

Shearing Contractors' Award of Western Australia 2003

1. - AWARD STRUCTURE

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This Award shall be known as the Shearing Contractors' Award of Western Australia 2003.

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1. AWARD STRUCTURE

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1.3 - AREA AND SCOPE

- 1.3.1 This Award shall apply to all employees employed in the classifications contained in Clause 4.2 of this Award, who are employed by employers who operate as shearing contractors. Such employment includes the work of penning up, shearing, roustabouting, wool pressing, cooking and any other necessary and incidental task; but does not include wool classing or mustering.
- 1.3.2 This Award shall apply throughout the State of Western Australia.

1.4 - TERM

The Award shall come into force on and from the first pay period on or after the date hereof and remain in force for a period of six months.

1.5 - DEFINITIONS

For the purposes of this Award:

"Commission" means the Western Australian Industrial Relations Commission.

"Commissioner" means a member of the Western Australian Industrial Relations Commission.

"Employer" means those persons, firms, companies or bodies who are engaged as shearing contractors.

"Union" means The Australian Workers' Union, Industrial Union of Workers, Western Australian Branch.

"Crutching" includes all the operations for which rates are prescribed in this Award and the meanings of the words "crutch", "crutcher" and "crutched" are similarly extended.

"Cut Out" shall mean the completion of the shearing or crutching of the last sheep shorn or crutched at the termination of the shed.

"Double fleeced" means a sheep carrying two years fleece.

"Found employees" shall be employees who are supplied with up to 3 meals per day during the course of shearing or crutching.

"Joint mess" means a mess covering both found and not found employees.

"Learner" means a shearer or intending shearer who has not yet shorn 5,000 sheep.

"Not found employees" shall be employees who shall be responsible for the provision of their own meals, including the cooking of such meals.

"Rams" means a male sheep entire that has attained its first 2 permanent teeth.

"Stags" means rams that have been castrated after they have attained 18 months.

"Stud ewes" means ewes with tags in their ears from which rams are bred for sale or station use but the term does not include ewes of the flock which have tags in their ears for the purpose of identification other than for stud purposes.

"Shearing" is where:

- (a) the employee takes off the belly wool first and lays it aside, and, when required by the employer, the employee shears over the tail when shearing the first side; and
- (b) in opening the fleece at the neck and belly, the machine or (if shears are used) both blades of the shears will be kept under the wool and close to the skin, so as to avoid twice cutting and where the employee does not run the machine or shears through the fleece so as to break it down the centre or the back.

"Shearing cook" means a cook who regularly follows the occupation of shearing cook and who cooks for six or more employees who are engaged for shearing or crutching operations

"Shed" means shearing shed or, in relation to crutching work performed other than at a shed, the property, station or location where crutching work is or will be undertaken.

"Trainee" means an individual who is a signatory to a training agreement registered with the relevant State or Territory Training Authority and is involved in paid work and structured training which may be on or off the job. This does not include an individual who already has the competencies to which the traineeship is directed.

"Traineeship" means a system of training which has been approved by the relevant State or Territory Training Authority, or which meets the requirements of a National Training Package developed by a National Industry Training Advisory Board and endorsed by the National Training Framework Committee, which leads to an Australian Qualifications Framework qualification specified by that National Training Package, and includes full time traineeships and part time traineeships including school-based traineeships.

1.6 - PROHIBITION OF CONTRACTING OUT OF THE AWARD

All employees covered by the terms of this Award shall be paid not less than the wages prescribed by this Award and shall work in accordance with provisions not less advantageous to them than the provisions of this Award, notwithstanding anything that may be determined to the contrary by the employer, or by the employer in agreement with the employee.

1.7 - EFFECT OF MINIMUM CONDITIONS OF EMPLOYMENT ACT ON THIS AWARD

All employees covered by the terms of this Award, other than those engaged and paid on piece-rates as prescribed by this Award, shall be entitled to conditions of employment no less favourable than those conditions provided under the Minimum Conditions of Employment Act 1993 (the Act) as are applicable to casual employees.

2. - CONTRACT OF EMPLOYMENT

2.1 - CONTRACT OF EMPLOYMENT

2.1.1 Employees engaged for work in a shed shall be engaged as a casual in one or more of the following categories:

- 2.1.1.1 crutcher
 - 2.1.1.2 shed hand
 - 2.1.1.3 wool presser
 - 2.1.1.4 shearing cook
 - 2.1.1.5 A composite of these categories may apply where the employee has mixed functions, save for shearers, provided as below.
- 2.1.2 For the purposes of this Award, a casual employee means an employee who is employed on the basis that
- 2.1.2.1 the employee is casual;
 - 2.1.2.2 there is no entitlement to paid leave, except bereavement leave; and
 - 2.1.2.3 who is informed of the conditions of employment before they are engaged.
- Provided that employees engaged and paid on piece-rates as prescribed by this Award are not entitled to paid bereavement leave and there is no requirement for the employer to inform such employees of the conditions of employment before they are engaged.
- 2.1.3 Each shed, or in the case of an export shed, each engagement for a particular ship, comprises a separate engagement as well as a separate and distinct contract of employment between the employer and the employee.
- 2.1.4 Shed Hand or Wool presser-shed hand
- 2.1.4.1 A shed hand or wool presser-shed hand may be required to work as a generally useful hand in or about the shearing shed either during the crutching or shearing or when crutching or shearing is not taking place.
 - 2.1.4.2 Shed hands and woolpressers and/or shed hand-woolpressers shall be paid by the run provided that:
 - (i) on any day on which the employee attends for duty they shall be guaranteed a minimum daily payment for two runs except on the day of Cut Out where if work continues beyond the normal lunch break then payment shall be made for four runs;
 - (ii) further, if sheep are voted wet at the commencement of the third or fourth run, then they shall be paid for all completed runs on that day together with the run due to commence or partly completed at the time sheep are voted wet;
 - (iii) the minimum payment of two runs per day shall not apply where an employee is not required to attend for work because of wet weather, provided that the employee is advised on each preceding day that they shall not be required to attend, or if advised by the employer of a starting time more than 24 hours hence.
 - 2.1.4.3 When an employee has mixed functions (eg. as woolpresser and shed hand) they shall be treated, for the purposes of calculating the employee's pay, as if employed only to perform such of the functions as carry the higher minimum rate under this Award.
 - 2.1.4.4 Woolpresser-shed hand and shed hands shall weigh, brand, store and carry wool to the press without extra payment.
 - 2.1.4.5 An employer may direct a shed hand to carry out the duties of a woolpresser, provided that:
 - (i) The employee shall only be required to perform those duties of a woolpresser that are within the limits of that employee's skill, competence and training;

- (ii) The performance of such duties does not involve either an alteration to the employee's classification or a major and substantial change in the duties normally performed by the employee; and
- (iii) Such a direction shall be given only in the pursuit of the efficient conduct of a shearing or crutching operation in circumstances of unavailability of a contracted woolpresser for a limited period.

2.1.5. woolpresser

2.1.5.1 A woolpresser or woolpresser-shed hand shall:

- (i) Press with all reasonable dispatch all the wool shorn or crutched from the relevant shearing or crutching.
- (ii) Weigh, brand and store the wool
- (iii) Press and close the bales in the manner and, as nearly practicable, to the weight directed by the overseer, and remove all clippings and string from the inside of the bales and clear away such clippings and string and all loose wool from the portion of the shed occupied for woolpressing.

2.1.5.2 An employer may direct a woolpresser to carry out the duties of a shed hand, provided that:

- (i) the employee shall only be required to perform those duties of a shed hand that are within the limits of that employee's skill, competence and training; and
- (ii) the performance of such duties does not involve either an alteration in the employee's classification or a major and substantial change in the duties normally performed by the employee.

2.1.6 Cooks

2.1.6.1 Cooks shall prepare and cook up to 5 meals per day, inclusive of morning and afternoon tea, for an agreed number of persons.

2.1.6.2 The total number of persons for whom an employee is to cook will not, on the average of the shearing or crutching, be less than the minimum number agreed upon nor more than the maximum number agreed upon provided that if any of the employees to be cooked for strike or wilfully cease work against the direction of the employer, the employee shall be entitled to payment of wages in respect only of those employees who do not strike or cease work.

2.1.6.3 The employee will provide at the cook's own expense such suitable assistant or assistants as may be necessary for proper cooking and serving the food.

2.1.6.4 Cooks may be engaged per half day. On the day prior to the commencement of shearing or crutching should the cook be required to prepare the evening meal or clean and prepare the kitchen for a normal start on the proceeding day, payment will be made at 50% of the daily or piecework rate.

2.1.6.5 On the day of cut out a cook will be guaranteed 50% of the daily or piecework rate. However should shearing proceed after the normal mid day meal break a full day's wages will be payable.

2.1.6.6 Where a cook is engaged to cook for non resident employees and prepares two smoko lunches and a midday meal they shall receive 50% of the daily or piecework rate.

2.1.6.7 Where Clause 2.1.5.6 hereof applies, employees will be required to contribute a maximum of 50% of the rate established pursuant to Clause 4.2 Rates of Pay of this Award.

2.1.7 Shearers and learner shearers

2.1.7.1 shearers shall be engaged to shear and/or crutch sheep; and

2.1.7.2 a Learner shearer shall be engaged as such on production of proof that the person qualifies for such status.

2.1.8 Crutchers

2.1.8.1 Crutchers shall be engaged to crutch sheep, either a full crutch or other crutch.

2.2 - FORFEITURE OF WAGES FOR LEAVING WITHOUT NOTICE

2.2.1 When an employee leaves

2.2.1.1 the shed, or

2.2.1.2 in the case of an export shed, during an engagement for a particular ship,

before the completion of that shed or engagement for a particular ship, as the case may be, the employee shall,

2.2.1.3 in the case of a shearer, forfeit to the employer the sum of not more than \$666.00 and,

2.2.1.4 as to any other employee, forfeit an amount equal to one days wages or four runs work.

3. - HOURS OF WORK

3.1 - HOURS OF WORK

3.1.1 Shearers and Crutchers

3.1.1.1 Work shall be performed in two hour runs with at least a thirty minute break between the first and second run and the third and fourth run and with a one hour break between the second and third run.

3.1.1.2 Only in exceptional circumstances, or where there is a desire to finish a shed, shall more than four runs be permitted in any day or the breaks prescribed reduced and, if reduced, shall not be by less than twenty minutes in lieu of thirty and forty five minutes in lieu of sixty. Any change to the run times or break periods will only occur by agreement between employer and employees.

3.1.2 Cooks

3.1.2.1 Cooks should work the hours necessary to provide the meals as required and to clean up after such meals.

3.1.3 Woolpressers and Shedhands

3.1.3.1 The working hours of a shedhand; woolpresser or woolpresser / shedhand (combined duties) shall be the same as the working hours of the shearer or crutchers with such additional time each day as may be necessary to complete their duties for the day.

3.1.3.2 Penners up shall work such time additional to the working hours of the shearers or crutchers as may be necessary to keep the shearers or crutchers supplied with sheep.

3.2 - BREAKDOWN OF MACHINERY

3.2.1 Where a shearer or crutcher or a piecework woolpresser is stopped from working through a breakage or failure of machinery, except from any cause over which the employer has no control, and the total period of all such stoppages which occur in any one week exceeds two hours working time, the employer shall for every day or part of a day beyond two hours of working time in any one week as

long as there are sheep fit to shear pay to the employee an allowance at the appropriate rate set out in Clauses 3.2.2 and 3.2.3 below.

3.2.2 If not found and where:

3.2.2.1 The handpiece is provided by the employer - \$14.98 per hour

3.2.2.2 The handpiece is provided by the employee - \$15.32 per hour

3.2.3 If found, the above allowances less:

3.2.3.1 For expeditionary shearing (i.e. three meals and two smokos per day) - \$20.91 per day

3.2.3.2 For suburban shearing (i.e. one meal plus two smokos per day) - \$10.46 per day

4. - RATES OF PAY

4.1 - MINIMUM ADULT AWARD WAGE

- (1) No adult employee shall be paid less than the minimum adult award wage unless otherwise provided by this clause.
- (2) The minimum adult award wage for full time adult employees is \$504.40 per week payable on and from 7 July 2006.
- (3) The minimum adult award wage is deemed to include all arbitrated safety net adjustments from State Wage Case decisions.
- (4) Unless otherwise provided in this clause adults employed as casuals, part-time employees or piece workers or employees who are remunerated wholly on the basis of payment by result shall not be paid less than pro rata the minimum adult award wage according to the hours worked.
- (5) Juniors shall be paid no less than the wage determined by applying the percentage prescribed in the junior rates provision in this award to the minimum adult award wage.
- (6)
 - (a) The minimum adult award wage shall not apply to apprentices, employees engaged on traineeships or Jobskill placements or employed under the Commonwealth Government Supported Wage System or to other categories of employees who by prescription are paid less than the minimum award rate.
 - (b) Liberty to apply is reserved in relation to any special categories of employees not included here or otherwise in relation to the application of the minimum adult award wage.
- (7) Subject to this clause the minimum adult award wage shall:
 - (a) apply to all work in ordinary hours.
 - (b) Apply to the calculation of overtime and all other penalty rates, superannuation, payments during any period of paid leave and for all purposes of this award.
- (8) Minimum Adult Award Wage

The rates of pay in this award include the minimum weekly wage for adult employees payable under the 2006 General Order Wage Case Decision. Any increase arising from the insertion of the adult minimum wage will be offset against any equivalent amount in rates of pay received by employees whose wages and conditions of employment are regulated by this award which are above the wage rates prescribed in the award. Such above award payments include wages payable pursuant to enterprise agreements, consent awards or award variations to give effect to enterprise agreements and over award arrangements. Absorption which is contrary to the terms of an agreement is not required.

Increases under previous State Wage Case Principles or under the current Statement of Principles, excepting those resulting from enterprise agreements, are not to be used to offset the adult minimum wage.

(9) Adult Apprentices

- (a) Notwithstanding the provisions of this clause, an apprentice, 21 years of age or over, shall not be paid less than \$421.70 per week.
- (b) The rate paid in paragraph (a) above is payable on superannuation and during any period of paid leave prescribed by this Award.
- (c) Where in this award an additional rate is expressed as a percentage, fraction or multiple of the ordinary rate of pay, it shall be calculated upon the rate prescribed in this award for the actual year of apprenticeship.
- (d) Nothing in this clause shall operate to reduce the rate of pay fixed by this award for an adult apprentice in force immediately prior to 5 June 2003.

4.2 - RATES OF PAY

The rates of pay for employees covered by this Award are as follows:

4.2.1 Rates for shearers

4.2.1.1 If not found:

- (i) For flock sheep (wethers, ewes and lambs) by machine - \$203.28 per 100.
- (ii) For rams (other than special stud rams) and ram stages – double the rate for flock sheep.
- (iii) For entires (male sheep that has not attained its first two permanent teeth) – one and a quarter times the rate for flock sheep.
- (iv) For stud ewes and their lambs – one and a quarter times the rate for flock sheep.
- (v) For double-fleeced sheep – one and a third times the rate prescribed appropriate to the class of sheep.
- (vi) For hand shearing – 7.5% additional to the rate for each class of sheep.
- (vii) If a shearer is required to provide their own stud combs they shall be paid 25% in addition to the rate for each class of sheep.
- (viii) For special studs – double the rate for flock sheep or as agreed.
- (ix) If the employer supplies a handpiece, the employer may deduct from the rate per 100 paid to the shearer, the sum of \$2.56 per 100 sheep shorn.

4.2.1.2 If found, the rates prescribed above less:

- (i) For expeditionary shearing (i.e. three meals and two smokos per day) - \$20.91 per day.
- (ii) For suburban shearing (i.e. one meal plus two smokos per day) - \$10.46 per day.

4.2.1.3 Engagement by the day:

- (i) Not found – handpiece provided by the employee - \$151.89.

- (ii) If the employer provides keep, the employer may deduct the amount of \$20.91 per day when three meals and two smokos are provided each day or \$10.46 per day when one meal and two smokos are provided each day.
- (iii) If the employer supplies a handpiece, the employer may deduct from the daily rate the sum of \$2.56 per 100 sheep shorn.

4.2.1.4 For the purposes of this Clause:

- (i) A ram means a male sheep with at least two permanent teeth.
- (ii) Ram stags mean rams that have been castrated after they have attained eighteen months.
- (iii) Stud ewes mean ewes with tags in their ears from which rams are bred for sale or station use but the term does not include ewes of the flock which have tags in their ears for the purpose of identification other than for stud purposes.
- (iv) Double fleeced means a sheep carrying two years' fleece.

4.2.2 Rates for Crutching

4.2.2.1 Piecework rates – if not found:

	Per 100\$
(i) For full crutching, that is, shearing between the legs, the inside and back parts of the leg, the tail, given two blows around and below the tail, and in addition, when required, removing wool which has been struck by blowfly. If the employer provides a shearer with a handpiece the employer may deduct from the rate per 100 paid to the crutcher the sum of 86 cents per 100 sheep shorn	58.95
(ii) For crutching between the legs, that is, shearing on those parts of the legs which face each other and on the inner half of the backs of the legs, with one blow on the end of the tail if required. If the employer provides a shearer with a handpiece the employer may deduct from the rate per 100 paid to the crutcher the sum of 86 cents per 100 sheep shorn	46.75
(iii) For wiggging or ringing. If the employer provides a shearer with a handpiece the employer may deduct from the rate per 100 paid to the crutcher the sum of 86 cents per 100 sheep shorn	22.36
(iv) For either wiggging or ringing in addition to crutching – crutching rates plus	6.10
(v) For wiggging and ringing, if the employer provides a shearer with a handpiece the employer may deduct from the rate per 100 paid to the crutcher the sum of 86 cents per 100 sheep shorn	36.59
(vi) For wiggging and ringing in addition to crutching – crutching rates plus	10.16
(vii) For cleaning the belly of any ewe above the teats (not more than two blows of the machine or shears) in addition to crutching – crutching rate plus	5.08
(viii) For rams – double the rates prescribed in paragraphs (i) to (vii) hereof	

4.2.2.2 Piecework rates – if found:

- (i) The rates prescribed above less:
 - (A) For expeditionary shearing (i.e. three meals and two smokos per day) - \$20.91 per day.

(B) For suburban shearing (i.e. one meal plus two smokos per day) - \$10.46 per day.

4.2.2.3 Engagement by the day:

- (i) Not found – handpiece provided by the employee - \$151.89.
- (ii) If the employer provides keep, the employer may deduct the amount of \$20.91 per day when three meals and two smokos are provided each day or \$10.46 per day when one meal and two smokos are provided each day.
- (iii) If the employer supplies a handpiece, the employer may deduct from the daily rate the sum of \$2.56 per 100 sheep shorn

4.2.3 Rates for Shed Hands:

4.2.3.1 If not found:

	Over 65 days experience Per Run \$	Under 65 days experience Per Run \$
For adults	37.89	36.07
For juniors under 18 years	26.52	25.25
18 - 20 years	34.10	32.46

- (i) Provided that if after the commencement of any day's work, work ceases prior to the expiration of the second run for that day then the employee shall be paid for two runs.
- (ii) And further, if work ceases for the day during the third or fourth run then the employee shall be paid to the end of the run in which work ceased for the day.
- (iii) However, the minimum payment of two runs per day prescribed herein shall not apply where an employee is not required to attend for work and is advised accordingly on the preceding day.

4.2.3.2 If found, the rates prescribed above, less:

- (i) For expeditionary shearing (i.e. three meals and two smokos per day) - \$20.91 per day.
- (ii) For suburban shearing (i.e. one meal plus two smokos per day) - \$10.46 per day.

4.2.4 Rates for Woolpressers:

4.2.4.1 If not found:

- (i) For pressing – piecework:

By Hand Per Bale\$ 11.83	By Hand Per Kilogram\$ 0.08
By Power Per Bale\$ 7.89	By Power Per Kilogram\$ 0.05

(Power = 190 kg x 4.44 cents)

- (ii) Weighing and branding – an extra \$0.28 per bale.
- (iii) For stacking bales, that is, placing one bale on top of another – an additional rate to be agreed mutually.

- (iv) Unless otherwise agreed, when the total sum which a woolpresser would receive under the piecework rates amounts to less than an average of \$39.85 per run for the shed, the employer shall pay the deficiency to the employee.

4.2.4.2 If found, the abovementioned rates, less:

- (i) Expeditionary shearing (i.e. three meals and two smokos per day) - \$20.91 per day.
- (ii) Suburban shearing (i.e. one meal plus two smokos per day) - \$10.46 per day.

4.2.4.3 Woolpressers engaged at piecework rates shall, for all wool pressed by them, be paid wholly per bale or wholly per kilogram.

4.2.4.4 Where the presser is carrying out the combined duties of pressing and penning up the presser shall be paid an additional rate of \$1.04 per bale when the number of bales pressed in a day exceeds 18 bales, the amount of \$1.04 per bale to be paid for every bale pressed that day.

4.2.4.5 For penning up a rate of half of one cent per kilo over and above the contract bale rate is to be paid.

4.2.5 Rates for shearing cooks:

4.2.5.1 The minimum rate to be paid to employees for acting as cook in connection with expeditionary shearing or crutching operations (i.e. three meals and two smokos per day) shall be \$13.03 per day "found" for every person excepting themselves for whom the employee cooks, but if the total amount which the cook would receive under this Clause for the term of the employment amounts to less than \$169.36 per day "found" for themselves after paying the necessary offsiders, the employer shall pay the deficiency to the employee.

4.2.5.2 The minimum rate to be paid to employees for acting as cook in connection with suburban shearing or crutching operations (i.e. one meal and two smokos per day) shall be \$6.52 per day "found" for every period excepting themselves for whom the employee cooks, but if the total amount which the cook would receive under this Clause for the term of the employment amounts to less than \$84.68 per day "found" for themselves after paying the necessary offsiders, the employer shall pay the deficiency to the employee.

4.3 - EFFECT OF PASTORAL INDUSTRY AWARD ON RATES OF PAY

The rates of pay, allowances and deductions provided in Clause 4.2 of this Award shall be adjusted from time to time in accordance with, and from the same operate date, as movements of the corresponding rates of pay, allowances and deductions in the Pastoral Industry Award 1998, an award made pursuant to the provisions of the Commonwealth Workplace Relations Act 1996.

4.4 - PAYMENT OF WAGES

4.4.1 At the commencement of shearing, the employer or the employer's agent shall appoint a certain day upon which the employer shall in each and every week, if so required, pay to the employee, or on the employee's order, the amount due over and above one week's earnings.

4.4.2 The employer may deduct from wages due to an employee the charge for combs and cutters and other requisites obtained from the employer.

4.4.3 Where the employee so requires, the employer shall render to the employee a detailed statement of their account up to date on the day before the anticipated completion of the shearing or crutching.

4.4.4 Wages will be reckoned to the end of the day upon which the employee finishes work.

4.4.5 Where the employee so requests, the employer may make a payment to the employee, not being on a day appointed pursuant to Clause 4.3.1 hereof, provided that;

- 4.4.5.1 such payment shall not be more than the gross earnings of the employee up to the day of the request,
- 4.4.5.2 the employee has worked for at least one week of the contract for the shed, and
- 4.4.5.3 the contract for the shed is scheduled for in excess of two weeks.

4.5 - FORMULA FOR CALCULATING RATES OF PAY

4.5.1 Shearer's Formula

	\$
Minimum rate	495.25
Plus 20% piecework allowance - minimum rate x 20%	99.05
Plus 25% casual loading - minimum rate x 25%	<u>123.81</u>
Sub total	718.11
Plus shearing industry allowance	158.48
Plus rations	39.40
Plus allowance for combs/cutters	81.88
Plus payment for handpiece	<u>18.51</u>
Weekly total for Piecework Shearer with own hand piece (500 sheep)	1016.38
Rates per 100 conversion - total divided by 5	203.28

4.5.2 Crutching Formula

Full crutching at sheds	29% of shearers per 100 rate
All other crutching at sheds	23% of shearers per 100 rate
Full crutching other than at sheds	25% of shearers per 100 rate
All other crutching other than at sheds	20% of shearers per 100 rate
Wigging or winging	11% of shearers per 100 rate
Wigging or ringing in addition	3% of shearers per 100 rate
Wigging and ringing	18% of shearers per 100 rate
Wigging and ringing in addition	5% of shearers per 100 rate
Cleaning bellies etc	2.5% of shearers per 100 rate

4.5.3 Shed Hands (Adult) Formula

4.5.3.1 With less than 65 work days experience:

	\$
Minimum rate - which is 84.56% of Shearer's minimum rate	418.78
Plus 25% casual loading - minimum rate x 25%	104.78
Plus shearing industry allowance	158.48
Plus rations	<u>39.40</u>
Total	721.36
Per run - divide by 20	36.07

4.5.3.2 With more than 65 work days experience:

	\$
Minimum rate - which is 90.44% of Shearer's minimum rate	447.90
Plus 25% casual loading - minimum rate x 25%	111.98
Plus shearing industry allowance	158.48
Plus rations	<u>39.40</u>

Total	757.76
Per run - divide by 20	37.89

4.5.4 Shed Hands (Juniors) Formula

4.5.4.1 18-20 years:

		\$
(i)	With 65 work days or more experience as a shed hand 90% of equivalent adult rate	34.10
(ii)	With less than 65 work days experience as a shed hand 90% of equivalent adult rate	32.46

4.5.4.2 Under 18 years:

		\$
(i)	With 65 work days or more experience as a shed hand 70% of equivalent adult rate	26.52
(ii)	With less than 65 work days experience as a shed hand 70% of equivalent adult rate	25.25

4.5.5 Woolpresser's Formula

	Piecework \$	Timework \$
Minimum rate	434.68	479.28
Plus 20% piecework allowance - minimum rate x 20%	86.94	-
Plus 25% casual loading - minimum rate x 25%	108.67	119.82
Plus shearing industry allowance	158.48	158.48
Plus rations	<u>39.40</u>	<u>39.40</u>
Total per week	828.17	796.98
Per run - total divided by 20		39.85
By hand - per bale = total divided by 70	11.83	
By hand - per kilo = by hand per bale rate divided by 152.4	0.08	
By power - per bale = by hand per bale rate x 2/3	7.89	
By power - per kilo = by power per bale rate divided by 15.24	0.05	

4.5.6 Shearing Cook's Formula

	\$
Minimum rate	507.97
Plus 25% casual loading - minimum rate x 25%	126.99
Plus 20% long hours allowance - minimum rate x 20%	101.59
Plus 69.58% of shearing industry allowance	<u>110.27</u>
Total	846.82
Daily rate - total divided by 5	169.36
Per employee per day rate = daily rate divided by 13	13.03

4.6 - TRAINEESHIPS

Where an employer engages an employee as a trainee pursuant to a traineeship, the provisions of the National Training Wage Award 2000, where relevant, will apply.

5. - ALLOWANCES AND FACILITIES

5.1 - ALLOWANCES WHERE SLEEPING QUARTERS ARE NOT PROVIDED

- 5.1.1 Where the employee does not reside during shearing (or crutching) at the employee's home or usual place of residence and the employee is forced to obtain and pay for sleeping quarters because the employer is unable to provide sleeping quarters, the employee shall be paid a mutually agreed allowance.
- 5.1.2 Where the employer cannot provide sleeping quarters and an employee resides during shearing (or crutching) at the employee's home or usual place or residence and travels daily to the shed, the employee shall be paid a mutually agreed travelling allowance.

5.2 - TRANSPORT

Where the employer requires the employee to provide their own transport or transport is provided by the employer, the employer and employee are to mutually determine the appropriate conditions to apply. Where such conditions cannot be agreed, the employer's usual custom and practice prevails.

5.3 - YARDING SHEEP FOR SHEARING

At shearing operations the employer shall, unless prevented by any cause unavoidable by him, see that the yarding of the sheep for shearing occurs at least eight hours before the time of the sheep being shorn so as to overcome any fullness or sweat wet sheep and the employee shall thereupon shear such sheep with all reasonable dispatch and without delay whatsoever.

6. - LEAVE

6.1 - BEREAVEMENT LEAVE

- 6.1.1 Subject to Clause 2.1.2 of this Award, an employee shall, on the death of the spouse, defacto partner, parent, step-parent, brother, sister, child, step-child or guardian of dependent children of the employee or any other person who at the time of their death lived with the employee as a member of that person's family be entitled to leave up to and including the day of the funeral of such relation. Such leave shall be for a period not exceeding two days in respect of any such death and shall be without loss of pay.
- 6.1.2 The right to such leave shall be dependent on compliance with the following conditions:
 - 6.1.2.1 The employee shall give the employer notice of their intention to take such leave as soon as reasonably practicable after the death of such relation.
 - 6.1.2.2 If so requested by the employer evidence of such death shall be furnished that would satisfy a reasonable person of the death that is the subject of the leave sought.
 - 6.1.2.3 The employee shall not be entitled to leave under this Clause in respect of any period which coincides with any other period of leave entitlement under this Award or otherwise.

7. - DISPUTE RESOLUTION PROCEDURE

7.1 - DISPUTE RESOLUTION PROCEDURE

- 7.1.1 In the event of a problem, grievance, question, dispute, claim or difficulty arising under the Award that affects one or more employees, or arises from the employees work or contract of employment, the following procedure shall apply:
 - 7.1.1.1 At first instance the matter shall be raised at site level with the foreperson/supervisor/manager as appropriate.

7.1.1.2 In the event that the matter is unresolved it shall be raised with the Contractor by the shop steward or Union Official involved.

7.1.1.3 If the employee is a member of a union bound by this award, the employee may be represented by that union in meeting and conferring with the employer about the matter and the employer must give the union a reasonable opportunity to meet and confer about the matter;

Note: the consent of the union is not required to any agreement between the employer and the employee.

7.1.1.4 The agreement must be recorded in the employment records kept by the employer in accordance with Clause 11.2 Employment Records of this award.

7.1.1.5 If the matter is still not resolved it may be referred to the Commission for determination, and if necessary arbitration.

7.1.1.6 The parties will attempt to resolve the matter prior to either party referring the matter to the Commission.

8. - REGISTERED ORGANISATION

8.1 - RIGHT OF ENTRY FOR DISCUSSIONS WITH EMPLOYEES

8.1.1 An authorised representative of the Union party to this Award may enter, during working hours, any premises where relevant employees work, for the purpose of holding discussions at the premises with any relevant employees who wish to participate in those discussions.

8.1.2 An 'authorised representative' means a person who holds an authority in force under Division 2G of part II of the Industrial Relations Act 1979 (as amended).

8.1.3 A 'relevant employee' means an employee who is a member of the Union party to this Award or who is eligible to become a member of the Union.

8.1.4 The authorised representative shall give at least 24 hours notice of the intention to enter the premises to the employer.

9. - SAFETY AND TRAINING

9.1 - SUPPLY OF SOAP, WATER AND DISINFECTANT

9.1.1 The employer shall provide:

9.1.1.1 a suitable disinfectant in the sleeping quarters; and

9.1.1.2 a suitable supply of soap and water at the shed for the use of employees for cleaning purposes.

9.2 - MEDICAL SUPPLIES

The employer shall provide a proper and sufficient stock of the simpler kinds of medical and surgical remedies, for sale to the employees at cost price with carriage added, and for bodily injury resulting to the employee from their work, the employer shall keep and provide free of charge the bandages and antiseptics reasonably necessary for treatment of the injury.

10. – SUPERANNUATION

10.1 - SUPERANNUATION

The subject of superannuation is dealt with extensively by legislation including the Superannuation Guarantee (Administration) Act 1992, the Superannuation Guarantee Charge Act 1992, the Superannuation Industry (Supervision) Act 1993 and the Superannuation (Resolution of Complaints) Act 1993 (collectively the superannuation legislation). This legislation, as varied from time to time, governs the superannuation rights and obligations of the parties.

10.2 - DEFINITIONS

For the purposes of this Clause:

- 10.2.1 "Fund" means a complying superannuation fund as that term is used in the superannuation legislation.
- 10.2.2 "Ordinary time earnings" means the actual rate of pay the employee receives for the work including tool allowance, industry allowance, trade allowance, shift loading, special rates, qualification allowances (e.g. first aid, laser safety officer), piecework rates and supervisory allowances where applicable. The term includes any regular over award pay as well as casual rates received for ordinary hours of work. All other allowances and payments are excluded.

10.3 - EMPLOYER CONTRIBUTIONS

An employer must, in accordance with the governing rules of the relevant Fund, make such superannuation contributions for the benefit of an employee as will avoid the employer being required to pay superannuation guarantee charge under the superannuation legislation with respect to that employee. For the purposes of the superannuation legislation, an employee's ordinary time earnings are intended to provide that employee's notional earnings base. Employer contributions must be paid at least quarterly, with the first payment being made at the end of the first quarter following engagement. Contributions must be equal to that required under the superannuation legislation.

10.4 - VOLUNTARY EMPLOYEE CONTRIBUTIONS

- 10.4.1 Subject to the governing rules of the relevant Fund, an employee who wishes to make contributions to the Fund may either forward his or her own contribution directly to the Fund administrators or authorise the employer to pay into the Fund from the employee's wages, amounts specified by the employee.
 - 10.4.1.1 Employee contributions to the Fund deducted by the employer at the employee's request shall be held on the employee's behalf and subject to individual agreement shall meet the following conditions:
 - 10.4.1.2 The amount of contributions shall be expressed in whole dollars.
 - 10.4.1.3 An employee shall have the right to adjust the level of contribution made on their behalf from the first of the month following the giving of three months' written notice to the employer.
 - 10.4.1.4 Contributions deducted under this Clause shall be forwarded to the Fund at the same time as contributions under Clause 10.3.

10.5 - SUPERANNUATION FUND

- 10.5.1 An employer must, in accordance with the governing rules of the relevant Fund, make superannuation contributions to any of the following Funds:
 - 10.5.1.1 Australian Primary Industry Superannuation Fund (APSF); or
 - 10.5.1.2 A Fund nominated by the Employee;

10.5.2 The employer shall notify the employee that the employee may nominate a superannuation fund or scheme. Furthermore, the employer shall notify the employee that the employee can choose any superannuation fund or scheme and that the employee's choice does not need to be approved by the employer;

10.5.3 The employer and the employee are bound by the employee's choice of fund unless there is agreement between them to change the fund. The employer shall not unreasonably refuse to a change of fund requested by the employee.

An employer is not required to contribute to more than one Fund in respect of an employee employed under this Award.

11. - KEEPING OF RECORDS

11.1 - POSTING OF TALLIES AND DETAILS OF WOOL PRESSED

11.1.1 The employer shall cause that total tally of each day for each of the shearers or crutchers to be available before the next day, except on the last day.

11.1.2 The presser shall have access at all times to the books showing the amount of wool pressed.

11.2 - EMPLOYMENT RECORDS

11.2.1 Each employer shall keep employment records containing:

11.2.1.1 The employee's name, and if the employee is under 21 years of age, the date of birth;

11.2.1.2 Any Industrial Instrument that applies;

11.2.1.3 The date on which the employee commenced employment with the employer;

11.2.1.4 All leave taken by the employee, whether paid, partly paid or unpaid;

11.2.1.5 The information necessary for the calculation of the entitlement to, and payment for long service leave under the Long Service Leave Act 1958, the Construction Industry Portable Long Service Leave Act 1985 or the industrial instrument.

11.2.2 Industrial instrument means:

11.2.2.1 This Award;

11.2.2.2 An Order of the Commission;

11.2.2.3 An Industrial Agreement.

11.2.3 The employer shall keep and maintain a time and wages record showing:

11.2.3.1 The name of each employee.

11.2.3.2 For each day

(i) The time at which the employee started and finished work;

(ii) The period or periods for which the employee was paid;

(iii) Details of work breaks, including meal breaks.

11.2.3.3 For each pay period

- (i) The employee's designation;
- (ii) The total number of hours worked each week;
- (iii) The allowances paid;
- (iv) The wages paid;
- (v) the gross and net amounts paid to the employee under the Industrial Instrument. All deductions and reasons for them.

11.2.3.4 The employer shall on the written request by a relevant person:

- (i) Produce to the person the employment records (including the time and wages record) relating to the employee;
- (ii) Let the person inspect the employment records (including the time and wages record);
- (iii) Let the relevant person enter the premises of the employer for the purpose of inspecting the records;
- (iv) Let the relevant person take copies of or extracts from the records.

11.2.4 A "relevant person" means:

11.2.4.1 The employee concerned;

11.2.4.2 If the employee is a represented person, their representative;

11.2.4.3 A person authorised in writing by the employee;

11.2.4.4 An Officer referred to in section 93 of the Industrial Relations Act 1979 (as amended) authorised in writing by the Registrar.

11.2.5 An employer shall comply with a written request not later than:

11.2.5.1 At the end of the next pay period after the request is received; or

11.2.5.2 The seventh day after the day on which the request was made to the employer.

12. - OTHER LAWS AFFECTING EMPLOYMENT

Relevant laws that affect employment under this Award are:

12.1 **Industrial Relations Act 1979**

12.2 **Workplace Relations Act 1996**

12.3 **Occupational Health and Safety Act 1984**

12.4 **Equal Opportunity Act 1984**

13. - WHERE TO GO FOR FURTHER INFORMATION

Any person bound by or Respondent to this Award may seek further information in relation to the Award and relevant conditions of employment from the organisations named as parties to the Award in Clause 14, from the Registrar of the Western Australian Industrial Relations Commission or the Department of Employment and Consumer Protection.

14. - NAMED PARTIES TO THE AWARD

14.1 The parties to this Award are:

The Australian Workers' Union, West Australian Branch, Industrial Union of Workers

The Western Australian Shearing Contractors' Association Inc

GR & KA BELL, P O BOX 374, MT BARKER, WA 6324

BE & TM BERESFORD, 1 CRAIGIE CRESCENT, MANNING, WA 6152

DL & CR SHEARING, PO BOX 2402, GERALDTON, WA 6530

MATTHEWS ENTERPRISES, PO BOX 347, ESPERANCE, WA 6450

P M SCALLY, PO BOX 224, KOORDA, WA 6475

DR & CA SPIERS, 141B HENSMAN STREET, SOUTH PERTH, WA 6151

METRO SHEARS, 17 VILLIERS STREET, YOKINE, WA 6060

15. - LEAVE RESERVED

15.1 Leave is reserved for the parties to discuss and include, at any subsequent time, the following:

15.1.1 Rates of pay for particular breeds of sheep,

15.1.2 Allowances, including transport allowances and/or charges,

15.1.3 Training rates for shed staff,

15.1.4 Notice periods for termination of employment.

VARIATION RECORD

SHEARING CONTRACTORS' AWARD OF WESTERN AUSTRALIA 2003

NO. A 2 OF 2003

Delivered 11/05/04 at 84 WAIG 1350

CLAUSE NO.	EXTENT VARIATION	OF ORDER NO.	OPERATIVE DATE	GAZETTE REFERENCE
1. Title				
1.2 Arrangement				
	Ins. 4.6	1429/04	9/3/05	85 WAIG 1230
1.3 Area and Scope				
1.4 Term				
1.5 Definitions				
	Ins.	1429/04	9/3/05	85 WAIG 1230
1.6 Prohibition of Contracting Out of the Award				
1.7 Effect of Minimum Conditions of Employment Act on this Award				
2 Contract of Employment				
3. Hours of Work				
	3.2.2, 3.2.3	1429/04	9/3/05	85 WAIG 1230
4. Rates of Pay				
4.1 Minimum Adult Award Wage				
	Cl	570/04	4/06/04	84 WAIG 1521
Var SWC Marker	Cl.	957/05	07/07/06	86 WAIG 1631 & 2358
4.2 Rates of Pay				

CI 1429/04 9/3/05 85 WAIG 1230

4.3 Effect of Pastoral Industry Award on Rates of Pay

4.4 Payment of Wages

4.5 Formula for Calculating Rates of Pay

CI 1429/04 9/3/05 85 WAIG 1230

4.6 Traineeships

Ins. CI 1429/04 9/3/05 85 WAIG 1230

5. Allowances and Facilities

5.1 Allowances Where Sleeping Quarters are not Provided

5.2 Transport

5.3 Yarding Sheep for Shearing

6. Leave

6.1 Bereavement Leave

7. Dispute resolution Procedure

8. Registered Organisation

9. Safety and Training

10. Superannuation

11. Keeping of Records

12. Other Laws Affecting Employment

13. Where to go for Further Information

14. Named Parties to the Award

15. Leave Reserved