

Fair Work Commission  
Terrace Tower, 80 William Street  
East Sydney NSW 2011  
By email: [amod@fwc.gov.au](mailto:amod@fwc.gov.au)

4 December 2015

**Re: AM2014/82 AWU submissions on the Exposure Draft for the *Poultry Processing Award 2015***

**Background**

1. These submissions follow the 4 Yearly Review of Modern Awards Full Bench's Decision on 23 October 2015 regarding Group 1C, 1D and 1E awards.
2. This Decision directed parties to file reply material on the revised Exposure Drafts by 4:00pm on 4 December 2015.
3. The Australian Workers' Union's (AWU) reply submissions in relation to the Exposure Draft for the *Poultry Processing Award 2015* (Exposure Draft) as republished on 2 November 2015 appear below.

**Australian Industry Group (AIG)**

4. Clause 6.5 (c) (iii): We agree this provision should be deleted.
5. Clause 8.1 (b) (i): We are not opposed to the insertion of the words "up to".
6. Clause 14: We agree the table should be amended to refer to percentages of the "ordinary hourly rate".
7. Clause 20.1: We agree this clause should be corrected.
8. Schedule B: We disagree with AIG on this issue. The use of the term "ordinary hourly rate" is correct because this award contains an all purpose allowance. The term is not misleading because the rates identified are actually the lowest "ordinary hourly rate" payable to an employee under this award as per the definition. This happens to be the same figure as the "minimum hourly rate" for an employee who is not entitled to any all purpose allowances. Using the term "minimum hourly rate" will create confusion given

all the references in the body of the award are to a percentage of the “ordinary hourly rate” in accordance with the Full Bench’s decision on 13 July 2015.<sup>1</sup>

**Business SA**

9. Clause 1.2: We agree this correction should be made.
10. Clause 6.5 (c) (iii): We have agreed this provision should be deleted.
11. Clause 14: We disagree in part with this submission. The term used should be “ordinary hourly rate” not “minimum hourly rate” because the award has an all purpose allowance. The same term should be used in the rates tables appearing in Schedule B.
12. Clause 20.2: We have agreed to this correction.



Stephen Crawford  
**SENIOR NATIONAL LEGAL OFFICER**

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<sup>1</sup> *4 yearly review of modern awards* [2015] FWCFB 4658 at [42] to [44]