

REVISED SUMMARY OF SUBMISSIONS – TECHNICAL AND DRAFTING

This table is a summary of submissions on technical and drafting issues lodged for this award on or before 5.00pm on 29 November 2016.

The summary has been revised to include feedback from the hearing on 6 December 2016 ([Transcript](#)), conference on 23 January 2017 ([Transcript](#)), correspondence (report back) from parties and the conference on 27 March 2017 ([Transcript](#)).

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1	NECA	Sub 30/06/16	2.2	Definitions – all purposes Seeks to have ‘shift work’ inserted after ‘overtime’ in the definition of “all purposes”	Para 40	Withdrawn. See Transcript–6Dec16 [PN344].
	NECA SA	Sub 30/06/16		Seeks to have ‘shift work’ inserted after ‘overtime’ in the definition of “all purposes”	Para 37	
	MEA	Reply 21/07/16		Supports submission of NECA	Para 2	
	AIG	Reply 22/07/16		Does not support submission NECA’s and believes issue has previously been determined by FWC	Para 142	
2	NECA	Sub 30/06/16	2.2	Definitions – default fund employee Wants the definition of ‘default fund employee’ to be included in definitions	Para 41	Withdrawn. See Transcript–6Dec16 [PN344].
	AIG	Reply 22/07/16		Does not agree with NECA. The term ‘default fund employee is not used in the EDs’.	Para 144	
3	NECA	Sub 30/06/16	2.2	Definitions – over award payments Wishes to retain provision regarding absorption into over award payments that appears in the current award	Para 38	Withdrawn. See Transcript–6Dec16 [PN344].
	MEA	Reply 21/07/16		Supports NECA’s submission	Para 2	
4	FPAAA	Sub 30/06/16	2.2	Definition – Continuous shiftworker Vary definition by adding a reference to part-time and casual employees	Para 16.5	Withdrawn. See Transcript–6Dec16 [PN344].
	AIG	Reply 22/07/16		Do not agree with FPAA submission	Para 143	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
5	MEA	Sub-30/06/16	7	Facilitative provisions Seeking clarification regarding facilitative provision, including cl 13.3	Pg 6	Withdrawn. See Transcript-6Dec16 [PN344].
	ABI & NSWBC	Reply-22/07/16		Disagree with MEA	Para 7.2	
6	BusSA	Sub-30/06/16	7.2	Facilitative provisions-table Seeks amendment to refer to 16.6(b)(i) instead of 16.6(a)(ii)	Para 3.1.1	Withdrawn. See Transcript-23Jan17 [PN31].
	AIG	Sub-08/07/16		Submits that BusSA's suggested amendment is unnecessary	Para 153	
7	AIG	Sub-08/07/16	7.2	Facilitative provisions-table Seeking amendment to include the words "an individual or" before "the majority of employees" in the final column	Paras 85-86	Agreed. See Transcript-6Dec16 [PN346].
	BusSA	Reply-21/07/16		Agree with AIG submission	Item 4.2	
	AIG	Sub-16/01/17		Change as agreed was not implemented properly. Requests amendment.	Paras 89-92	
8	BusSA	Sub-30/06/16	10.3	Part-time employment Submit that this clause could be clarified by changing "the relevant classification" to "their relevant classification"	Para 3.1.2	Withdrawn. See Transcript-6Dec16 [PN346].
	AIG	Reply-22/07/16		Submit that BusSA's proposed amendment should not be made.	Paras 154-155	
9	CEPU	Sub-23/06/16	10.5	Part-time employment-public holidays <i>In response to a question by the Commission:</i> Support alternative reference to clause 13.5 and 19.4(b)	Para 3	Agreed, clause reference should be 13.5 and 19.4(b). See Transcript-6Dec16 [PN346].
	NECA	Sub-30/06/16		<i>In response to a question by the Commission:</i> Believes reference to clause 13.15(b)(ii) is not correct, suggests inserting the words "250% of	Paras 11-12	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				the employee's ordinary hourly rate" or alternatively a reference to 19.4(b)		
	BusSA	Reply-21/07/16		Disagree with the submissions of NECA and believes CEPU erred in referring to 13.5 rather than 13.15	Items 4.25 and 4.26	
	NECA SA	Sub-30/06/16		Supports alternative reference to 13.15 and 19.4(b)	Pg 2	
	BusSA	Sub-30/06/16		Supports alternative reference to 13.15 and 19.4(b)	Pg 10	
	MEA	Sub-30/06/16		Supports reference to clause 13.15 and clause 19.4(b)	Pg 1	
	AIG	Sub-08/07/16		Supports alternative reference to 13.15 and 19.4(b)	Pg 23	
10	FPAA	Sub-30/06/16	10.5 10.5	Part-time employment – public holidays Seeks to include two new clauses and to vary clauses 10.5, 13.15(b) and 2.2.	Paras 16.1-16.6	Withdrawn. See Transcript-6Dec16 [PN362-365].
	AIG	Sub-08/07/16		Submit that the FPAA proposal is unnecessary	Para 144 and 157	
11	CEPU	Sub-23/06/16	11.4	Casual employment <i>In response to a question by the Commission:</i> Believe cl 11.4 should refer to the whole of cl 13	Pg 2	Agreed, clause reference should be cl.13.13. See Transcript-6Dec16 [PN346].
	AIG	Sub-08/07/16		Opposes the CEPU submission, this would extend the entitlements of casuals	Para 158	
	BusSA	Reply-21/07/16		Oppose CEPU submission	Item 4.27	
	NECA	Sub-30/06/16		Believes clause 11.4 should be retained with the addition of referencing clause 13.16	Para 14	
	FPAA	Sub-30/06/16		Seeks to amend clause and suggests new wording "apply to casual employees" or alternatively seeks to add a new shift work	Para 20	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				clause		
	NECA SA	Sub-30/06/16		Seeks to retain clause and refer to 13.16	Para 11	
	BusSA	Sub-27/07/16		Believes submission by NECA and NECA SA would result in a substantive change to award and do not support proposals	Item 4.28	
	MEA	Sub-30/06/16		Believes clause is clear in its application to 13.13 and supports additional wording to provide more clarity	Para 3-4	
	BusSA	Sub-30/06/16		Provides clarity and believes inconsistency appears within ED	Para 3.2.2	
12	CEPU	Sub-23/06/16	12.10	Apprentices <i>In response to a question by the Commission:</i> Supports FWC corrections for clause to refer to 16.4	Para 7	Agreed, cross reference should be cl.16.4. See Transcript-6Dec16 [PN348].
	NECA	Sub-30/06/16		Supports FWC correction	Para 16	
	FPAA	Sub-30/06/16		Supports FWC correction	Para 24	
	NECA SA	Sub-30/06/16		Supports FWC correction	Para 13	
	MEA	Sub-30/06/16		Supports FWC corrections	Para 5	
	BusSA	Sub-30/06/16		Supports FWC corrections	Para 3.2.3	
	AIG	Sub-08/07/16		Supports FWC corrections.	Para 88	
13	AIG	Sub-08/07/16	12.14	Employment of juniors Object to change in wording as it believes it significantly alters effect of Award	Para 91	Agreed. See Transcript-6Dec16 [PN348].
	MEA	Reply-21/07/16		MEA does not support proposal due to the nature of award, clause has no effect	Para 8	
14	FPAA	Sub-30/06/16	13	Hours of work Suggests alteration to clause to include reference to 38 hours	Para 25	Withdrawn. See Transcript-6Dec16 [PN348].
15	FPAA	Sub-30/06/16	13.4, 13.7	Hours of work Seeks to alter clause to clearly describe 38	Para 26	Withdrawn. See Transcript-23Jan17

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES	
				hours at the start of clause 13		[PN53].	
15A	FPAA	Reply-3/02/17	13 13.5, 13.6, 13.7, 13.8, 13.9, 13.10, 13.11	Part 3 – Hours of work Variation to 13.2 to separately identify ordinary hours for day workers and shift workers. Amalgamate 13.10 and 13.11.		ABI & NSW BC opposes claim from FPAA and proposes that this is a substantive issue. See email 10/02/17	
	AIG	Corro-9/02/17		Proposal removes distinctions between non-continuous and continuous shiftwork, removes flexibilities for employing continuous shiftwork. Move to substantive issues	Pg 1		Moved to substantive issues. See transcript 27Mar17 [PN40].
	FPAA	Reply-03/03/17		Insert “Day workers and Shift Workers” into the heading of part 3 — Hours of Work” Insert sub-clause (b) into clause 13.2 with the following: “The ordinary hours of work for shiftworkers may be worked Monday to Sunday inclusive” Insert “day workers and shiftworkers” into the heading of clauses 13.5, 13.6, 13.7, 13.8, 13.9 Delete clauses 13.10 and 13.11. Insert new clause titled “Ordinary hours of work – shiftwork – shiftworkers” (provides draft clause) and insert sub-clause (b) (provides draft clause) Renumbering clauses 13.12, 13.13, 13.14, 13.15, 13.16, 13.17, 13.18 and inserting “shiftworkers” into the heading.	Draft determination provided page 6 – 7.		
16	CEPU	Sub-23/06/16	13.6	Late comers <i>In response to a question by the Commission:</i> Supports deleting or amending clause to reflect	Para 16	Agreed, provision should not be varied. See Transcript-6Dec16	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				late comers or early finishers to not be paid for not performing their duties		[PN348]
	BusSA	Reply-21/07/16		Supports CEPU submission in principle	Item 4.8	
	NECA	Sub-30/06/16		Suggests edits to clause wording to make intent of clause clearer	Para 18	
	FPAA	Sub-30/06/16		Suggest an example may be given	Para 32	
	NECA SA	Sub-30/06/16		Further clarity could be provided by some minor edits	Para 15	
	MEA	Sub-30/06/16		Cannot comment, consulting with members	Para 6	
	AIG	Reply-25/07/16		Oppose CEPU submission. Do not agree with NECA and NECA SA	Paras 166 and 169	
17	AIG	Sub-08/07/16	13.8(d)(ii)	Substitution of rostered day off Seeks to insert 'of the ordinary hourly rate' after '200%'	Para 92	Agreed. See Transcript-6Dec16 [PN348].
	BusSA	Reply-21/07/16		Support the submission of AIG	Item 4.9	
18	CEPU	Sub-23/06/16	13.9	Rest Break <i>In response to a question by the Commission:</i> Believes clause does not only apply to day workers	Para 18	Although parties disagree with what it means, there should be no change. Can deal with it another day if it arises at all. See Transcript-23Jan17 [PN73, 76].
	BusSA	Reply-21/07/16		Opposes the CEPU submission	Item 4.29	
	NECA	Sub-30/06/16		Suggests moving clauses referring to day workers to be relocated to immediately before 13.10.	Para 21	
	AIG	Reply-25/07/16		Agree with NECA and NECA SA submission about retaining the clause. Do not agree with the proposal to move the clause	Paras 172 and 173	
	FPAA	Sub-30/06/16		Submit that splitting the ordinary hours of work clause with a separate clause for shift	Para 35	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				work would resolve the issue		
	BusSA	Reply-21/07/16		Support the submission of FPAA	Item 4.11	
	NECA SA			Suggests moving clauses referring to day workers to be relocated to immediately before 13.10. Also supports the inclusion of a new 'shift work' clause	Para 19	FPAA supports MEA and EEECA [sic] submission See Transcript-6Dec16 [PN360].
	MEA	Sub-30/06/16		Submits provision applies to both day and shift workers	Para 7	
	BusSA	Sub-30/06/16		Cannot comment is consulting with members	Para 3.2.4	
19	CEPU	Sub-23/06/16	13.10	Ordinary hours of work–continuous shiftwork <i>In response to a question by the Commission:</i> Does not support replacing 'crib time' with 'rest break'.	Para 20	
	BusSA	Reply-21/07/16		Agrees that 'crib break' should not be replaced with 'rest break' but should be replaced with 'paid meal break' instead	Item 4.30	
	NECA	Sub-30/06/16		Does not support replacing 'crib time' wording	Para 24	
	FPAA	Sub-30/06/16		Seeks to keep term 'crib time' in award	Para 45	
	NECA SA	Sub-30/06/16		Seeks to change reference from 'crib time' to 'crib break' and explain the term is commonly understood in the industry	Para 24	
	MEA	Sub-30/06/16		Seeks to leave wording as replacing with 'rest break' does not accurately describe this type of break	Para 10	
	BusSA	Sub-30/06/16		Does not agree with FWC correction, suggests 'paid meal break' be inserted instead	Para 3.2.5	
20	NECA	Sub-30/06/16	13.10	Ordinary hours Seeks to amend heading 'Ordinary hours of	Para 50	Withdrawn. See Transcript-23Jan17

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				work – continuous shift work’ to ‘shift work’		[PN81-85].
	NECA SA	Sub-30/06/16		Seeks to amend ‘ordinary hours of work – continuous shiftwork’ to ‘ordinary hours of work – other than continuous shiftwork’	Para 38	
	AIG	Reply-27/07/16		Do not agree with the submissions of NECA and NECA SA. Support the submission of BusSA	Paras 175 and 176	
21	NECA SA	Sub-30/06/16	13.10, 13.11	Proposed amendments to two clauses.	Para 39	Withdrawn. See Transcript-23Jan17 [PN89, 92].
22	CEPU	Sub-23/06/16	13.11(c)(ii)	Ordinary hours of work–other than continuous shiftwork <i>In response to a question by the Commission:</i> Supports proposed amendment	Para 22	Agreed proposal be adopted. See Transcript–6Dec16 [PN350].
	BusSA	Reply-21/07/16		Support the submission of CEPU and NECA	Items 4.13 and 4.14	
	NECA	Sub-30/06/16		Supports proposed amendment	Para 26	
	FPA	Sub-30/06/16		Supports proposed amendment	Para 41	
	MEA	Sub-30/06/16		Supports proposed amendment	Para 13	
	BusSA	Sub-30/06/16		Supports FWC amendment	Para 3.2.6	
23	AIG	Sub-08/07/16	13.13(a)	Shift allowances Seek to delete word ‘employee’s’	Para 95	Withdrawn. See Transcript–6Dec16 [PN350].
24	AIG	Sub-08/07/16	13.13(b)	Seeks to insert wording	Para 96	Agreed. See Transcript–6Dec16 [PN350].
	BusSA	Reply-21/07/16		Agree with the submission of AIG	Item 4.15	
25	AIG	Sub-08/07/16	13.13(d)	Seeks to delete word ‘employee’s’	Para 97	Withdrawn. See Transcript–6Dec16 [PN350].
26	NECA	Sub-30/06/16	13.15(e)	Rate for working on a Sunday and public	Paras 51–53	Withdrawn.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				holiday shifts Seeks to amend ‘and after 11.00 pm’ to be inserted between ‘before midnight’ and ‘on the day preceding a Sunday or public holiday’.		See Transcript-23Jan17 [PN94, 98].
	BusSA	Reply-21/07/16		Agree with the submission of NECA	Item 4.16	
27	AIG	Sub-08/07/16	13.16(a)(ii)	Overtime - shiftwork Insert words “of the ordinary hourly rate” after “200% consistent with July decision	Pg 25	Agreed. See Transcript-6Dec16 [PN350].
	BusSA	Reply-21/07/16		Support AIG submission	Pg 14	
	MEA	Reply-21/07/16		Support AIG submission	Pg 2	
28	AIG	Sub-31/08/16	Terminology in 13.13-13.16, 20.4(b)	Shift allowance – inconsistent terminology Inconsistent use of shift allowances, shift rates, shift premiums and shift loadings	Pg 9	Agreed to use ‘shift loading’ throughout. See Transcript-23Jan17 [PN126-129]
29	CEPU	Sub-23/06/16	14.1	Meal breaks Supports proposed amendment	Pg 7	Item 27 [sic] Agreed. See Transcript-6Dec16 [PN351-355]. ED to be updated with: <i>The timing of meal breaks will be at the discretion of the employer. Provided that the employee (other than a shift worker) must not be compelled to work</i>
	BusSA	Reply-21/07/16		Oppose CEPU submission	Pg 8	
	NECA	Sub-30/06/16		Supports proposed amendment	Pg 3	
	FPAA	Sub-30/06/16		Supports amendment. Proposed wording should also be added to cl 14.1(c) for consistency.	Pg 6	
	NECA SA	Sub-30/06/16		Supports proposed amendment	Pg 3	
	MEA	Sub-30/06/16		Suggests amendment to clause, believes there is no inconsistency between 13.11(c)(iii) and 14.1(c)	Pg 3	
	BusSA	Sub-30/06/16		Supports proposed amendments	Pg 11	
	AIG	Reply-22/07/16		Supports FWC amendment	Pg 35	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
30	CEPU	Sub-23/06/16	14.1, 13.11(c)(iii)	Meal breaks – question re inconsistency Supports proposed clause. Does not believe there is an inconsistency.	Pg 7	
	NECA	Sub-30/06/16		Did not comment on this part of question	Pg 3	
	FPAA	Sub-30/06/16		Sufficient distinction between day workers and shitworkers (cl. 14.1 and 13.10). Retain current wording.	Pg 6	
	MEA	Sub-30/06/16		Does not believe there is an inconsistency between clauses, seeks to insert new definition for ‘rest break’ and ‘meal break’ in cl 2.2 for clarity.	Pg 3	
	BusSA	Sub-30/06/16		Notes inconsistency and suggests amendment to provide clarity regarding which elements do not apply to shiftworkers. Suggested wording in submission.	Pg 11	
	AIG	Reply-22/07/16		Disagrees with inconsistency	Pg 35	
31	CEPU	Sub-23/06/16	15	Inclement weather Clause is clear and scope should not be narrowed to clause 15.2 alone.	Pg 8	Agreed clause should remain as is. See Transcript-6Dec16 [PN356].
	NECA	Sub-30/06/16		Scope extends beyond clause 15.2.	Pg 3 - 4	
	FPAA	Sub-30/06/16		Seeks amendment to include mention of clauses 15.2 and 15.3	Pg 6	
	NECA SA	Sub-30/06/16		Does not support amendment, seeks to retain current wording. Scope extends beyond clause 15.2.	Pg 3	
	MEA	Sub-30/06/16		Submits can refer specifically to clause 15.2. Plain meaning of ‘this clause’ suggests term only refers to clause 15.2.	Pg 4	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
	BusSA	Sub-30/06/16		Supports FWC amendment	Pg 12	
32	CEPU	Sub-23/06/16	16.4(a)(iii), 16(a)(iv)	Apprentice minimum wages – interaction of clauses 16.4(a)(iii) directs reader to additional allowance and 16.4(iv) informs reader of how weekly all-purpose rate is calculated.	Pg 8	Agreed to variation proposed by AIG group dated 22/07/16. Also add additional sentence immediately before the words, “Any other special allowances,” in cl.16.4(a)(iii) and delete cl.(iv). See Transcript-23Jan17 [PN178]
	NECA	Reply-21/07/16		Agrees with CEPU submissions	Pg 1 – 2	
	NECA SA	Reply-21/07/16		NECA SA agrees with interpretation, however favours their re-wording in their own submission	Pg 2	
	NECA	Sub-30/06/16		Paragraphs say the same thing. Proposes to delete clause 16.4(a)(iii), retain 16.4(a)(iv) with additional wording added.	Pg 4	
	AIG	Reply-25/07/16		Does not support NECA submission	Pg 36	
	FPAA	Sub-30/06/16		Seeks to leave wording unless definitions of the two clauses are improved	Pg 6	
	NECA SA	Sub-30/06/16		Paragraphs say the same thing. Proposes to delete clause 16.4(a)(iii), retain 16.4(a)(iv) with additional wording added.	Pg 4	
	AIG	Reply-25/07/16		Does not support NECA SA submission	Pg 36	
	MEA	Sub-30/06/16		Provides explanation of clauses and provided suggested re-wording.	Pg 4	
	BusSA	Sub-30/06/16		Seeking member feedback	Pg 12	
	AIG	Reply-22/07/16		16.54(a)(iii) directs reader to additional allowance and 16.4(iv) informs reader of how weekly all-purpose rate is calculated. Alternative wording proposed.	Pg 36	
33	NECA	Sub-30/06/16	16.4	Apprentice minimum wages Notes table at 16.4(b)(ii) only applies to adult apprentices in Queensland, submits paragraph	Pg 5	Withdrawn. See Transcript-23Jan17 [PN179, 181, 188].

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				should refer to this.		
	AIG	Reply 25/07/16		Does not support NECA submission	Pg 36	
	MEA	Reply 21/07/16		Supports NECA submission	Pg 1	
34	CEPU	Sub-23/06/16	17.1(b)	Allowances – identification of cumulative allowances Special allowances which are not cumulative are those provided for disability purposes. First aid is not a disability allowance.	Pg 9	Agreed to proper interpretation of provision, no change to clause advanced. See Transcript–6Dec16 [PN356].
	NECA	Sub-30/06/16		Skill and disability allowances are not cumulative. However, one skill allowance and one disability allowance can accumulate.	Pg 4	
	AIG	Reply-25/07/16		Supports NECA proposal	Pg 37	
	FPAA	Sub-30/06/16		Need to identify relationship between allowances. Where allowances are similar or inter-related, all the allowances are not payable.	Pg 7	
	NECA SA	Sub-30/06/16		Seeks to move first aid allowance in separate part to wage related special allowances to improve clarity.	Pg 4	
	AIG	Reply-25/07/16		Support NECA SA submission	Pg 37	
	MEA	Sub-30/06/16		Provides explanation of when allowances would be cumulative. I.e. some allowances compensate for the same thing and therefore not cumulative. Employee not entitled to more than one allowance for the same ability, responsibility or disability.	Pg 5	
	BusSA	Sub-30/06/16		Seeking member feedback	Pg 12	
35	BusSA	Sub 30/06/16	17.2(f)(ii)	Allowances – ordering materials Word ‘only’ should be inserted into first bullet point to reflect language of current award.	Pg 9	Withdrawn. See Transcript–6Dec16 [PN356]

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
	AIG	Reply-25/07/16		No objection to BusSA submission		
	AIG	Sub-08/07/16	17.2(f)(ii)	Cross reference should be to clause 17.2(f)(iii)	Pg 25	Agreed. See Transcript-6Dec16 [PN356].
	BusSA	Reply-21/07/16		Supports submission	Pg 14	
	MEA	Reply-21/07/16		Supports AIG Submission	Pg 2	
36	BusSA	Sub-30/06/16	17.3(b)(ii)	Allowances – towers allowance Reference to this clause should appear in table of facilitative provisions.	Pg 9	
	AIG	Reply-25/07/16		Does not agree that provision is facilitative	Pg 38	No longer pressed. See Transcript-6Dec16 [PN356].
37	NECA	Sub-30/06/16	17.4	Allowances – special allowances – expense related ED wording less clear than current wording. Current wording should be retained.	Pg 5	Agreed to keep current wording in 17.3(a)(iii) of the modern award as 17.4(a)(iv) of the ED. See Transcript-23Jan17 [PN215].
	AIG	Reply-25/07/16		Amendment not required	Pg 38	
38	MEA	Sub-30/06/16	17.5(d)(ii)	Allowances – payment for travelling time Seeking additional wording to confirm payment for travelling is at ordinary rates – “at the ordinary rate”	Pg 6	Agreed. See Transcript-23Jan17 [PN227].
	AIG	Reply-25/07/16		Support proposed amendment	Pg 38	
39	MEA	Sub-30/06/16	17.5(d)(iii)	Allowances – employer provided transport Propose change to clarify when allowances payable. Wording contained in submission.	Pg 7	Agreed, however instead of \$18.80, insert “instead of the amount in cl.17.5(d)(i). See Transcript-23Jan17 [PN236-237].
	AIG	Reply-25/07/16		Support MEA proposal	Pg 36	
	BusSA	Reply-21/07/16		Support MEA proposal	Pg 14	
40	CEPU	Sub-23/06/16	17.5(e)	Allowances – travel & expenses Explains allowances that are not applicable under clause 17.5(e). Party clarifies 17.5(b), (c)	Pg 9	Agreed, proper interpretation of the provision.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				and (d) do not apply.		See Transcript-6Dec16 [PN356].
	NECA	Reply-21/07/16		Agrees with CEPU submission	Pg 2	
	AIG	Reply-25/07/16		Support CEPU submission	Pg 38	
	NECA	Sub-30/06/16		Employee not entitled to clarifies 17.5(b), (c) and (d).	Pg 4	
	FPAA	Sub-30/06/16		Employee not entitled to clarifies 17.5(b), (c) and (d).	Pg 7	
	MEA	Sub-30/06/16		Employee not entitled to clarifies 17.5(b), (c) and (d). Also suggests amendments to clause to improve clarity.	Pg 5	
	BusSA	Reply-21/07/16		Support MEA submission	Pg 14	
	AIG	Reply-25/07/16		AIG does not support MEA proposal	Pg 38	
41	BusSA	Sub-30/06/16	17.6(b)(i)	Allowances – regular return home Seeks inclusion of the wording “except as provided in clause 17.6(b)(ii)” to maintain current meaning.	Pg 9	Agreed. See Transcript-6Dec16 [PN356].
	AIG	Reply-25/07/16		AIG supports proposal	Pg 39	
42	FPAA	Sub-30/06/16	Part 3	Proposed new shiftwork clause Proposes new ‘shift work’ clause. Would make award more user friendly.	Pg 7	Parties to discuss. See Transcript-23Jan17 [PN262].
	NECA SA	Reply-21/07/16		NECA SA notes FPAA’s submission however believe inadequacies exist in party’s proposal to amend the award	Pg 2	
	MEA	Sub-30/06/16		Proposes new ‘shift work’ clause including individual subclauses for ordinary hours, breaks, overtime, shift allowances, minimum breaks between shifts and Sunday and public holiday work.	Pg 6	
	NECA SA	Reply-21/07/16		Supports MEA submission	Pg 2	
	AIG	Reply-25/07/16		Does not support submission on basis it is	Pg 33	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				unnecessary		
43	AIG	Sub-08/07/16	19.1(a)	Payment for working overtime Seeks to amend wording to insert words “of the ordinary hourly rate” after “200%”	Pg 26	Agreed. See Transcript-6Dec16 [PN356].
	BusSA	Reply-21/07/16		Supports AIG submission	Pg 14	
	MEA	Reply-21/07/16		Supports AIG submission	Pg 2	
44	MEA	Sub-30/06/16	21	Personal/careers leave Do not agree with amendment in clause from “all purpose rate” to “ordinary hourly rate”. Retain current wording.	Pg 7	Withdrawn. See Transcript-6Dec16 [PN356].
	AIG	Reply-25/07/16		Do not support MEA submission	Pg 39	
	ABI & NSWBC	Submission in reply-		Oppose MEA submission	Pg 6	
45	AIG	Sub-08/07/16	30	Transfer to lower paid job on redundancy Seeks to amend heading to ‘transfer to lower paid duties by reason of redundancy’.	Pg 26	Might be dealt with by plain language drafting Full Bench. See Transcript-6Dec16 [PN356]
	BusSA	Reply-21/07/16		Support AIG submission	Pg 14	
46	AIG	Sub-08/07/16	31	Employee leaving during redundancy notice period Seeks to have cross-reference to 29 and 30 rather than to clause 31.		Might be dealt with by plain language drafting Full Bench. See Transcript-6Dec16 [PN356]
47	AIG	Sub-08/07/16	Schedule B.1.1	Definition of ordinary hourly rate Definition of ordinary hourly rate inconsistent with clause 2, suggest amendments.	Pg 27	AIG to prepare proposed note on amendments and circulate it to parties within one week. Parties to indicate positions. See Transcript-23Jan17 [PN328-330, 336, 350,
	AIG	Sub-08/07/16		Description is misleading and gives reasons for this as indicates that rates set out in schedule include tool allowance wherever payable but this is not the case.	Pg 27	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
	CEPU	Reply-8/3/17		Merit in MEA and NECA argument and AiG overstating risk	Para 8	352, 356]. Draft determination received from AiG. See Corr-14/02/17 NECA SA raised concerns however not provided further response.
	BusSA	Reply-21/07/16		Support AiG submission	Pg 14	
	MEA	Sub-27/02/17		Proposes that Sched B be removed completely.	Pg 1	
	NECA SA	Reply-21/07/16		Support AiG submission	Pg 2	
	NECA	Reply-3/03/17		Supports MEA's submission that schedule be removed	Pg 1	
	AiG	Reply-07/03/17		Supports MEA's submission that schedule be removed.	Para 1	
48	AiG	Sub-08/07/16	Schedule B.2.1	Full-time and part-time ordinary and penalty rates Clause inconsistent with terms of current award. Submits award does not contain a penalty for ordinary hours on public holiday.	Para 116	MEA has concerns about removal of public holiday tables. FPAA not provided response – however supports a consensus approach to matter. See Corr-15/02/17 NECA agrees that concerns of parties can be best resolved in conference. See corr-15/02/17 Moved to substantive issues. See transcript 27Mar17 [PN40].
	NECA SA	Reply-21/07/16		Support AiG submission	Pg 2	
	MEA	Sub-27/02/17		If Sched B is not completely removed then propose the following: Replace “Other than shiftworkers” from title with “Day workers” Replace “penalty rates” from title with “public holiday rates”	Para 1-4	
	FPAA	Reply-10/03/17		Support MEA proposal	Para (a)	
	NECA	Reply-3/03/17		Support MEA's proposal	Pg 1	
	AiG	Reply-07/03/17		Agree with replacing “other than shiftworkers” with “day workers”. Oppose replacing “penalty rates” with “public holiday rates” Oppose public holiday column remaining	Para 1 & 6	
	FPAA	Reply-10/03/17		Delete public holiday column	Para (f)	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
49	AIG	Sub-08/07/16	Schedule B.2.2	Full-time and part-time SW ordinary overtime Believes explanation of how rates are derived is necessary for clarity	Pg 28	
	NECA SA	Reply-21/07/16		Support AIG submission	Pg 2	
	MEA	Sub-27/02/17		If Sched B is not completely removed then propose the following: Replace “Other than continuous shiftworkers” from title with “Day workers” Remove “public holiday” column	Para 5-7	
	FPAA	Reply-10/03/17		Support MEA proposal, does not support removal of public holiday column as removes reference to what payments day workers may receive on such days. Proposes to include a column providing basis for calculating weekend and public holiday rates	Para (a), (e), (f)	
	NECA	Reply-3/03/17		Retain public holiday column	Pg 2	
	AIG	Reply-07/03/17		Agrees with replacing “other than continuous shiftworkers” with “day workers” Agrees with NECA that public holiday column should be retained.	Para 1, 6 and 16	
	CEPU	Reply-8/3/17		Support NECA submission, also support AIG submission to retain public holidays columns for table that deals with payment on public holiday for overtime purposes.	Para 10	
50	AIG	Sub-08/07/16	Schedule B.2.3	Full-time and part-time SW ordinary and penalty rates No explanation how rates derived. Inclusion of tool allowance of classifications above grade 5 may cause confusion.	Pg 29	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
	NECA SA	Reply-21/07/16		Support AIG submission	Pg 2	
51	AIG	Sub-08/07/16	Schedule B.2.4	Full-time and part-time SW overtime Sunday rates in table are incorrect	Pg 29	
	AIG	Sub-08/07/16		Row containing ‘% of ordinary hourly rate’ is missing from table.	Pg 29	
	AIG	Sub-08/07/16		Unclear how rates are derived	Pg 29	
	NECA SA	Reply-21/07/16		Support AIG submission	Pg 2	
52	AIG	Sub-08/07/16	Schedule B.3.1	Casual rates Believes clause is confusing as no explanation for how rates derived.	Pg 30	
	AIG	Sub-08/07/16		Clause inconsistent with terms of current award. Award does not contain a penalty to work ordinary hours on a public holiday.	Pg 30	
	NECA SA	Reply-21/07/16		Support AIG submission	Pg 2	
	MEA	Sub-27/02/17		If Sched B is not completely removed then propose the following: Replace “Other than shiftworkers” in title with “day workers” Replace “penalty rates” with “public holiday rates” in the title	Para 10-11	
	NECA	Reply-3/03/17		Supports MEA’s proposal		
	AIG	Reply-07/03/17		Agrees with replacing “other than shiftworkers” with “day workers” Opposes replacing “penalty rates” with “public holiday rates” Oppose public holiday column remaining	Para 1 & 6	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
53	AIG	Sub-08/07/16	Schedule B.3.2	Casual SW rates Column with the heading 'day' should be deleted as its purpose is unclear.	Pg 30	
	AIG	Sub-08/07/16		No explanation how rates derived. Inclusion of tool allowance of classifications above grade 5 may cause confusion.	Pg 30	
	NECA SA	Reply-21/07/16		Support AIG submission	Pg 2	
	MEA	Sub-27/02/17		If Sched B is not completely removed then propose the following: Change title to read: "Casual shiftworkers—ordinary, penalty and public holiday rates" Remove "day" column	Par 12-13	
	NECA	Reply-3/03/17		Day column should be retained	Pg 2	
	AIG	Reply-07/03/17		Agrees with MEA's submission. Disagrees with NECA's submission	Para 1 and 17	
	CEPU	Reply-8/3/17		Support NECA submission	Para 11	
54	AIG	Sub-08/07/16	Schedule B.4	Apprentice rates Rates have not been calculated accurately, unable to identify basis of calculation for rates in B.4.9.	Pg 30-31	
	NECA SA	Reply-sub-21/07/16		Support AIG submission	Pg 2	
55	MEA	Sub-27/02/17	Sched B.4.1	If Sched B is not completely removed then propose the following: Replace "other than shiftworkers" in title with "ordinary "day workers" Replace "penalty rates" in title with "public holidays rates"	Para 3-4	Moved to substantive issues. See transcript 27Mar17 [PN40].
	FPAA	Reply-10/03/17		Support MEA proposal	Para (a)	
	AIG	Reply-07/03/17		Agree with replacing "Other than shiftworkers" with "day workers"	Para 1 & 6	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				Oppose replacing “penalty rates” with “public holiday rates” Oppose public holiday column remaining		
56	MEA	Sub-27/02/17	B.4.2	If Sched B is not completely removed then propose the following: Replace “other than continuous shiftworkers” from title and replace with “day workers” Remove public holiday column	Para 7-8 page 3	Moved to substantive issues. See transcript 27Mar17 [PN40].
	FPAA	Reply-10/03/17		Support MEA proposal	Para (a)	
	AIG	Reply-07/03/17		Agree with replacing “other than continuous shiftworkers” with “day workers” Oppose removing public holiday column	Para 1	
	CEPU	Reply-8/3/17		Support AIG submission to retain public holiday columns for table that deals with payment on public holiday for overtime purposes.	Para 12	
57	MEA	Sub-27/02/17	B.4.3	If Sched B is not completely removed then propose the following: Change title to read “Adult apprentice—shiftworkers—ordinary, penalty and public holiday rates”	Para 10	Moved to substantive issues. See transcript 27Mar17 [PN40].
	AIG	Reply-07/03/17		Agree with MEAA	Para 1	
58	MEA	Sub-27/02/17	B.4.5	If Sched B is not completely removed then propose the following: Remove “other than shiftworkers” from title and replace with “day workers” Replace “penalty rates” with “public holiday rates” in table	Para 13-14	Moved to substantive issues. See transcript 27Mar17 [PN40].
	FPAA	Reply-10/03/17		Support MEA proposal	Para (a)	
	AIG	Reply-07/03/17		Agree with replacing “other than shiftworkers”	Para 1 & 6	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				with “day workers” Oppose replacing “penalty rates” with “public holiday rates” Oppose public holiday column remaining		
59	MEA	Sub-27/02/17	B.4.6	If Sched B is not completely removed then propose the following: Remove “other than shiftworkers” from title and replace with “day workers” Remove public holiday column	Para 17-18	Moved to substantive issues. See transcript 27Mar17 [PN40].
	FPAA	Reply-10/03/17		Support MEA proposal	Para (a)	
	AIG	Reply-07/03/17		Agree with replacing “other than shiftworkers” with “day workers” Oppose removing public holiday column	Para 1 & 6	
	CEPU	Reply-8/3/17		Support AIG submission to retain public holiday columns for table that deals with payment on public holiday for overtime purposes.		
60	MEA	Sub-27/02/17	B.4.7	If Sched B is not completely removed then propose the following: Change title to read: “Junior apprentice—shiftworkers—commencing on or after 1 January 2014—ordinary, penalty and public holiday rates”	Para 20	Moved to substantive issues. See transcript 27Mar17 [PN40].
	AIG	Reply-07/03/17		Agree with MEAA	Para 1	
61	MEA	Sub-27/02/17	B.4.9	If Sched B is not completely removed then propose the following: Remove “other than shiftworkers” from title and replace with “day workers” Replace “penalty rates” with “public holiday rates” in title	Para 23-24	Moved to substantive issues. See transcript 27Mar17 [PN40].

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
	FPAA	Reply-10/03/17		Support MEA proposal	Para (a)	
	AIG	Reply-07/03/17		Agree with replacing “other than shiftworkers” with “day workers” Oppose replacing “penalty rates” with “public holiday rates” Oppose public holiday column remaining	Para 1 & 6	
62	MEA	Sub-27/02/17	B.4.10	If Sched B is not completely removed then propose the following: Remove “other than shiftworkers: from title and replace with “day workers” Remove public holiday column	Para 27-28	Moved to substantive issues. See transcript 27Mar17 [PN40].
	FPAA	Reply-10/03/17		Support MEA proposal	Para (a)	
	AIG	Reply-07/03/17		Agree with replacing “other than shiftworkers” with “day workers” Oppose removing the public holiday column.	Para 1 & 6	
	CEPU	Reply-8/3/17		Support AIG submission to retain public holidays columns for table that deals with payment on public holiday for overtime purposes.		
63	MEA	Sub-27/02/17	B.4.11	If Sched B is not completely removed then propose the following: Change title to read “Junior apprentice— shiftworkers—commencing before 1 January 2014—ordinary, penalty and public holiday rates”	Para 30	Moved to substantive issues. See transcript 27Mar17 [PN40].
	NECA	Reply-3/03/17		Supports MEA’s above proposals	Pg 1	
	AIG	Reply-07/03/17		Agree with MEAA	Para 1	
64	MEA	Sub-27/02/17	B.2.1, B.2.2, B.2.3, B.2.4,	If Sched B is not completely removed then propose the following:	Various	Moved to substantive issues. See transcript

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
			B.3.1, B.3.2, B.4.1, B.4.2, B.4.3, B.4.4, B.4.5, B.4.6, B.4.7, B.4.8, B.4.9, B.4.10, B.4.11, B.4.12	Insert note at the bottom of table: "These amounts do not include the allowances in cl.17.2(b), 17.2(c), 17.2(d), 17.2(e), and 17.2(f)"		27Mar17 [PN40].
	NECA	Reply-3/03/17	B.2.1 and/or B.1.3	<p>Supports MEA in that may lead readers into error. Further suggest adding at B.2.1 and point 3 of MEA's submission:</p> <p>'Electrician's Licence allowance' after '17.2(b)' 'Leading hands allowance' after '17.2(c)' 'Nominee allowance' after '17.2(d)' 'Electrical distribution line maintenance and tree clearing allowance' after '17.2(e)' 'Rate ordering materials' after '17.2(f). Also add 'Each of these allowances will form part of an employee's ordinary hourly rate if the allowance is payable to the employee'.</p> <p>Or at B.1.3 in addition or in the alternative a statement about what is included in an employee's ordinary rate such as: 'An employee's ordinary hourly rate also includes any of the following allowances that apply to the employee: Electricians licence allowance, leading hands allowance, nominee allowance, electrical distribution line maintenance and tree clearing</p>	Pg 1	Moved to substantive issues. See transcript 27Mar17 [PN40].

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
				allowance and rate for ordering materials.'		
	FPAA	Reply-10/03/17		Support MEA proposal however support NECA proposal as a fuller proposition that assists the MEA proposal. Also suggests proposal reads: '...the following <u>all-purpose</u> allowances...'	Para (b)-(d)	
	AIG	Reply-07/03/17	B.2.1, B.2.2, B.3.1, B.3.2, B.4.1, B.4.2, B.4.3, B.4.5, B.4.6, B.4.7, B.4.9, B.4.10, B.4.11.	Disagree with MEA's proposal of insertion of notes. Does not agree with NECA's proposition that reliance on table would lead to underpayment. Do not agree with NECA's new proposed B.1.3.	Para 2, 13	
65	FPAA	Reply-10/03/17		Provides draft table to replace existing tables to be placed at the commencement of the Schedules.	Para (g)	CEPU not adverse to proposal. See transcript 27/3/17 [PN19].

List of abbreviations (in alphabetical order)

ABI & NSWBC	Australian Business Industrial and the NSW Business Chamber
AIG	Australian Industry Group
BusSA	Business SA, the Chamber of Commerce and Industry South Australia
CEPU	Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia
ED	Exposure draft
FPAA	Fire Protection Association Australia
MEA	Master Electricians Australia
NECA	The National Electrical Contractors Association