordinary hourly rate.	Para 11.2.4		
	AWU	<a href="#">Sub-17/04/16</a>			Accepts travelling allowance cannot sensibly be treated as an all-purpose allowance, more appropriately described as an expense-related allowance.	Para 12		
		<a href="#">Reply-sub-5/05/16</a>				Para 20, 82		
NFF	<a href="#">Further-sub-16/06/16</a>	Likely to be agreed between parties.						

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25.	AFEI	<a href="#">Sub-15/04/16</a>	10.1(b)		<b>Leading hand allowance</b> Allowance expressed as precise amount, however, full weekly amount only applies to full-time employees with part-time employees entitled to allowance on pro rata basis. Clause as currently expressed may be misleading.	Paras 31–32		D
	NFF	<a href="#">Reply-Sub-05/05/16</a>		Agrees with AFEI, allowance payable on pro-rata basis to part time employees consistent with 6.4(a)(iii) as it applies to 10.1(a)(i)	Para 45			
	AWU	<a href="#">Reply-sub-05/05/16</a>		Expression of allowance as weekly rate common in many industries. No change to ED warranted.	Para 78			
	BusSA	<a href="#">Reply-sub-6/05/16</a>		Agree with AFEI	11.10			
	NFF	<a href="#">Further-sub-16/06/16</a>		Not agreed				
26.	AWU	<a href="#">Sub - 17/04/16</a>	10.1(c)		<b>First aid allowance</b> Concerned wording conveys that employee would have to actually carry out first aid duties to receive allowance. Suggested wording provided to clarify application.		Proposed wording provided in submission.	D
	NFF	<a href="#">Reply-sub-5/05/16</a>		Notes AWU concern. Clause 10.1(a)(ii) makes clear allowance is payable for all purposes.	Para 17			
	BusSA	<a href="#">Reply-sub-6/05/16</a>		Agree with AWU	11.11			
	NFF	<a href="#">Further-sub-16/06/16</a>		Not agreed.				

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27.	NFF	<a href="#">Sub-14/04/16</a>	10.1(d)		<b>Travel allowance</b> Subclauses 10.1(d)(i) and (ii) should be amended as suggested for the sake of clarity.	Para 42	Proposed wording in submission.	A
	AWU	<a href="#">Reply-sub-5/05/16</a>		Agrees with both proposed amendments				
	NFF	<a href="#">Further-sub-16/06/16</a>		NFF amendment likely to be agreed.				
28.	NFF	<a href="#">Sub-14/04/16</a>	10.2(a)(i)		<b>Tool and equipment allowance</b> Should be amended as suggested for clarity.	Para 45	Proposed wording in submission.	A
	AWU	<a href="#">Reply-sub-5/05/16</a>		See no significant difference between NFF's proposed amendment and ED, will accept either.				
	NFF	<a href="#">Further-sub-16/06/16</a>		Likely to be agreed subject to wording.				
29.	NFF	<a href="#">Sub-14/04/16</a>	10.2(b)		<b>Use of vehicle allowances</b> Should be amended as suggested for clarity and consistency.	Para 46	Proposed wording in submission.	A
	AWU	<a href="#">Reply-sub-5/05/16</a>		Not opposed to NFF's proposed amendment given 17.2(b) of current award uses the term 'instructs'.	Para 24			
	NFF	<a href="#">Further-sub-16/06/16</a>		NFF amendment likely to be agreed.				
30.	NFF	<a href="#">Sub-14/04/16</a>	10.2(c)		<b>Overtime meal allowance</b> <i>Parties are asked to clarify the interaction between clauses 10.2(c)(i) and (ii). Does clause 10.2(c)(i) only apply when an employee has been notified that they are required to work overtime?</i>	Paras 47–49	<i>See also item 62</i>	D

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					Does not align well with hours of work arrangements, and is only relevant in limited circumstances. Requirements should be reviewed for relevance – they duplicate other provisions in the award.			
	BusSA	<a href="#">Sub-15/04/16</a>			Clause operates in substantially same way, save for notice requirement (whether employee was given notice they would be required to work overtime before leaving work the previous day, in which case cl.10.2(c)(i) will apply).	Para 11.2.5		
	AWU	<a href="#">Sub -17/04/16</a>			The sub-clauses overlap and conflict. Alternative wording proposed.	Para 14	Proposed wording in submission.	
		<a href="#">Reply-sub-5/05/16</a>				Para 83		
	NFF	<a href="#">Reply-Sub-05/05/16</a>			Reiterates submission <a href="#">Sub-14/04/2016</a>	Para 18		
	AWU	<a href="#">Reply-sub-05/05/16</a>			Relies on amendments proposed in <a href="#">Sub -17/04/2016</a> para 14. Disagrees that meal allowance has no relevance in this industry. Example provided.	Paras 25-26		
	ABI&NS WBC	<a href="#">Reply-sub-06/05/16</a>			Given the difference of opinion between the parties, suggest further discussion would be appropriate	19.2		
	NFF	<a href="#">Further-sub-16/06/16</a>			Not agreed.			
31.	NFF	<a href="#">Sub-14/04/16</a>	10.2(e)		<b>Wet weather clothing and footwear</b> Should be amended as suggested for ease of understanding and consistency with current	Para 44	Proposed wording in submission. [Note submission refers	A



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					MA.		<i>to 10.1(e)]</i>	
	AWU	<a href="#">Reply-sub-05/05/16</a>			Not opposed to amendment	Para 22		
	BusSA	<a href="#">Reply-sub-06/05/16</a>			Agree with AWU's submission	11.12		
	NFF	<a href="#">Further-sub-16/06/16</a>			NFF amendment likely to be agreed.			
32.	AWU	<a href="#">Sub-17/04/16</a>	14		<b>Annual leave</b> Notes a number of provisions may be affected by finalisation of annual leave common proceedings.	Para 15		F
	NFF	<a href="#">Further-sub-16/06/16</a>			Matter for the AM2014/47 Full Bench.			
33.	AWU	<a href="#">Sub-17/04/16</a>	14.4(a)(i)		<b>Annual leave loading</b> Given farm and livestock hands and poultry workers can be required to work ordinary hours on weekend without any penalty rates, the words "as performed between Monday and Friday" should be deleted.	Para 16		D
	NFF	<a href="#">Reply-Sub-05/05/16</a>			Does not agree with AWU submission to remove 'as performed between Monday and Friday'	Para 19		
	BusSA	<a href="#">Reply-sub-06/05/16</a>			Agree with AWU's submission	11.14		

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	NFF	<a href="#">Further-sub-16/06/16</a>			Not agreed.			
34.	NFF	<a href="#">Sub-14/04/16</a>	14.4(a)(ii) )		<b>Annual leave loading</b> Reference to cl.15.4(a)(i) should be amended to cl.14.4(a)(i).	Para 50	Provision may be affected by <a href="#">AM2014/47</a>	A
	AWU	<a href="#">Reply-sub-05/05/16</a>			Agree with NFF clause reference should be amended	Para 27		
	BusSA	<a href="#">Reply-sub-06/05/16</a>			Agree with NFF	11.13		
	NFF	<a href="#">Further-sub-16/06/16</a>			NFF amendment likely to be agreed.			
35.	BusSA	<a href="#">Sub-15/04/16</a>	14.7		<b>Transfer of business</b> Clause is due to be removed following the decision in <a href="#">[2015] FWCFB 3023</a>	Para 11.1.2	<i>ED reflects outcome of FB decision &amp; determination. However para 13 of 11 January 2016 decision [2016] FWCFB 191 states that parties may pursue claim re transfer &amp; probationary periods</i>	D
	AWU	<a href="#">Reply-sub-05/05/16</a>			BusSA submission incorrect. NES Inconsistencies Full Bench only determined to remove clause 23.7(a) from current award – see <a href="#">PR568677</a>	Para 80		
	NFF	<a href="#">Further-sub-16/06/16</a>			Should reflect decision in [2015] FWCFB 3023 and the Determination <a href="#">PR568677</a>			
36.	AWU	<a href="#">Sub-17/04/16</a>	14.8		<b>Proportionate leave on termination</b> Should be amended to include “(including annual leave loadings or penalty rates as per clause 14.4)” to ensure compliance with s.90(2) FW Act.	Para 17	Issue being considered by Annual Leave Full bench in AM2014/47 – see <a href="#">[2015] FWCFB 3406</a> at paras 416–429	F

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	NFF	<a href="#">Reply-Sub-05/05/16</a>			Disagrees with AWU. Contends matter is being dealt with by annual leave common issue.	Para 20		
	BusSA	<a href="#">Reply-sub-06/0/16</a>			Disagrees with AWU. The proposed wording can be interpreted too broadly.	11.15, 11.39		
	NFF	<a href="#">Further-sub-16/06/16</a>			Matter for the AM2014/47 Full Bench.			
37.	NFF	<a href="#">Sub-14/04/16</a>	18.2(b)		<b>Substitution of certain public holidays</b> Reference to 'in the enterprise or part of the enterprise concerned' should be moved as suggested for clarity and consistency	Para 51	Provision may be affected by <a href="#">AM2014/301</a>	A
	AWU	<a href="#">Sub-17/04/16</a>			Wording in clause 26.2(b) of current MA clearer and should be retained.	Para 18		
	NFF	<a href="#">Reply-Sub-05/05/16</a>			Agrees with AWU, retain wording of current MA.	Para 21		
	AWU	<a href="#">Reply-sub-5/05/16</a>			Agree with NFF's amendment	Para 28		
	BusSA	<a href="#">Reply-sub-6/05/16</a>			Agree with AWU's <a href="#">Sub -17/04/16</a> at para [18].			
	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed			
38.	NFF	<a href="#">Sub-14/04/16</a>	18.4		<b>Part-day public holidays</b> Reference to Schedule F should be updated or deleted.	Para 52	Provision may be affected by <a href="#">AM2014/301</a>	F
	NFF	<a href="#">Further-sub-16/06/16</a>			Schedule F should be updated pursuant to <a href="#">PR580863</a> .		<i>Schedule will be updated to refer to 2016</i>	

Item	Party	Document	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Their reference	Notes	Status
							<i>See also item 113</i>	
39.	NFF	<a href="#">Sub-14/04/16</a>	23.2(b)		<b>Farm and Livestock Hand Level 2 (FLH2)</b> <i>'QA Programs' are not currently defined in the award, should a definition be included in the award?</i> Defining term not necessary as it is well understood in industry and can be varied according to market requirements. Greater clarity may be achieved by spelling term out in full.	Paras 53–54		A
	BusSA	<a href="#">Sub-15/04/2016</a>		No definition necessary, term should simply be rewritten as 'quality assurance program'. If term has other meaning, a definition should be provided.	Para 11.2.6			
	AWU	<a href="#">Sub - 17/04/16</a>		Definition not required.	Para 19			
	NFF	<a href="#">Reply-Sub-05/05/16</a>		Notes AWU views – prefers NFF's own submission <a href="#">Sub-14/04/2016</a>	Para 22			
	AWU	<a href="#">Reply-sub-05/05/16</a>		Not opposed to replacing references to "QA Programs" with "Quality Assurance Programs" as per NFF's submission.	Para 29, 84			
	NFF	<a href="#">Further-sub-16/06/16</a>		Likely to be agreed				
40.	NFF	<a href="#">Sub-14/04/16</a>	23.2(b)		<b>Farm and Livestock Hand Level 2 (FLH2)</b> <i>Should 'OH&amp;S procedures' be changed throughout the award to 'WH&amp;S procedures'</i>	Para 55		A

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					<i>in line with current legislation?</i> No objection to change, although abbreviation 'WHS' more common. If necessary, words 'work health and safety' could be adopted.			
	BusSA	<a href="#">Sub-15/04/16</a>			Supports inclusion of wording 'WH&S procedures'.	Para 11.2.6		
	ABI & NSWBC	<a href="#">Sub-15/04/16</a>			References to 'OH&S procedures' should be changed to 'work health and safety procedures' throughout award.	Para 19.4		
	AWU	<a href="#">Sub-17/04/16</a>			References should be amended to 'WH&S procedures'.	Para 19		
	AWU	<a href="#">Reply-sub-5/05/16</a>			Not opposed to replacing "OH&S procedures" with "work health and safety procedures".	Para 29, 74		
	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed to replace 'OH&S' with 'WH&S, noting similar changes agreed in the other agricultural awards.			
41.	NFF	<a href="#">Sub-14/04/16</a>	24.2		<b>Junior wages</b> Table heading should be amended to refer to '% of relevant adult wage' for consistency with cl.24.1.	Para 56	Relates to proposed amendments to clauses 24.2, 29.2, 36.2 <i>See also items 51 &amp; 66</i>	D
	AWU	<a href="#">Reply-sub-05/05/16</a>			Opposed to NFF's amendment. "Adult rate" may encompass more than the "wage" rate in cl. 24.1.	Para 30		
	BusSA	<a href="#">Reply-sub-6/05/16</a>			Agree with NFF	11.17		
	NFF	<a href="#">Further-sub-16/06/16</a>			Not agreed			

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42.	NFF	<a href="#">Sub-14/04/16</a>	24.3		<p><b>With Keep Rate</b>  <i>Would the alternative wording below provide greater clarity in relation to how penalty and overtime rates interact with ‘with keep’ wages by expressing the ‘with keep’ amount as a deduction (rather than part of the minimum wage)? (see also clause 27.5): “If keep is provided then the employer may deduct an amount of \$120.94 per week from the employee’s total weekly wages.”</i></p> <p>Suggested wording would have the effect of changing the meaning of the clause and should not be implemented. Current wording should be retained.</p>	Paras 57–59	<i>See also item 117</i>	D
	ABI&NS WBC	<a href="#">Sub-15/04/16</a>			Agree the second version of the clause is easier to understand – supports the alternative wording.	Para 19.5		
	BusSA	<a href="#">Sub-15/04/16</a>			Change proposed is appropriate – provides clarity without changing the operation of cl.24.3	Para 11.2.7		
	AWU	<a href="#">Sub-17/04/16</a> <a href="#">Reply-sub-05/05/16</a>			Supports amendment as it should eliminate prospect of overtime and public holiday payments being calculated on a rate which has been reduced by ‘with keep’ amount.	Para 20 Para 31, 75, 85		
	NFF	<a href="#">Reply-Sub-05/05/2016</a>			Disagrees with AWU, BusSA, ABI&NSWBC. Proposed wording would increase costs as outlined in <a href="#">Sub-14/04/2016</a>	Para 23		

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	NFF	<a href="#">Further-sub-16/06/16</a>			Not agreed			
43.	NFF	<a href="#">Sub-14/04/16</a>	25.3		<p><b>Special Allowances</b>  <i>Parties are asked whether the allowances in clause 25 only apply to the Broadacre Farming and Livestock Operations stream. These allowances were found in the pre reform Pastoral Industry Award 1998 [<a href="#">AP792378CRV</a>] at clause 37</i></p> <p>Allowances only apply to Broadacre Farming and Livestock Operations stream, however, important to note Piggery and Poultry Operations were also covered by <i>Pastoral Industry Award 1998</i>.</p>	Para 60		D
	ABI&NS WBC	<a href="#">Sub-15/04/16</a>			Clear allowances in cl.25 only apply to Broadacre Farming and Livestock Operations.	Para 19.6		
	BusSA	<a href="#">Sub-15/04/16</a>			Allowances in cl. 25 should only apply to Broadacre Farming and Livestock Operations stream – pre reform award demonstrates that clause should not apply beyond Part 5.	Para 11.2.8		
	AWU	<a href="#">Sub-17/04/16</a>			Disability allowance should be moved to clause 10.1 so it can apply to any employee who is exposed to these tasks.	Para 22		
		<a href="#">Reply-sub-05/05/2016</a>			Relies on <a href="#">Sub -17/04/2016</a>	Para 32, 76, 86		
	ABI&NS WBC	<a href="#">Reply-sub-06/05/16</a>			Disagrees with AWU's proposal to move disability allowance to 10.1, submits this would be substantive change.	Para 19.3		

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	NFF	<a href="#">Further-sub-16/06/16</a>			Not agreed.			
44.	AWU	<a href="#">Sub - 17/04/16</a>	25.3(a)		<b>Special allowances</b> Should be amended to read: ‘in or in connection with jetting or spraying of sheep, <i>if they</i> mix the poison or handle the nozzle’.	Para 21		A
	NFF	<a href="#">Reply-sub-5/05/16</a>			NFF supports wording proposed by AWU in relation to clause 25.3.	Para 24		
	BusSA	<a href="#">Reply-sub-6/05/16</a>			Agree with AWU’s submission	11.18		
	NFF	<a href="#">Further-sub-16/06/16</a>			AWU amendment likely to be agreed.			
45.	NFF	<a href="#">Sub-14/04/16</a>	26.3		<b>Station cooks</b> <i>Given that cooks are classified as an FL1, should the words ‘appropriate weekly rate’ in clause 18.3 be changed to the ‘FL1 ordinary hourly rate’? Should these amounts also be expressed as percentages?</i> Oppose change suggested, as the weekly rate includes keep, while the FL1 ordinary hourly rate does not. Changing the clause would result in a deduction of keep from a station cook’s wages – which is not the intention.	Paras 61–63		D
	NFF	<a href="#">Reply-sub-5/05/16</a>			Notes their views correspond with AWU and Business SA, but differ from ABI&NSWBC	Para 26.3		
	ABI&NSWBC	<a href="#">Sub-15/04/16</a>			Supports change	Para 19.7		



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	BusSA	<a href="#">Sub-15/04/16</a>			Cl. 18.3 relates to payment for public holidays and there is no cl.18.3 in current award. If the question is directed at cl.26.3, the change is significant and contentious. The question suggests changing from a weekly rate to an hourly rate. BusSA does not support inclusion of wording 'appropriate weekly rate'. Supports expressing amounts as percentages.	Para 11.2.9	<i>This is an error in the ED note. Should refer to clause26.3, not 18.3</i>	
	AWU	<a href="#">Sub-17/04/16</a>			Amendment not required.	Para 23		
		<a href="#">Reply-sub-5/05/16</a>				Para 33, 77, 87		
	NFF	<a href="#">Further-sub-16/06/16</a>			Not agreed			
46.	NFF	<a href="#">Sub-14/04/16</a>	27.1		<b>Overtime and penalty rates</b> Reference to 'clause 26.1' should be amended to 'clause 26'.	Para 64		A
	AWU	<a href="#">Reply-sub-5/05/16</a>			Agrees with NFF reference should be to cl. 26	Para 34		
	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed.			
47.	AWU	<a href="#">Sub-10/12/15</a>	27.3	31.4	<b>Time off instead of payment for overtime</b> Seeks deletion of TOIL provision as may have no effect due to s.326 FW Act	Paras 3–13	Pending outcome of <a href="#">AM2014/300</a>	F
	AWU	<a href="#">Sub-17/04/16</a>			Affected by the Award Flexibility proceedings. AWU and NFF are in ongoing discussions about model TOIL term.	Para 24		
	NFF	<a href="#">Further-sub-16/06/16</a>			<b>Pending outcome of <a href="#">AM2014/300</a></b>			

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	AWU	<a href="#">Sub-17/04/16</a>	27.4		Contrary to requirement in s.323 for work to be paid for in full subject to permitted and reasonable deductions.	Para 25		
	NFF	<a href="#">Reply-Sub-05/05/2016</a>			Disagrees with AWU, would be substantive change.	Para 26		
	BusSA	<a href="#">Reply-sub-6/05/16</a>			Disagrees with AWU. Cl 27.4 serves important function in award. Deletion would be substantive change.	11.19, 11.40		
	ABI& NSWBC	<a href="#">Reply-sub-6/05/16</a>			ABI and NSWBC do not agree with AWU. If the Commission removes provision on basis of inconsistency with s.323, the provision should be replaced with clause requiring employees to notify a claim for overtime or time off in lieu within current timeframes listed in clause 27.4.	Para 19.4		
	NFF	<a href="#">Further-sub-16/06/16</a>			Not agreed			
48.	NFF	<a href="#">Sub-14/04/16</a>	27.5		<b>Overtime and penalty rates</b> Clause should be amended to refer to overtime payments being calculated on minimum weekly rate for simplicity and ease of understanding	Para 65	Proposed wording in submission	A
	AWU	<a href="#">Sub-17/04/16</a>			Proposes alternative wording to make clearer.	Para 26.		
	AWU	<a href="#">Reply-sub-5/05/16</a>			AWU prefers their wording in <a href="#">Sub - 17/04/2016</a> para 26 to NFF.	Para 35		
	NFF	<a href="#">Reply-sub-5/05/16</a>			Submits alternative wording: <i>Overtime and public holiday rates are calculated on the ordinary hourly rate before</i>	Para 27	Proposed wording in submission	

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					<i>any deduction is made for keep</i>			
	BusSA	<a href="#">Reply-sub-6/05/16</a>			Agree with NFF and AWU's submissions.	11.20		
	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed subject to wording.			
49.	NFF	<a href="#">Sub-14/04/16</a>	27.2, 32.2, 33.1, 38.1, Schedule s B.2.2, B.4.1, B.4.2 to B.4.5, B.5.2 and B.6.1		<b>Overtime and penalty rates – various</b> Identified clauses and tables imply that all hours worked on weekends (in particular Sunday) are overtime hours. However, under MA overtime hours are those worked in excess of ordinary hours (152 hours over four weeks) regardless of day or time. Clauses and tables should be amended to clarify that overtime is only payable after 152 hours have been worked in a four week period.	Paras 66–7-	Proposed wording and examples in submission	D
	AWU	<a href="#">Reply-sub-05/05/16</a>			NFF's general submission re overtime misconceived, proposed amendments should not be made. Examples provided.	Para 36		
	NFF	<a href="#">Further-sub-16/06/16</a>			Not agreed			
50.	NFF	<a href="#">Sub-14/04/16</a>	27.6		<b>Public holidays</b> Reference to 'Farm' should be amended to 'farm'.	Para 71		A
	AWU	<a href="#">Reply-sub-5/05/16</a>			Agree with correction proposed by NFF	Para 37		
	BusSA	<a href="#">Reply-sub-6/05/16</a>			Agree with NFF	11.21		
	NFF	<a href="#">Further-sub-</a>			Likely to be agreed			

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		<a href="#">16/06/16</a>						
51.	NFF	<a href="#">Sub-14/04/16</a>	29.2		<b>Junior wages</b> Heading should be amended to ‘% of relevant adult wage’ for ease of understanding and consistency with cl.29.1.	Para 72	Relates to proposed amendments to clauses 24.2, 29.2, 36.2 <i>See also items 41 &amp; 66</i>	D
	AWU	<a href="#">Reply-sub-05/05/16</a>		Opposed to NFF’s amendment. The “adult rate” may encompass more than the “wage” rate.	Para 38			
	BusSA	<a href="#">Reply-sub-06/05/16</a>		Agree with NFF	11.17			
	NFF	<a href="#">Further-sub-16/06/16</a>		Not agreed				
52.	AWU	<a href="#">Sub-17/04/16</a>	30.2		<b>Ordinary hours of work</b> Should be amended to make reference to <i>ordinary</i> hours and that the employee is paid <i>the full weekly rate for that week</i> .	Para 27	Proposed wording in submission	D
	NFF	<a href="#">Reply-Sub-05/05/16</a>		Contends AWU’s proposed wording would change meaning of clause. ED should be unchanged.				
	AWU	<a href="#">Reply-sub-05/05/16</a>		Prefers AWU amendment				
	NFF	<a href="#">Further-sub-16/06/16</a>		Not agreed				
53.	NFF	<a href="#">Sub-14/04/16</a>	30.3		<b>Ordinary hours of work</b> Amendment required regarding provision for agreement between employee and employer to improve ease of understanding.	Para 73	Proposed wording and examples in submission	A
	AWU	<a href="#">Reply-sub-05/05/16</a>		Not opposed to NFF’s amendment	Para 39			

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	NFF	<a href="#">Further-sub-16/06/16</a>			NFF amendment likely to be agreed			
54.	FWO	<a href="#">Corro-02/03/15</a>	31.1 31.5	35.3 and 35.9	<b>Shiftwork definitions</b> May be unclear under which circumstances an employee should be considered a shiftworker, as 'shiftworker' is not a defined term.	Item 29; p.8	<i>See also item 55</i>	D
	NFF	<a href="#">Further-sub-16/06/16</a>			Not agreed – see also Item 55.			
55.	NFF	<a href="#">Sub-14/04/16</a>	31.1		<i>Parties are asked to comment on whether the award should include a definition of 'shiftworker' in order to clarify which employees are shiftworkers (for the purposes of shift loading) and which employees are dayworkers (working outside the spread of ordinary hours)</i> Definition of 'shiftworker' not necessary.	Para 74	<i>See also item 54</i>	D
	BusSA	<a href="#">Sub-15/04/16</a>			Definition of 'day shift' needs to be implemented to avoid confusion highlighted by FWO. Approach of the Horticultural MA should be adopted – where 'day shift' is determined by employer. Alternatively, approach in the Mining MA could be adopted, incorporated a similar definition of 'shiftworker'.	Para 11.2.10		
	NFF	<a href="#">Reply-Sub-05/05/16</a>			Oppose insertion of definition of day shift.	Para 30		
	AWU	<a href="#">Sub-17/04/16</a>			Draft conflates concepts of 'non-continuous work' and 'non-successive shifts', which may have unintended effect of removing entitlement to higher rates of pay for	Paras 28–31	Proposed wording and examples in submission	

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					employees who perform less than a full week of shifts in a continuous work enterprise. Draft confines entitlement to paid crib breaks to continuous workers, in contrast to other provisions of award eg: cl.35.6(a). Amendments proposed to rectify issues.			
	AWU	<a href="#">Reply-sub-5/05/16</a>			Relies on <a href="#">Sub -17/04/2016</a> in reply to NFF. In reply to BusSA opposes inclusion of “day shift”, would amount to substantive change.	Para 40, 88		
	NFF	<a href="#">Reply-sub-5/05/16</a>			In reply to AWU submission, contends ‘non-successive shifts’ is a new term and concept in the ED	Para 29		
	ABI & NSWBC	<a href="#">Reply-sub-6/05/16</a>			Due to different views of parties believes further discussion appropriate.	Para 19.5		
	NFF	<a href="#">Further-sub-16/06/16</a>			Not agreed			
56.	AWU	<a href="#">Sub-17/04/16</a>	31.2(e)		<b>Ordinary hours and roster cycles– shiftworkers</b> Should be amended to include reference to ‘per shift’	Para 32	Proposed wording in submission	A
	BusSA	<a href="#">Reply-sub-6/05/16</a>			Agrees with AWU	11.22		
	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed.			
57.	NFF	<a href="#">Sub-14/04/16</a>	31.6		<b>Shiftwork</b> Reference to clause 33 should be amended to reflect full heading.	Para 75		A

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	AWU	<a href="#">Reply-sub-05/05/16</a>			Does not oppose NFF's amendment	Para 40		
	NFF	<a href="#">Further-sub-16/06/16</a>			NFF amendment likely to be agreed.			
58.	NFF	<a href="#">Sub-14/04/16</a>	32 and 33		<b>Overtime and penalty rates; Saturday and Sunday Penalty rates</b> Minor amendments proposed to reduce risk of misinterpretation and to correct typographical errors identified.	Paras 80–81	Proposed wording and examples in submission	D
	AWU	<a href="#">Reply-sub-5/05/16</a>			Does not agree with any of NFF's amendments, relies on <a href="#">Sub -17/04/16</a> para [33-38]	Para 41		
	NFF	<a href="#">Further-sub-16/06/16</a>			Not agreed.			
59.	NFF	<a href="#">Sub-14/04/16</a>	32.2		<b>Overtime and penalty rates</b> Should be adjusted to avoid misleading. Suggest that all work on weekends attracts overtime.	Para 77		D
	AWU	<a href="#">Sub -17/04/16</a>			'All hours' should be deleted from table given clause is only concerned with overtime.	Para 33		
	BusSA	<a href="#">Reply-sub-6/05/16</a>			Agrees with AWU	11.23		
	NFF	<a href="#">Reply-sub-5/05/16</a>			Notes AWU's submission but refers to their submission <a href="#">Sub-14/04/16</a>	Para 31		
	NFF	<a href="#">Further-sub-16/06/16</a>			Not agreed – further discussion would be beneficial.			

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60.	NFF	<a href="#">Sub-14/04/16</a>	32.3		<b>Overtime and penalty rates</b> Should be moved to cl.33 as this refers directly to Saturday and Sunday overtime rates	Para 78		D		
	NFF	<a href="#">Further-sub-16/06/16</a>							For discussion	
61.	AWU	<a href="#">Sub-17/04/16</a>	32.6		<b>Overtime and penalty rates</b> Clause unnecessary.	Para 34		A		
	BusSA	<a href="#">Reply-sub-6/05/16</a>							Agrees with AWU	1.24
	NFF	<a href="#">Further-sub-16/06/16</a>							Likely to be agreed.	
62.	NFF	<a href="#">Sub-14/04/16</a>	32.8		<b>Overtime meal allowance</b> Does not align well with hours of work arrangements, and is only relevant in limited circumstances. Requirements should be reviewed for relevance – they duplicate other provisions in award.	Para 76	Submission refers to clause 32.7, assumed reference should be 32.8  <i>See also item 30</i>	D		
	NFF	<a href="#">Further-sub-16/06/16</a>							Not agreed – see Item 30.	
63.	AWU	<a href="#">Sub-17/04/16</a>	32.9		<b>Paid breaks during overtime</b> Should be amended to read: ‘For overtime which follows working of ordinary hours, an employee will be allowed a meal break of 30 minutes paid at ordinary rates’.	Para 35		D		
	BusSA	<a href="#">Reply-sub-6/05/16</a>							Agrees with AWU	11.25
	ABI&NSWBC	<a href="#">Reply-sub-6/05/16</a>							Disagrees with AWU proposal. ED is clear.	19.6



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	NFF	<a href="#">Further-sub-16/06/16</a>			Not agreed			
64.	AWU	<a href="#">Sub-17/04/16</a>	33		<p><b>Saturday and Sunday penalty rates</b> Table for day workers should state: ‘Sunday – ordinary hours worked by agreement’. Given shiftworkers on ‘non-continuous work’ can seemingly perform ordinary hours on a Sunday, words ‘continuous shifts’ should be deleted. Second footnote referring to a major portion of the shift being on a Sunday should be deleted as there is no corresponding provision for Saturday night shifts or shifts on public holiday.</p>	Paras 36–38		D
	ABI&NS WBC	<a href="#">Reply-sub-06/05/16</a>			ABI&NSWBC disagree with AWU, not replicated for Saturday night shifts or shifts on public holidays. Would be substantive change.	Para 19.7		
	NFF	<a href="#">Reply-Sub-05/05/16</a>			Notes changes proposed by AWU ‘clause 33 – Day workers’ and refer to <a href="#">Sub-14/04/16</a> – supports other aspects of AWU proposal in relation to shiftworkers.	Para 32-33		
	NFF	<a href="#">Further-sub-16/06/16</a>			Not agreed			
65.	NFF	<a href="#">Sub-14/04/16</a>	34		<p><b>Payment for public holidays</b> <i>The overtime rates that apply for work in excess of rostered hours on a public holiday in accordance with clause 32.1 are less than that provided for ordinary hours on a public holiday. Is this correct?</i></p>	Para 82	Provision may be affected by <a href="#">AM2014/301</a> <i>Not subject of</i>	D

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					Overtime worked on public holidays is paid at overtime rate – based on minimum weekly rate with relevant overtime loading applied.		<i>AM2014/301 at this time. Should it be referred?</i>	
	BusSA	<a href="#">Sub-15/04/16</a>			Correct – in line with pre-reform award.	Para 11.2.11		
	AWU	<a href="#">Reply-sub-5/05/16</a>			Illogical and unfair for overtime hours on public holidays to be paid at lower rate than ordinary hours. Should be 250% of ordinary hourly rate for all hours worked.	Para 42, 89		
	NFF	<a href="#">Further-sub-16/06/16</a>			Not agreed			
66.	NFF	<a href="#">Sub-14/04/16</a>	36.2		<b>Junior wages</b> Heading should be amended to ‘% of relevant adult wage’ for ease of understanding and consistency with cl.29.1.	Para 83	Relates to proposed amendments to clauses 24.2, 29.2, 36.2 <i>See also items 41 &amp; 51</i>	D
	AWU	<a href="#">Reply-sub-05/05/2016</a>			Opposed to NFF’s amendment for same reason as for clause 24.2 and 29.2. “Adult rate” may encompass more than “wage” rate in clause 24.1			
	BusSA	<a href="#">Reply-sub-06/05/2016</a>			Agree with NFF	11.17		
	NFF	<a href="#">Further-sub-16/06/16</a>			Not agreed.			
67.	NFF	<a href="#">Sub-02/03/15</a>	38	42	<b>Overtime</b> <del>Restore ‘milking’ as an activity akin to feeding and watering of stock for the purposes of overtime on Sundays.</del>	para 4(e)	No longer pressed ( <a href="#">transcript – 9 Oct15</a> at PN66) and NFF <a href="#">Further-sub-16/06/16</a>	W

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68.	NFF	<a href="#">Sub-14/04/2016</a>	38		<b>Overtime and penalty rates</b> Heading should be amended to ‘Overtime and public holidays’	Para 84		A	
	AWU	<a href="#">Reply-sub-5/05/2016</a>				Agree with NFF’s amendment			Para 44
	NFF	<a href="#">Further-sub-16/06/16</a>				NFF amendment likely to be agreed.			
69.–	AWU	<a href="#">Sub-02/03/15</a>	38.1	42.3	<b>Overtime</b> Currently no penalty rate for employees on poultry farms who work ordinary hours on a Saturday. Intend to seek a variation to clause 42.3 so that it reads: “The rate of pay for overtime will be time and a half, provided that time and a half will be paid for all work performed on Saturday and double time will be paid for all work performed on Sunday except in the case of feeding or watering the stock when such work will be paid for at the time rate of time and a half.”	para 6-10	No longer pressed ( <a href="#">transcript – 9 Oct15</a> at PN66) and NFF <a href="#">Further-sub-16/06/16</a>	W	
70.	AWU	<a href="#">Sub-17/04/16</a>	38.1(a)		<b>Overtime</b> Insert ‘worker’ after ‘poultry’.	Para 39		A	
	NFF	<a href="#">Reply-sub-5/05/16</a>				Supports AWU amendment to 38.1(a)			Para 24
	BusSA	<a href="#">Reply-sub-6/05/16</a>				Agrees with AWU			11.26
	NFF	<a href="#">Further-sub-16/06/16</a>				Likely to be agreed.			

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71.	AWU	<a href="#">Sub-17/04/16</a>	38.1(c)		<b>Overtime</b> Party still in discussions with NFF about potential insertion of model TOIL provision. Matter for AM2014/300 Full Bench.	Para 40	Subject of AM2014/300	F
	NFF	<a href="#">Further-sub-16/06/16</a>						
72.	AWU	<a href="#">Sub-17/04/16</a>	39.2(c)(ii)		<b>Minimum daily payment</b> Second dot point should read: 'the employee is advised by the employer of a starting time with more than 24 hours' notice'. Supports AWU's amendment to 39.2(c)(ii)	Para 41		A
	NFF	<a href="#">Reply-sub-5/05/16</a>				Para 35		
	BusSA	<a href="#">Reply-sub-6/05/16</a>				11.27		
	NFF	<a href="#">Further-sub-16/06/16</a>				Likely to be agreed.		
73.	AWU	<a href="#">Sub-13/03/15</a>	39.5	44.4(b)	Insertion of employment <b>conditions for learners</b> . Concerned with practicalities of AWU's proposal. In favour of initiatives to attract and retain labour to shearing industry but does not regard award as appropriate instrument for what is essentially an 'attraction' and 'retention' strategy.	para 2	Being determined by Full Bench in <a href="#">AM2015/23</a>	F
	SCAA	<a href="#">Sub-04/03/16</a>				Para 6-13		

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	NFF	<a href="#">Sub-04/03/16</a>			Party submits following proposed terms are about permitted parts: (a) term which define “learner shearer”; and (b) terms which provide a guaranteed minimum rate of pay for learner shearers.  Terms which restrict the use of stands in a shed to learner shearers are not terms about permitted matters.	Para 11-45	Proposed wording in submission.	
	NFF	<a href="#">Further-sub-16/06/16</a>			Matter for Pastoral Award 2010 – substantive issues (AM2015/23) Full Bench.			
74.	NFF	<a href="#">Sub-02/03/15</a>	40	45	<b>Woolclassers’ formula</b> Seeks to clarify the method for calculating the Woolclassers’ formula.	para 4(b)	Determined by Full Bench in <a href="#">AM2015/23</a>	F
75.	NFF	<a href="#">Sub-02/03/15</a>	40	45	<b>Rate for crutching stud ewes</b> Seek to clarify the method for calculating the rate for crutching stud ewes.	para 4(e)	Determined by Full Bench in <a href="#">AM2015/23</a>	F
76.	AWU	<a href="#">Sub-13/03/15</a>	40	45	<b>Rate for crutching stud sheep and rams</b> Seek insertion of higher rates for crutching stud sheep and rams.	para 2	Determined by Full Bench in <a href="#">AM2015/23</a>	F
77.	NFF	<a href="#">Sub-14/04/16</a>	40.2		<b>Additional rates</b> Heading should be amended to ‘Other shearing rates’ as not all rates are additional, and minor amendments made to the table for greater clarity	Paras 85–87	Proposed wording and examples in submission	A

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	AWU	<a href="#">Reply-sub-05/05/16</a>			Agree with NFF's amendments to heading and tables in 40.2 given they reflect 45.1 of current award.	Para 45		
	NFF	<a href="#">Further-sub-16/06/16</a>			NFF amendment likely to be agreed			
78.	NFF	<a href="#">Sub-14/04/16</a>	40.3, Sch A.2		<b>Rates for crutching and Schedule A.2 – Crutching formula</b> Current wording suggests piecework rates for crutching to be paid in addition to shearing rates. No basis for change – activities different in nature and two rates are not paid together. Amendments proposed to clarify payment in relation to crutching.	Paras 88–91	Proposed wording and examples in submission	A
	AWU	<a href="#">Reply-sub-5/05/16</a>			Agree with NFF's amendments to clarify there are separate rates for crutching and shearing	Para 46		
	BusSA	<a href="#">Reply-sub-6/05/16</a>			Agrees with NFF	11.28		
	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed			
79.	NFF	<a href="#">Sub-14/04/16</a> <a href="#">Reply-sub-5/05/16</a>	40.3(b)		<b>Rates for crutching – lack of amenities allowance</b> <i>This wage related allowance is currently adjusted in accordance with changes in standard rate at time of annual wage review. Parties are asked to comment on whether this allowance should be expressed as 51.5% of the standard rate?</i> Allowance should be expressed as dollar figure.	Paras 92–94 Para 36	Proposed wording in submission  <i>Issue also raised during consultation re the draft determination arising from AWR 2015–16. Rate currently adjusted as a wage-related</i>	A

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					Method of calculation for allowances could be included in Schedule C. Should be amended to specify allowance is paid in addition to piecework rates.		<i>allowance (not in accordance with clause 45.2(c) of the current award)</i>	
	BusSA	<a href="#">Sub-15/04/16</a>			Support proposed change	Para 11.2.12		
	AWU	<a href="#">Sub-17/04/16</a>			Does not support change.	Para 42, 90		
	AWU	<a href="#">Reply-sub-05/05/16</a>			Agree with NFF's proposed amendments.	Para 47		
	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed			
80.	NFF	<a href="#">Sub-14/04/16</a>	40.3(c)		<b>Special crutching rates</b> Reference to clause 40.3 should be amended to cl.40.3(a).	Para 95		A
	AWU	<a href="#">Reply-sub-5/05/16</a>			Agrees with NFF	Para 48		
	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed.			
81.	NFF	<a href="#">Sub-14/04/16</a>	40.4		<b>Rates for Shed hands</b> Reference to 'Shed hands' should all be in lower case.	Para 96	Example in submission	A
	AWU	<a href="#">Reply-sub-05/05/16</a>			Note NFF concerns re inappropriate use of capitals, however reference should remain as capital letter is used in cl/ 39.	Para 49		
	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed.			

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82.	AWU	<a href="#">Sub - 17/04/16</a>	40.5(g)		<b>Rates for Woolpressers</b> Correct cross-reference at end of this clause is 40.5 (a).	Para 43		A
	NFF	<a href="#">Reply-sub-5/05/16</a>			Agree with AWU	Para 37		
	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed			
83.	NFF	<a href="#">Sub-14/04/16</a>	40.9(f)		<b>Woolclassers allowances formula</b> Clause should make clear allowances payable to woolclassers are built into their weekly rate and not payable in addition to woolclassers' rate – reference to Schedule A may assist.	Para 97		A
	AWU	<a href="#">Reply-sub-5/05/16</a>			Noting NFF's concern, AWU proposes preamble sentence be amended to: <i>"Allowances included in the Woolclassers' weekly rate are calculated in accordance with the following formula..."</i>	Para 50		
	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed subject to wording.			
84.	NFF	<a href="#">Sub-14/04/16</a>	41	46.1	<b>Special allowances (other than Woolclassers and Shearing shed experts)</b> Wording of current award should replace proposed wording for cl. 41.1 to 41.3 of ED to reduce risk of unintentional changes to meaning.	Para 98		D
	AWU	<a href="#">Reply-sub-5/05/16</a>			Satisfied with new drafted provision subject to amendment to 41.2 (below).	Para 51		
	NFF	<a href="#">Further-sub-16/06/16</a>			Not agreed			



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85.	AWU	<a href="#">Sub-17/04/16</a>	41.2		<b>Special allowances (other than Woolclassers and Shearing shed experts)</b> Wording in cl 46.2 of MA clearer, should be retained.	Para 44		A
	NFF	<a href="#">Reply-sub-5/05/16</a>		Agree with AWU, % should be retained	Para 38			
	BusSA	<a href="#">Reply-sub-6/05/16</a>		Agree with AWU	11.29			
	NFF	<a href="#">Further-sub-16/06/16</a>		Likely to be agreed				
86.	NFF	<a href="#">Sub-14/04/16</a>	42.3(a)(ii) )		<b>Allowance for delays for Woolclassers paid at piecework rate</b> Meaning may have changed in terms of limiting circumstances in which clause applies. Term 'Act of God' should be retained.	Paras 99–100	Example in submission.  <i>While parties agree to change back, would prefer not to use the term 'Act of God'. Can parties come up with alternative term e.g. 'extreme sudden weather event'?</i>	D
	AWU	<a href="#">Reply-sub-5/05/16</a>		Agree to NFF's proposed amendment which reflects clause 47.3(a) of the current award.	Para 52			
	BusSA	<a href="#">Reply-sub-6/05/16</a>		Agrees with NFF	11.30			
	NFF	<a href="#">Further-sub-16/06/16</a>		Likely to be agreed				
87.	NFF	<a href="#">Sub-14/04/16</a>	43.2		<b>Alteration of starting times</b> Title should be removed as subclause (c) does not deal with starting times, and minor amendments made to assist with drafting of clause.	Paras 101–102	Proposed wording in submission.	A
	AWU	<a href="#">Reply-sub-5/05/16</a>		Agree with NFF's amendment	Para 53			

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	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed			
88.	NFF	<a href="#">Sub-14/04/16</a>	44.2(b)		<b>Where there is a joint mess</b> Reference to 'payable' should be removed.	Para 103		A
	AWU	<a href="#">Reply-sub-5/05/16</a>			Agrees with NFF's amendment	Para 54		
	BusSA	<a href="#">Reply-sub-6/05/16</a>			Agrees with NFF	11.31		
	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed.			
89.	NFF	<a href="#">Sub-14/04/16</a>	44.7(b)		<b>Allotment of stands</b> 'Subject to clause 44.7(a)' should be inserted at the beginning of the clause.	Para 104		A
	AWU	<a href="#">Sub-17/04/16</a>			words 'subject to the foregoing' should be retained because they clarify that stands allocated to a 'learner shearer' can be excluded from drawing of lots.	Para 45		
	BusSA	<a href="#">Reply-sub-6/05/16</a>			Agrees with AWU and NFF	11.32		
	NFF	<a href="#">Reply-sub-5/05/16</a>			Notes AWU submission, prefers NFF wording	Para 39		
	AWU	<a href="#">Reply-sub-5/05/16</a>			Notes NFF's submission is consistent with para 45 of AWU <a href="#">Sub -17/04/2016</a>	Para 55		
	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed subject to wording.			
90.	NFF	<a href="#">Sub-14/04/16</a>	45.1		<b>Hours of work and overtime rates for Shed hands and Woolpresser-shed hands</b> Minor amendments proposed to assist with readability of clause.	Paras 105	Proposed wording in submission.	D

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	BusSA	<a href="#">Reply-sub-06/05/16</a>			Agree with NFF	11.33		
	AWU	<a href="#">Reply-sub-05/05/16</a>			Disagree proposed amendments would make ED clearer.	Para 56		
	NFF	<a href="#">Further-sub-16/06/16</a>			Not agreed			
91.	NFF	<a href="#">Sub-14/04/16</a>	45.5		<b>Hours of work and overtime rates for Shed hands and Woolpresser-shed hands</b> Replace 'the' with 'all'	Para 106	Proposed wording in submission.	A
	BusSA	<a href="#">Reply-sub-6/05/16</a>			Agree with NFF	11.33		
	AWU	<a href="#">Reply-sub-5/05/16</a>			Not opposed to NFF's amendment	Para 53		
	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed			
92.	NFF	<a href="#">Sub-14/04/16</a>	46.1(b)		<b>Payment for public holidays</b> <i>Should clause 46.1(b) also apply to Woolpresser-shed hands?</i> Description of shed hands in cl.46.1(b) also applies to Woolpresser-shed hands.	Para 107		A
	BusSA	<a href="#">Sub-15/04/16</a>			Current clause appears appropriate. Clause 39.1 lists possible employment categories and there is no distinction between 'shed hand' and 'woolpresser-shed hand'. Clause 39.2 details general shed hands and woolpresser-shed hands as performing substantially the same functions.	Para 11.2.13		
	AWU	<a href="#">Sub-17/04/16</a>			Clause should also refer to Woolpresser and shed-hands.	Para 46		

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		<a href="#">Reply-sub-5/05/16</a>			AWU submission aligns with NFF and BusSA	Para 58, 91		
	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed.			
93.	NFF	<a href="#">Sub-14/04/16</a>	46.1(c)		<b>Payment for public holidays</b> Clause significantly increases public holiday rate of pay for shearing shed experts. Rate should be 2.6% of appropriate minimum hourly rate (not 20% of appropriate minimum weekly rate).	Para 108		A
	AWU	<a href="#">Sub-17/04/16</a>			The reference to 1/38th of appropriate minimum weekly rate in cl 51.1 (c) of MA has been changed to 20% of the weekly rate per hour. This seems reasonable on a merit level but perhaps extends beyond the scope of redrafting process.	Para 47		
	NFF	<a href="#">Reply-Sub-05/05/16</a>			Relies on <a href="#">Sub-14/04/16</a>	Para 40		
	AWU	<a href="#">Reply-sub-05/05/16</a>			AWU notes both NFF, submits NFF's proposal to insert reference to 2.6% involves opportunistic rounding, more accurate percentage would be 2.63%	Para 59		
	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed			
94.	NFF	<a href="#">Sub-14/04/16</a>	A.1		<b>Rates for Shearers – if not found employee</b> Heading 'Rates for flock sheep (wethers, ewes and lambs)' should be carried over from clause 45.1 of current MA. Further minor amendments proposed to improve readability of clause.	Paras 109–110	Proposed wording and examples in submission.  <i>Proposed A.1.1 subheading, and</i>	A

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	AWU	<a href="#">Reply-sub-5/05/16</a>			Does not oppose NFF's proposal to insert 'Rates for flock sheep (wethers, ewes and lambs)'	Para 60	<i>deletion of 'a' before 'flock' in body of A.1.1. This would reflect current award and appears a matter of preference.</i>	
	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed			
95.	NFF	<a href="#">Sub-14/04/16</a>	A.1.2		<b>Minimum wages</b> Clause should be amended to take same form as cl.45.1(h) in current MA. Same clause should also be included in cl.40 of ED.	Paras 111–112	<i>Re-drafted clause breaks clause into shorter sentences and includes an additional signpost clause for ease of reference.</i>	D
	AWU	<a href="#">Reply-sub-5/05/16</a>			Considered NFF's submission and finds no issue with wording of ED.	Para 61		
	NFF	<a href="#">Further-sub-16/06/16</a>			Not agreed			
96.	NFF	<a href="#">Sub-14/04/16</a>	A.4		<b>Woolpresser's formula</b> References to 'per week' should be removed	Para 113	<i>Examples in submission. The allowance does appear to be per week as it forms a component of a weekly total. EDs tend to include payment frequency with allowances for clarity.  Appears formula is based on a weekly payment, so 'per week' could be added to column heading instead.</i>	A
	AWU	<a href="#">Reply-sub-5/05/16</a>			Agree with NFF's proposed amendments	Para 62		
	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed			

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97.	NFF	<a href="#">Sub-14/04/16</a>	B.1		<b>Ordinary hourly rate</b> Definition should be amended as suggested if 'all purpose allowance' is to be a defined term	Para 114	Proposed wording in submission.	F
	AWU	<a href="#">Reply-sub-5/05/16</a>		Does not agree with NFF's amendment. ED reflects approach adopted across numerous other EDs.	Para 35	Standard wording used in ED as per Full bench decision [2015] FWCFB 4658.		
	BusSA	<a href="#">Reply-sub-6/05/16</a>		Agree with NFF	11.34			
	NFF	<a href="#">Further-sub-16/06/16</a>		Not agreed				
98.	NFF	<a href="#">Sub-14/04/16</a>	B.2.3		<b>Full-time and part-time adult station cooks – additional overtime rates</b> Keep is provided free of charge to station cooks and reference to the deduction of keep should be deleted.		Para 115	See also item 99
	AWU	<a href="#">Reply-sub-5/05/16</a>		Agree with NFF's amendment 'with keep' should be deleted.	Para 64	Unable to identify exclusion of deduction for keep for station cooks in current award.  If parties agree this is the case, should a provision stating this be inserted in the award for clarity?		
	BusSA	<a href="#">Reply-sub-6/05/16</a>		Agree with NFF	11.35			
	NFF	<a href="#">Further-sub-16/06/16</a>		Likely to be agreed				
99.	NFF	<a href="#">Sub-14/04/16</a>	B.3.3		<b>Full-time and part time junior station cooks – additional overtime rates</b> Keep is provided free of charge to station cooks and reference to deduction of keep should be deleted.		Para 116	See also item 98
	AWU	<a href="#">Reply-sub-5/05/16</a>		Agree with NFF's amendment 'with keep' should be deleted.	Para 65			

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	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed			
100.	NFF	<a href="#">Sub-14/04/16</a>	B.4		<b>Pig Breeding and Raising – Piggery attendant employees</b> May be appropriate to consider inserting junior rates for Piggery operations for consistency with other parts of award.	Para 117		A
	AWU	<a href="#">Reply-sub-5/05/16</a>			In reply to NFF’s submission – is not opposed to inclusion of junior rates for piggery attendants.	Para 66		
	BusSA	<a href="#">Reply-sub-6/05/16</a>			Agree with NFF	11.36		
	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed			
101.	AWU	<a href="#">Sub - 17/04/16</a>	B.4.1		<b>Pig Breeding and Raising – Piggery attendant employees</b> Award is ambiguous in terms of whether a day worker can work ordinary hours on a Sunday. Clause should be amended to exclude shiftworkers (given their rates are comprehensively dealt with in Schedule B.4.2) and to insert a 200% Sunday column.	Paras 48–49	<i>See also 103</i>  <i>No ambiguity. Award does not contain provision for ordinary hours on Sundays. The Sat/Sun clause (MA cl 37) refers to a Saturday ordinary time rate, whereas Sunday rate referred to as ‘overtime’.</i> <i>B.4.1 is a table of ordinary rates and penalty rates – overtime rats are in B.4.3.</i>	A
	NFF	<a href="#">Reply-sub-5/05/16</a>			In reply to AWU – supports exclusion of shiftworkers and addition of 200% Sunday column provided column applies to ‘Sunday – overtime hours’	Para 41		
	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed subject to form.			

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102.	AWU	<a href="#">Sub - 17/04/16</a>	B.4.2		<b>Pig Breeding and Raising – Piggery attendant employees</b> Columns headed ‘Non-continuous afternoon or night shift’ should be changed to “non-successive afternoon or night shift”. Second footnote should also be amended and third footnote deleted.	Para 50	<i>Agree that clause 31.1 refers to non-successive shifts. Similar definitions have been included in other EDs – see <a href="#">[2015] FWCFB 7236</a> at paras 46–50</i>  <i>Will need to change definition in 31.1(c) from ‘non-continuous’ to ‘non-successive’ for consistency.</i>  <i>See also item 104</i>	D
	NFF	<a href="#">Reply-sub-5/05/16</a>		Does not support introduction of “non-successive shifts” term	Para 42			
	NFF	<a href="#">Further-sub-16/06/16</a>		Not agreed				
103.	AWU	<a href="#">Sub - 17/04/16</a>	B.4.4		<b>Casual piggery attendant adult employees (all employees including shiftworkers)—ordinary and penalty rates</b> A 225% column should be added for ordinary hours worked by agreement on Sunday and shiftworkers should be excluded rather than included given their rates are in Schedule B.4.5.	Para 51	<i>See also 101.</i>	A
	NFF	<a href="#">Reply-Sub-05/05/16</a>		In reply to AWU – support exclusion of shiftworkers and introduction of 225% Sunday column provided the table heading reads ‘Sunday – overtime hours’.	Para 43			
	NFF	<a href="#">Further-sub-16/06/16</a>		Likely to be agreed				



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104.	AWU	<a href="#">Sub - 17/04/16</a>	B.4.5		<b>Casual piggery attendant adult employees—shiftworkers—ordinary and penalty rates</b> Reference to ‘non-continuous’ should be ‘non-successive’, footnote 2 amended and footnote 3 deleted.	Para 52	<i>See also item 102</i>	D
	NFF	<a href="#">Further-sub-16/06/16</a>			Not agreed			
105.	AWU	<a href="#">Sub - 17/04/16</a>	B.5 and B.6		<b>Poultry Farming—poultry farm worker adult and junior employees</b> Casual overtime rates should be included in the ED given these are often contentious.	Para 53	May be subject of <a href="#">AM2014/197</a> —Casual employment Full Bench	F
	NFF	<a href="#">Further-sub-16/06/16</a>			Not agreed as could potentially be misleading.			
106.	NFF	<a href="#">Sub-14/04/16</a>	B.6.2		<b>Full-time and part-time junior poultry farm worker employees – ordinary, penalty rates and overtime</b> Rounding errors identified in rates outlined for PW1 under 16 years. Table should clarify that overtime is only payable after 152 hours are worked in a four week period.  <i>Re issue of overtime payable for hours over 152, see also item 49</i>	Para 118	Proposed wording in submission. <i>Used rounded adult hourly rate as per usual practice to generate junior rates, whereas NFF calculations based on unrounded adult hourly rate.</i>  <i>Using our method – 50% of \$17.29 = \$8.645 -&gt; \$8.65 etc.</i> <i>Same applies for all under 16 rates.</i>  <i>NFF may have calculated</i>	D
	AWU	<a href="#">Reply-sub-5/05/16</a>			Does not agree with NFF’s insertion			
	NFF	<a href="#">Further-sub-16/06/16</a>			Not agreed			

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							<i>50% of \$17.2868 = \$8.64</i>	
107.	NFF	<a href="#">Sub-14/04/16</a>	B.6.3		<b>Casual junior poultry farm worker employees – ordinary, penalty rates and overtime</b> Rounding errors identified in rates outlined for PW1 under 16 years.	Para 119	Proposed alterations in submission.  <i>Discrepancy over rounding as explained at item 106 above.</i>	D
	NFF	<a href="#">Further-sub-16/06/16</a>			For discussion			
108.	NFF	<a href="#">Sub-14/04/16</a>	B.7		<b>Shearing operations – shearers</b> Tables are highly complex and do not aid understanding – they confuse calculation of rates and are not appropriate in circumstances.	Para 120		D
	NFF	<a href="#">Further-sub-16/06/16</a>			For discussion			
109.	NFF	<a href="#">Sub-14/04/16</a>	B.7.2		<b>Casual crutchers – not found – ordinary and penalty rates</b> Tables are highly complex and do not aid understanding – they confuse calculation of rates and are not appropriate in circumstances. There is also no reference to crutching rates for rams and ram stags. Some of figures are wrong. Any reference in the Schedule should only be to cross reference the award.	Paras 121–122		D
	AWU	<a href="#">Reply-sub-5/05/16</a>			Does not oppose inclusion of rates tables but accept they may require further refinement. Agree with NFF that rates for crutching of rams and ram stags should be inserted.	Para 68		

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	NFF	<a href="#">Further-sub-16/06/16</a>			For discussion			
110.	NFF	<a href="#">Sub-14/04/16</a>	C.1		<b>Wage related allowances</b> Leading hand allowances should be corrected as follows: (a) 11 to 20 employees: \$33.98 (b) More than 20 employees: \$42.70	Para 123	<i>This is an error.</i>  <i>NFF have identified the correct rates.</i>  <i>Note – 2016 rates will replace these rates.</i>	A
	AWU	<a href="#">Reply-sub-05/05/16</a>			Agree that leading hand rates from clause 10.1(b) have not been accurately reflected in table.	Para 69		
	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed			
111.	NFF	<a href="#">Sub-14/04/16</a>	C.2.2		<b>Adjustment of expense related allowances</b> Reference to ‘all groups’ should be amended to the ‘eight capital cities weighted average’ to avoid confusion or potential misunderstanding around what groups constitute ‘all groups’.	Paras 124–125	Example in submission.  <i>While the parties agree with this change, the term ‘All groups’ has been used to clarify this is the index for ‘All groups’ within the Weighted average of eight capital cities (which is a broader definition). Should the text above the table be amended to <u>Weighted Average of Eight Capitals CPI</u>?</i>	D
	AWU	<a href="#">Reply-sub-5/05/16</a>			Does not oppose NFF’s proposed amendments	Para 70		
	BusSA	<a href="#">Reply-sub-06/05/16</a>			Agree with NFF	11.37		
	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed			

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112.	NFF	<a href="#">Sub-14/04/16</a>	Sched E		<b>National Training Wage</b> <i>Parties are asked to identify “any training program which applies to the same occupation and achieves essentially the same training outcome as an existing apprenticeship in an award as at 25 June 1997” that they consider should not be covered by this Schedule</i> Changes to Commonwealth vocational education and training model necessitate updating of language in relation to training packages – definition of ‘training’ and ‘training package’ should be amended as suggested.	Paras 126–129	Proposed wording in submission.  <i>To be considered as part of broader review of NTW Schedule</i>	A
	NFF	<a href="#">Corro-30/05/16</a>			Seek to correct comments made in paragraph 129 of <a href="#">Sub-14/04/16</a> – ‘The Agri-Food, Amenity Horticulture, Conservation and Land Management and Rural Production training packages are listed in the exposure drafts as separate training packages under Wage Level C. They have in fact been consolidated into one training package titled ‘Agriculture, Horticulture and Conservation and Land Management’.’			
	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed noting discussion in other agricultural awards.			
113.	NFF	<a href="#">Sub-14/04/16</a>	Sched F		<b>2015 Part-day Public Holidays</b> Notes clause likely to be revised following proceedings in AM2014/301.	Para 130	Provision may be affected by <a href="#">AM2014/301</a>	F

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	NFF	<a href="#">Further-sub-16/06/16</a>			Clause should be updated pursuant to <a href="#">PR580863</a>		<i>Schedule will be updated to refer to 2016</i>  <i>See also item 38</i>	
114.	NFF	<a href="#">Sub-14/04/16</a>	Sched G		<b>Definitions and interpretation</b> 'All purposes' definition should be amended as proposed; Reference to 'Shearing shed' in definition of 'woolclasser' should be lower case, not a defined term.	Paras 131 and 133	Proposed wording in submission.  <i>'shearing shed' will be changed to lower case</i>	A
	AWU	<a href="#">Reply-sub-5/05/16</a>			Oppose NFF's amendment to definition of 'all purposes', has been determined by Full Bench	Para 71		
	NFF	<a href="#">Further-sub-16/06/16</a>			Withdrawn in relation to 'all purposes' definition. Maintain that the reference to 'Shearing shed' should be amended to lower case.			
115.	NFF	<a href="#">Sub-02/03/15</a>	Sched G	3	<b>Definitions</b> <del>Amend definition of 'broadacre field crops' to reflect generic crop descriptors rather than to specific crops.</del>	para 4(a)	Determined by Full Bench in <a href="#">AM2015/23</a>	F
116.	NFF	<a href="#">Sub-14/04/16</a>	Sched G		<b>Definitions and interpretation – Wine Industry</b> <i>Parties are asked to confirm whether this is the appropriate definition of wine industry for the purpose of clause 3.3(a). It is inconsistent with the definition in the Wine Industry Award 2016. 'Wine industry' definition missing 'the planting of wine grape vines' – should be</i>	Para 132	Proposed wording in submission. <i>See also item 3 &amp; 4</i>	D

Item	Party	Document	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Their reference	Notes	Status
					reinserted;			
	NFF	<a href="#">Sub-14/04/16</a>			Moving definitions to Sched G unnecessary, creates difficulty. Definitions clause should remain in body of award.	Para 12		
	BusSA	<a href="#">Sub-15/04/16</a>			Definition inappropriate – see further comments in response to cl.3.3(a) [item 4]	Para 11.2.15		
		<a href="#">Reply-sub-6/05/16</a>			Disagree with NFF. Easy to navigate if all relevant definitions are contained in same schedule.	8.26, 11.1		
	AWU	<a href="#">Reply-sub-5/05/16</a>			Satisfied with approach of putting definitions in the schedule, no amendment necessary.	Para 2		
	NFF	<a href="#">Further-sub-16/06/16</a>			Definitions likely to be moved to the body of the Award as part of the plain language process. See comments at Item 3 and Item 4.			
117.	BusSA	<a href="#">Sub-15/04/16</a>	Sched G		<b>Definitions and interpretation</b> <i>Parties are asked to clarify if ‘keep’ only applies to farm and livestock hands in accordance with clause 24.3 or does the provision in clause 10.2(g) apply to other employees? If it applies to shearing operations, how does it interact with the definition ‘found employees?’</i> ‘Keep’ only applies to farm and livestock hands. Reference to ‘keep’ is specific to Part 5 (Part 8 does not have a like reference). Allowances in part are specific to that part unless otherwise stated.	Para 11.2.14	<i>See also item 42</i>	A
	AWU	<a href="#">Reply-sub-5/05/16</a>			The “keep” provisions do not apply to employees covered by Part 8 – Shearing	Para 92		

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					Operations. The “found” provisions apply to these employees.			
	NFF	<a href="#">Further-sub-16/06/16</a>			Likely to be agreed			
118.	AWU	<a href="#">Sub - 17/04/16</a>	Sched G		<b>Definitions and interpretation</b> Definition of ‘continuous service’ should not include a provision which indicates continuous service is broken if an employee is absent from work due to a sickness or accident for more than 4 weeks in a year.	Para 54	<i>Note term is not used elsewhere in the award</i>	D
	NFF	<a href="#">Reply-sub-5/05/2016</a>			Does not support AWU, believes definition of ‘continuous service’ could be amended as follows: (dot point 3): ‘takes long service leave, annual leave, personal/carers leave, public holidays, compassionate leave and community service leave; or’	Para 44		
	NFF	<a href="#">Further-sub-16/06/16</a>			Not agreed			
119.	NFF	<a href="#">Sub-02/03/15</a>		New clause	<del>Insert an <b>annual salaries provision.</b></del>	para 4(d)	Considered by Full Bench in <a href="#">AM2015/23</a>	F
	NFF	<a href="#">Further-sub-16/06/16</a>			Referred to <a href="#">AM2015/23</a> Full Bench			

**NOTE:** This award has been the subject of a separately constituted Full Bench, see Decision [\[2015\] FWCFB 8810](#)

#### List of abbreviations (in alphabetical order)

Act	<i>Fair Work Act 2009</i>
ABI&NSWBC	Australian Business Industrial and the NSW Business Chamber
AFEI	Australian Federation of Employers and Industries

AWU	The Australian Workers' Union
BusSA	Business SA
ED	Exposure Draft of <i>Pastoral Award 2016</i>
FWC	Fair Work Commission
FWO	Fair Work Ombudsman
MA	Modern Award
NFF	National Farmers' Federation
SCAA	Shearing Contractors' Association of Australia