

DRAFT DETERMINATION

Fair Work Act 2009

s.156 – 4 yearly review of modern awards

4 yearly review of modern awards – award stage

AM2014/239 - Pastoral Award 2010

All industries

FULL BENCH

SYDNEY, XXXXXXXXXXXXXXXX

Claims in relation to the Pastoral Award 2010

A. Further to the decision on _____, and pursuant to s.156 of the *Fair Work Act 2009*, the Pastoral Award 2010 is varied as follows:

1. Delete the definition of “broadacre field crops” in subclause 3.1 and insert a new definition as follows:

broadacre field crops means grains, seeds, grasses, silage, legumes, fibre, flowers, and other crops grown as part of a broadacre mixed farming enterprise.

2. Insert a new clause 18, as follows:

18 - Annualised salaries

The following provisions are to apply to employees employed in any of the classifications contained in clauses 27, 33 or 39 of the award.

18.1 Annual salary instead of award provisions

(a) An employer may pay an employee an annual salary in satisfaction of any or all of the following provisions of the award:

- (i) clauses 28, 34 and 40—Minimum weekly wages;*
- (ii) clauses 17 and 29 —Allowances and special allowances;*
- (iii) clauses 31, 36 and 42 —Overtime and penalty rates; and*
- (iv) clause 23.4 —Annual leave loading.*

(b) Where an annual salary is paid, the employer must provide written advice to the employee of the annual salary that is payable and which of the provisions of this

award will be satisfied by payment of the annual salary as well as the date on which the salary arrangement commences.

18.2 Annual salary not to disadvantage employees

(a) The annual salary must be no less than the amount the employee would have received under this award for the work performed over the year for which the salary is paid (or if the employment ceases earlier over such lesser period as has been worked).

(b) The annual salary of the employee must be reviewed by the employer at least annually to ensure that the compensation is appropriate having regard to the award provisions which are satisfied by the payment of the annual salary.

18.3 Base rate of pay for employees on annual salary arrangements

For the purposes of the NES, the base rate of pay of an employee receiving an annual salary under this clause comprises the portion of the annual salary equivalent to the relevant minimum wage in clause 28, 34 or 40, whichever is applicable, and excludes any incentive-based payments, bonuses, loadings, monetary allowances, overtime and penalties.

3. Amend clause 31.2 as follows:

31.2 The rate of pay for overtime for a Farm and livestock hand will be time and a half, except on Sunday when the rate will be double time, except in the case of *milking*, feeding and watering stock when such work will be paid for at the rate of time and a half.

4. Delete the words “clause 45.1(a)” appearing in clause 45.2(d) and insert the words “clause 45.2(a)”.

5. Delete subclause 45.8(f) and insert a new subclause 45.8(f) as follows:

(f) Woolclassers allowances formula

Allowance	% of <u>standard</u> <u>rate per week</u>
Conditions	602.3
Enterprise flexibility	853.8
Woolrolling	426.8
Bookkeeping	277.5

- B. This variation takes effect from the first full pay period commencing on or after _____ 2015.

PRESIDENT