



SUBMISSION ON BEHALF OF THE AUSTRALIAN FEDERATION OF
EMPLOYERS AND INDUSTRIES (AFEI)

AM2008/65

AWARD MODERNISATION

AFEI
Australian Federation of
Employers & Industries

BEFORE THE AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

AWARD MODERNISATION

MATTERS NO. AM2008/65 – AQUACULTURE AWARD

1. AFEI has earlier provided written and oral submissions to the Commission concerning Award Modernisation in a wide range of matters.
2. AFEI notes earlier submissions to the Commission, particularly those concerning AM 2008/14 – Agriculture, have demonstrated that the overwhelming majority of the industry is currently award free.
3. The Commission's listing of relevant awards for AM2008/65 also indicates the limited current application of awards, as follows:
 - a. oyster farming in New South Wales (the NSW Oyster NAPSA) and shell fish farming in Tasmania (the Tasmanian Shellfish NAPSA);
 - b. production and processing of fish, aquaculture and marine products in Tasmania (the Tasmanian production/processing NAPSA); and,
 - c. cultivation, gathering and classification of cultured pearls in Northern and Western Queensland (the Qld cultured pearls NAPSA).

4. It appears also that the Tasmanian production/processing NAPSA is also limited in its application to farming and processing, with the processing activities likely to be subject to coverage of the proposed seafood Processing Modern Award 2010.
5. AFEI is concerned that a modern Aquaculture has potential to significantly increase employment costs for those employers currently covered by awards and also the more numerous employers who are award free. The current NSW Oysters NAPSA and the Qld cultured pearls NAPSA, for example, provide for a 40 hour week, lower casual loadings than contained in modern awards, and the NSW Oysters NAPSA does not specify a span of ordinary daily hours.
6. AFEI submits that none of the above awards provide a suitable reference instrument for a modern Aquaculture award and that current award coverage does not provide a basis for a modern Aquaculture award.
7. AFEI submits that if the Commission proceeds to make a Aquaculture award it is imperative that where employees who are to be covered by the Modern Award are currently award free, the longstanding principles of first awards should be applied by the Commission.
8. AFEI submits further that the coverage of such an award should include the marketing of fresh aquaculture products.

9. In AM 2008/36 concerning the Exposure Draft Seafood Processing Award 2010 AFEI expressed its concerns that the proposed hours of work were too restrictive to adequately address the requirements of fresh aquaculture marketing, such as currently provided by the Notional Agreement Preserving Fish and Fish Marketing (NSW) State Award.

24 July 2009