



SADA IR UPDATE



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Proclaimed Public Holidays

A reminder that the following days have been proclaimed public holidays:

1. Sunday 24 December: Christmas Eve: 7pm to midnight
2. Monday 25 December: Christmas Day
3. Tuesday 26 December: Proclamation Day public holiday and Boxing Day
4. Sunday 31 December: New Year's Eve: 7pm to midnight
5. Monday 1 January 2024: New Year's Day

Work on Public Holidays

Clause 35.5 in the Pastoral Award 2020 makes provision for work on Public Holidays and states that “A farm and livestock hand required to work on a public holiday will be paid **200%** of the ordinary hourly rate.”

Casual employees receive an additional 25% to those rates.

The tables below for Dairies may assist:

Dairies							
		Full and Part Time			Casual		
		Per hour			Per hour		
	Per week	100%	150%	200%	125%	175%	225%
FLH Lv1	\$ 859.30	\$ 22.61	\$ 33.91	\$ 45.22	\$ 28.27	\$ 39.57	\$ 50.88
FLH Lv3	\$ 895.00	\$ 23.55	\$ 35.32	\$ 47.10	\$ 29.44	\$ 41.22	\$ 52.99
FLH Lv5	\$ 930.70	\$ 24.49	\$ 36.73	\$ 48.97	\$ 30.62	\$ 42.86	\$ 55.11
FLH Lv7	\$ 995.00	\$ 26.18	\$ 39.27	\$ 52.36	\$ 32.73	\$ 45.82	\$ 58.91
FLH Lv8	\$ 1,069.10	\$ 28.13	\$ 42.19	\$ 56.26	\$ 35.17	\$ 49.23	\$ 63.31
FLH Lv8	\$ 1,069.10	\$ 28.13	\$ 42.19	\$ 56.26	\$ 35.17	\$ 49.23	\$ 63.30

Substitution of a Public Holiday for another day Clause 25

An employer and employee may agree to substitute another day for a day that would otherwise be a public holiday. Or substitute another part-day for a part-day that would otherwise be a part-day public holiday.

Fair Work Ombudsman Audits

Earlier this year advised that the Fair Work Ombudsman paid surprise visits to farms in Western Australia. More recently that Office visited several horticulture plantations in the Sunshine Coast and Lockyer Valley in Queensland, and the Riverina and Sunraysia areas. Fifteen “hot spots” were identified.

Those audits netted \$316,860 in fines and \$72,301 in underpayments across 447 business in its agriculture strategy plan which began in December 2021.

Underpayment of wages may also result in under payment of Return to Work SA (“RTWSA”) Levies and Superannuation contributions (ATO). Not long ago a RTWSA Audit revealed underpayment of levies. RTWSA also audited sham arrangements of “contractors” who were employees. An ABN and/or invoice does not in itself convert an employment relationship to one of a contractor.

Changes to Fixed Term Contracts

On 6 December 2023 the Federal Parliament passed further amendments to the Fair Work Amendment (Secure Jobs, Better Pay) Bill 2022 in relation to fixed term employment contracts.

A term contract has a specific end date, or terminates when a specific event occurs, but cannot be terminated earlier.

Employers will be prevented from renewing existing fixed term contracts when the total length of the contracts will exceed two years. However, these changes are subject to some limited exceptions.

This will result in the maximum term for a fixed term contract will be limited to 2 years.

Rolling contracts that flow on from one to the next, are limited to a cumulative term of two years.

Penalties can be imposed for breaches including engaging another employee to work in the same position beyond a total of two years.

There are exemptions for employees who earn above the high income threshold of \$167,500 per annum.

Employers should make sure that the fixed term contracts that commence on or after the 6 December 2023, should be aware of, and be compliant with these changes. In addition the Fixed Term Information Statement is available at [Fixed Term Contract Information Statement \(fairwork.gov.au\)](https://www.fairwork.gov.au/fixed-term-contract-information-statement) ("FTCIS").

Zombie Agreements

This is a final reminder to workplaces with Zombie Agreements (that is all registered Agreements both in the Federal and State jurisdiction including Australian Workplace Agreements ("AWAs) registered prior to 2010, are now void and those workplaces revert to the relevant award (eg Pastoral Award 2020).

Members' Industrial Relations Advice

SADA members are entitled to contact MERS for a free half hour consultation, per member per year. Our telephone number is 08 83312422) and email info@mers.com.au

If you have any queries, please don't hesitate to contact the SADA Office on 8293 2399 or email sada@sada.asn.au

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