

### SUMMARY OF SUBMISSIONS ON REVISED EXPOSURE DRAFT – OUTSTANDING ISSUES

This table has been revised to include submissions received in response to para [125] of Full Bench Decision [\[2017\] FWCFCB 3177](#) re outstanding issues and the exposure draft. The summary includes submissions received on or before 07 July 2017.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE (paragraph)	NOTES
1.	AIG	<a href="#">Reply 7-12-15</a>		<b>General</b> – in relation to submissions by AMIC and to the extent its submissions did not deal with AIG submissions, proposed amendments to ED are not opposed.	122	<b>RESOLVED</b>
2.	AMIC	<a href="#">Sub 20-11-15</a>	1.4, 1.5	<b>Title and commencement</b> – Clause repeated, delete second occurrence.	10	<b>RESOLVED</b> ED amended
	AIG	<a href="#">Sub 20-11-15</a>	(now 1.5 &		250	
	BusSA	<a href="#">Sub 27-11-15</a>	1.6)		21	
3.	AMIC	<a href="#">Sub 20-11-15</a>	3.3(d)	<b>Coverage</b> – Reference to Sch F should be Sch H	11	<b>RESOLVED</b> ED amended
4.	AMIC	<a href="#">Sub 20-11-15</a>	3.3(f)	<b>Coverage</b> – Reference to ‘2015’ should be ‘2016’	12	<b>RESOLVED</b> ED amended
5.	AMIC	<a href="#">Sub 20-11-15</a>	5.2(a)	<b>Facilitative provision</b> – Reference to ‘9.2(e)’ should be ‘9.1(a)’	13	<b>RESOLVED</b> ED amended
6.	AMIC	<a href="#">Sub 20-11-15</a>	5.2(a)	<b>Facilitative provision</b> – Consideration should be given to repositioning clause 10.10(a), which will require amendment to this clause.	14	<b>RESOLVED</b> Linked to item 16 below.
7.	AMIC	<a href="#">Sub 20-11-15</a>	5.4(a)	<b>Facilitative provision</b> – Reference to 9.2 should correctly say 9.2(e) as only ‘9.2(e)’ is facilitative not the whole clause.	15	<b>RESOLVED</b> ED amended
8.	AMIC	<a href="#">Sub 20-11-15</a>	6.8(k)	<b>Types of employment</b> – Insert ‘only’ at the end of 6.8(k), as clause only relates to weekend rates for casuals.	16	<b>RESOLVED</b> Commission proposes that no change is made.
	AIG	<a href="#">Sub 07-07-17</a>		AMIC’s proposed amendment is unnecessary since clause is sufficiently clear.	15-16	

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9.	AIG	<a href="#">Sub 20-11-15</a>	6.9(b)	<b>Casual loading</b> – clause should be deleted, does not appear in current award.	251	<b>RESOLVED</b> ED amended to remove clause consistent with para [69] of <a href="#">[2014] FWC FB 9412</a>
	BusSA	<a href="#">Sub 27-11-15</a>		Clause does not appear in current award, believes common view of parties clause should be removed.	23	
	AMIC	<a href="#">Reply 4-12-15</a>		Notes AIG submission and clause is in other EDs. On balance, should be deleted.	5	
10.	AMIC	<a href="#">Sub 20-11-15</a>	10.5	<b>Apprenticeship conditions</b> – placement in Minimum wages not ideal. More logical to move to clause 6—Types of employment	19–22	<b>RESOLVED</b> No change made. Placement in part 4 consistent with current award and other EDs.
11.	AMIC	<a href="#">Sub 20-11-15</a>	8.3, 8.4, 8.5	<b>Hours of work</b> Addition of ‘and any ancillary products’ to be added after ‘meat products’	23–25	<b>RESOLVED</b> ED amended
12.	AMIC	<a href="#">Sub 20-11-15</a>	9.2(c)	<b>Paid rest breaks</b> – Clause reference should be ‘9.2(a)’ not 9.2(b).	26	<b>RESOLVED</b> ED corrected
13.	AMIC	<a href="#">Sub 20-11-15</a>	9.2(d)	<b>Paid rest breaks</b> – Clause reference should be ‘9.2(a) and (b)’ as employees referred to are described in 9.2(b).	27–28	<b>RESOLVED</b> Change not opposed – ED amended.
14.	AMIC	<a href="#">Sub 20-11-15</a>	10.3, 10.4	<b>Minimum wages</b> – clause to be read in conjunction with new apprentices provisions in 10.5, standard conditions no longer cover training by years but stages – ‘year’ be amended to ‘stage’.	29–33	<b>REMAINS OUTSTANDING</b>
15.	AMIC	<a href="#">Sub 20-11-15</a>	10.9	<b>Conditions for progression through each stage</b> – incorrect referencing	34	<b>RESOLVED</b> Amended in Further Revised ED published 2 Nov 2015

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16.	AMIC	<a href="#">Sub 20-11-15</a>	10.10	<b>Payment of wages</b> – clause within minimum wages clause does not appear in index, is positioned between apprentices and NTW. Easiest solution is to move provision to last subclause in Part, alternative is to give it a distinct clause number in Part so appears in table of contents. This is AMIC preferred option.	35–40	<b>RESOLVED</b> ED amended. Clause 10.10 temporarily renumbered as clause 10A. If change is adopted, award will be renumbered accordingly to make the payment of wages clause a standalone clause.
		<a href="#">Sub 07-07-17</a>		‘Payment of Wages’ should be a distinct clause under Part 4 of the Award. Clause is also being considered in relation to payment of wages on termination in AM2016/8 and will probably give rise to new obligations.	4-6	
17.	AMIC	<a href="#">Sub 20-11-15</a>	13.1	<b>Relieving inspection duties</b> – for completeness should include ‘A3.6 of Schedule A’.	41	<b>RESOLVED</b> ED amended
18.	AMIC	<a href="#">Sub 20-11-15</a>	16.3(e)	<b>Shiftwork</b> – questions why example necessary given complete picture is provided in the pay tables.	42	<b>RESOLVED</b> Consistent with para [63] of <a href="#">[2014] FWCFB 9412</a> .
19.	AMIC	<a href="#">Sub 20-11-15</a>	16.3(f)	<b>Shiftwork</b> – reference should be to ‘17.4’ not ‘17.2(b)’	43	<b>RESOLVED</b> ED amended
20.	AMIC	<a href="#">Sub 20-11-15</a>	16.5	<b>Altering starting times</b> – the agreement to add ‘consultation’ reference to 8.7 (see <a href="#">Report to Full Bench 18-12-14</a> ) should be also added to 16.5	45–47	<b>RESOLVED</b> Change not opposed – clause amended in red text in ED.
21.	AMIC	<a href="#">Sub 20-11-15</a>	17	<b>Penalty rates</b> add ‘and any ancillary products’ to headings after ‘meat products’ in 17.1, 17.2, and 17.3	48	<b>RESOLVED</b> Change not opposed – clause amended in red text in ED.

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22.	AMIC	<a href="#">Sub 20-11-15</a>	19.4	<b>Payment for annual leave</b> – reference in (b)(i) should be ‘clause 11’ not simply ‘11’, and end bracket missing from (b)(ii).	49	<b>RESOLVED</b> Correction made to ED
23.	AMIC	<a href="#">Sub 20-11-15</a>	19.6(a) (formerly 19.5(a))	<b>Annual leave loading</b> – should state ‘minimum rate of pay’ rather than just ‘rate of pay’.	50	<b>RESOLVED</b> ED amended
24.	AIG	<a href="#">Sub 20-11-15</a>	25.2	<b>Notice of termination by an employee</b> – typographical error, insert ‘from’ after ‘withhold’ Simple correction. Agreed.	252	<b>RESOLVED</b> Correction made to ED
	BusSA	<a href="#">Sub 27-11-15</a>			23	
	AMIC	<a href="#">Reply 4-12-15</a>			6	
25.	AMIC	<a href="#">Sub 20-11-15</a>	28.5	<b>Dispute resolution</b> – last paragraph in 28.5 not numbered, should read 28.6.	51	<b>RESOLVED</b> Correction made to ED
26.	AMIC	<a href="#">Sub 20-11-15</a>	Sch B	<b>Summary of hourly rates</b> – tables should refer to ‘minimum hourly rate’ rather than ‘ordinary hourly rate’ as no all purpose allowances in award.	52	<b>RESOLVED</b> Amendment made in Further Revised ED published 2 November 2015
27.	AMIC	<a href="#">Sub 20-11-15</a>	Sch B B.1.2-1.4 B.2.1-2.4	<b>Summary of hourly rates</b> – tables B.1.2 and B.1.3 should swap order. Table B.1.4 should be deleted, and heading of B.1.2 amended to read ‘Full-time, part-time and casual adult employees – overtime rates’. Same view on tables B.2.1 to B.2.4 Position of tables may remain unchanged.	52(vi)-(ix)	<b>RESOLVED</b> Submission re position of tables withdrawn. No further submissions re table headings filed.
		<a href="#">Sub 07-07-17</a>			9	
28.	AMIC	<a href="#">Sub 20-11-15</a>	Sch B B.3.2–3.3 B.4.2–4.3	<b>Summary of hourly rates</b> – order of tables B.3.2 and B.3.3 should be swapped; table B.4.2 and B.4.3 should be swapped. Title of B.3.3 and B.4.3 should be ‘Full-time, part-time and casual adult employees – overtime rates’ Position of tables may remain unchanged.	52(xi)-(xv)	
		<a href="#">Sub 07-07-17</a>			9	

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29.	AMIC	<a href="#">Sub 20-11-15</a>	B.3.1 and B.3.3	<b>Summary of hourly rates</b> – ‘10pm to 6am’ be amended to ‘10am to 6am’	52(xiii)	<b>RESOLVED</b> Amendment made in further revised ED published 2 November 2015
30.	AIG	<a href="#">Sub 20-11-15</a>	B.4.1; B.4.3	<b>Summary of hourly rates – Cleaners</b> – table B.4.1 & B.4.3 sets out incorrect monetary rates for cleaners should be MI rate 3.	253–254	<b>RESOLVED</b> Wage rates corrected when revised following AWR 2015–16 decision.
	AMIC	<a href="#">Reply 4-12-15</a>		Agrees with AIG monetary rate correction. Notes still press heading and table repositioning of <a href="#">Sub 20-11-15</a> paragraph 52.	7	
31.	AMIC	<a href="#">Sub 20-11-15</a>	B.5.1–5.3	<b>Summary of hourly rates</b> – swap order of rate table B.5.2 with B.5.3. Fix typographical error in heading of B.5.2 (order of ‘casual adult employee’ to be corrected).	52(xvi)	<b>RESOLVED</b> Typographical error corrected in ED and submission re position of tables withdrawn.
		<a href="#">Sub 07-07-17</a>		Position of tables may remain unchanged.	9	
32.	AIG	<a href="#">Sub 20-11-15</a>	B.6.1	<b>Public holidays – Full-time and part-time employees</b> – rates in the table incorrect. Clause 22.3 provides penalty of 150% and 200% of minimum hourly rate, not 300% and 350% as provided in the table	255–257	<b>REMAINS OUTSTANDING</b>
	AMIC	<a href="#">Reply 4-12-15</a>		AIG has misunderstood table. Notes rates apply to full-time or part-time employee rostered to work ordinary hours on public holiday, see last full non-number paragraph in current award clause 40.2. The table does not reflect when a full-time/part-time employee works on public holiday that are not part of their ordinary hours. In that situation AIG rates would apply. Proposes three possible solutions: (i) delete B.6 tables; (ii)	9–12	

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				leave B.6 table as is and amend heading of B.6.1 to read 'Full time and part-time employees (where ordinary hours are rostered)'; or (iii) amend heading as provided in option (ii) and create new table B.6.2 for full time/part-time employees working on public holiday where they are not working ordinary rostered hours, current table B.6.2 regarding casual rates, would be renumbered B.6.3.		
		<a href="#">Sub 07-07-17</a>		AMIC content with tables as they appear in ED. Issue raised in their previous submission is addressed by the NES.	7-8	
33.	AMIC	<a href="#">Sub 20-11-15</a>	Sch B	<b>Summary of hourly rates – daily hire rates –</b> oppose including of daily hire rates in table.	53	<b>RESOLVED</b> In response to question of the Commission, no submissions were received seeking the inclusion of daily hire rates.
34.	AMIC	<a href="#">Sub 20-11-15</a>	C.2	<b>Summary of monetary allowances –</b> Minimum hourly rate in table is the 2014 rate not current rate.	54	<b>RESOLVED</b> Wage rates updated following AWR 2015–16 decision.
35.	BusSA	<a href="#">Sub 27-11-15</a>	Sch G	<b>Part-day public holiday –</b> to be amended in accordance with recent decision.	24	<b>RESOLVED</b> ED has been updated to reflect Determination <a href="#">PR580863</a> , which updates the date references to 2016.
	AMIC	<a href="#">Reply 4-12-15</a>		Does not oppose updating part-time public holiday provisions.	14	

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36.	AMIC	<a href="#">Sub 20-11-15</a>	Sch H	<b>Definition</b> – include definition of ‘minimum hourly rates’ – wording provided.	55–61	<b>RESOLVED</b> <i>Note: Minimum hourly rate is provided in clause 10.1. Proposed definition based on weekly rate in clause 10.1 seems unnecessary.</i>

**List of abbreviations (in alphabetical order)**

AIG	Australian Industry Group
AMIC	Australian Meat Industry Council
BusSA	Business SA
AMIEU	Australasian Meat Industry Employees’ Union
ED	Exposure Draft of <i>Meat Industry Award 2010</i>