

From: Zach Duncalfe <zach.duncalfe@nat.awu.net.au>
Sent: Friday, 11 October 2019 2:53 PM
To: AMOD <AMOD@fwc.gov.au>
Cc: Chambers - Asbury DP <Chambers.Asbury.dp@fwc.gov.au>; Ben Rogers <BRogers@nff.org.au>; Ashvini Ambihaipahar <Ashvini@etuaustralia.org.au>; Abha Devasia <abha.devasia@amwu.org.au>; Gabriel Miller <gabriel.miller@amwu.org.au>; 'Motti, Eric' <Eric.Motti@au.wilmar-intl.com>; Larsen, Inez <Inez.Larsen@au.wilmar-intl.com>; 'Stephen Smith' <Stephen.Smith@aigroup.com.au>
Subject: Re: AM2017/56 Sugar Industry Award 2010

Dear AMOD,

The Australian Workers' Union (AWU) does not oppose item 10 as amended in the Draft Determination of the Deputy President circulated on 4 October 2019.

Regarding the proposal by the National Farmers Federation (NFF) below, the AWU believes that it is unnecessary.

The proposed clause as drafted in the most recent Draft Determination clearly states that each loading is to be calculated on the relevant minimum hourly rate. Therefore, the clause does not rely solely on the reader understanding what is meant by 'not on a compounding basis'.

Further, the proposed clause as drafted in the most recent Draft Determination cross-references the clauses in the award that contain the quantum of both the casual and piecework loadings and as such there is no need for the proposed clause to also enumerate the loadings as suggested by the NFF.

Should the Full Bench disagree with the AWU and find utility in the addition of a formula as proposed by the NFF, the AWU notes that the formula proposed by the NFF makes reference to the 'minimum hourly rate' – this should instead refer to the minimum hourly rate for the employee's classification level in order not to create confusion.

Yours Sincerely,

ZACH DUNCALFE | NATIONAL LEGAL OFFICER

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From: Ben Rogers <BRogers@nff.org.au>
Date: Friday, 11 October 2019 at 1:42 pm
To: Chambers - Asbury DP <Chambers.Asbury.dp@fwc.gov.au>, Zach Duncalfe <zach.duncalfe@nat.awu.net.au>, 'Stephen Smith' <Stephen.Smith@aigroup.com.au>, Ashvini Ambihaipahar <Ashvini@etuaustralia.org.au>, "Motti, Eric" <Eric.Motti@au.wilmar-intl.com>, Abha Devasia <abha.devasia@amwu.org.au>, "Larsen, Inez" <Inez.Larsen@au.wilmar-intl.com>, Gabriel Miller <gabriel.miller@amwu.org.au>
Cc: AMOD <AMOD@fwc.gov.au>
Subject: RE: AM2017/56 Sugar Industry Award 2010

Dear Associate,

I refer to the above matter.

This email is in response to the correspondence to the parties on 04 October 2019 (below) which enclosed a Draft Determination.

The NFF has no objection the Full Bench's proposed redraft of clause 20.2(f) of *the Sugar Industry Award 2010 (the Award)* which is expressed at paragraph 10 of the Draft Determination.

However, we are concerned that the lay-person may misinterpret or misapply the provision; e.g. may not understand what it means for the piece rate to be calculated "not on a compounding basis".

As such, for clarity, we suggest that the Award include a formula illustrating the operation of the provision.

For example:

Minimum Earnings of Casual Pieceworker = Earnings at Minimum Hourly Rate + Casual Loading + Piece Work Loading

Where:

Casual Loading = 25% of Earnings at Minimum Hourly Rate; and

Piecework Loading = 20% of Earnings at Minimum Hourly Rate.

Kind regards,

Ben Rogers | General Manager, Workplace Relations & Legal Affairs | National Farmers' Federation
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