

From: Stephen Smith [<mailto:Stephen.Smith@aigroup.com.au>]

Sent: Wednesday, 31 May 2017 6:06 PM

To: Chambers - Catanzariti VP; AMOD

Cc: Chambers - Dean DP; lhoulihan@sladen.com.au; chris.mossman@mk.com.au; pdugan@dmawlawyers.com.au; Kate.Sheridan@mk.com.au; paula.colquhoun@mitologroup.com.au; Kylie Dunn; Genevieve Vaccaro; Paul White; Tass Angelopoulos; Kimberly Pearsall; Stephen Crawford; Roushan Walsh; Kara Sheehan

Subject: AM2016/25 - 4 yearly review of modern awards – Horticulture Award 2010

AM2016/25 - 4 yearly review of modern awards – Horticulture Award 2010

Dear Vice President Catanzariti

I am writing on behalf of Ai Group, the NFF, The Mitolo Group and the AWU.

We refer to the above matter and, in particular, those aspects of the s.160 application filed by the Australian Industry Group and The Mitolo Group that relate to:

- The proposed amendment to the definition of “horticultural crops” in clause 3 of the *Horticulture Award 2010*; and
- The proposed amendment to the exclusion in clause 4.3(f).

As explained in Ai Group’s submission of 23 December 2016, the above amendments are being pursued as a result of a recent variation to the definition of “broadacre field crops” in the *Pastoral Award 2010*. This is a discrete matter that is not directly connected to the main matter that is before the Full Bench, that being the definition of “horticulture industry” in clause 4.2 of the *Horticulture Award 2010*.

In its reply submission of 21 April 2017, the AWU stated:

Broadacre farming

52. *The AWU accepts that there may be a need to clarify the interaction between the coverage of the Horticulture Award and the Pastoral Award 2010 following a variation to the definition of “broadacre field crops” in 4 yearly review proceedings for the Pastoral Award 2010.*
53. *The most efficient approach to resolving this issue is likely to be a conciliation process because it is likely an agreement can be reached between the parties given the intent of the variation to the Pastoral Award 2010 was not to disturb the coverage of the Horticulture Award.*

The parties have had some preliminary discussions and are of the view that the best approach, consistent with the AWU’s proposal, would be for the parties to work through and endeavour to reach agreement on any variations to the *Horticulture Award 2010* that may be necessary as a result of the recent variation to the definition of “broadacre field crops” in the *Pastoral Award 2010*. Accordingly, on behalf of Ai Group, the NFF, The Mitolo Group and the AWU we are writing to seek:

- That the above discrete issue not be dealt with at the upcoming Full Bench hearings relating to the proposed amendment to the definition of “horticulture industry” in clause 4.2 of the *Horticulture Award 2010*; and

- That the parties be directed to report back to the Commission on the outcome of their discussions about the definition of “broadacre field crops”, say, by the end of August this year.

Yours sincerely

Stephen Smith
Head of National Workplace Relations Policy



The Australian Industry Group
51 Walker St, North Sydney 2060
T: 02 9466 5521
F: 02 9466 5599
M: 0418 461183
E: stephen.smith@aigroup.com.au
www.aigroup.com.au

