

SUMMARY OF SUBMISSION

This table is a summary of submissions lodged for this award on or before 5.00pm on 20 April 2016. The notes refer to the conference held on 21 April 2016 ([Transcript](#)) and the [Report to the Full Bench dated 22 April 2016](#).

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1	BusSA	Sub-15/04/16	3.1		Coverage Reference to banking, finance, and insurance industry should have 'as defined' added	1.1.1	Resolved – insertion 'as defined' unnecessary [PN869]
2	AIG	Sub-14/04/16	3.1		'and those employees' has been removed from coverage term – submits connection only to the employer and work performed by employees is too tenuous.	74-78	ED amended as per transcript at [PN819]
3	BusSA	Sub-15/04/16	3.2		Delete as exists in Schedule H— Definitions	1.12	No change made to ED at this point [PN877]
4	BusSA	Sub-15/04/16	3.3	4.3 – Exclusions	Current exclusion for contract call centre award should be included in list of what the award does not cover (at cl.3.4), not as standalone cl.3.3.	1.1.3	No change made to ED at this point [PN875]
5	AIG	Sub-14/04/16	3.5		Drafting issue – 'industries set out in clauses 3.1 and 3.2' – no industries referred to in clause 3.1	79-80	No change at this point [PN839]
6	BusSA	Sub-15/04/16	5.2		Facilitative Provision Add 9.3(a) – which allows payment monthly if mutually agreed; and 13.5(a) – TOIL provision	1.1.4	ED to be amended to include cl.9.3(a) and 13.5(a) [PN879]

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
7	BusSA	Sub-02/03/15	6.3	10.2(e)	Part-time employment Part-time clause is too restrictive – does not allow for working additional hours by agreement.	p.5	Being dealt with by Part-time and Casuals Full Bench in AM2014/196 and AM2014/197
8	AIG	Sub-14/04/16	6.3(b)		Reference to clause 9 – only provides minimum weekly rate of pay not hourly. Submits existing clause ‘1/38 th of the minimum weekly rate of pay’ be retained	81-83	ED amended to include hourly rate to be added to cl.9.1 [PN845]
9	AIG	Sub-14/04/16	6.3(d)		Reference to ‘in excess of these hours’ could be misread to read to mean entire 6.3 clause. Contends it should only be in relation to 6.3(c).	84-88	Agreed – clauses to be amalgamated [PN847]
10	AIG	Sub-14/04/16	6.4(c)(i)		Casual Employment Amended to ‘minimum hourly rate’ to ‘no less than 1/38 th of the minimum weekly rate of pay’.	89-90	Agreed for a definition to be added to Schedule H. [PN847]
11	BusSA	Sub-15/04/16	6.4(d)		Substantial issue – ‘attribute’ has been replaced with word ‘entitlement’. Submits current wording should be retained.	1.2.1	Agreed – ‘entitlements’ to be changed back to ‘attributes’ [PN816]
	AIG	Sub-14/04/16			ED has changed ‘attributes’ to ‘entitlements’. Issue raised by Business SA too, see above.	91-94	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
12	FWO	Corro-02/03/15	7.1	22.1	Span of hours Shift span can be varied 'on not more than one night per week' ordinary hours may be worked up to 9.00 pm. FWO has had inquiries about whether the extension of ordinary hours can apply on a Saturday.	p.1	ED amended to make it clearer [PN806]
13	BuSA	Sub-15/04/16	7.1(b)		'Monday and Friday' should be added to clarify intention of clause.	1.2.2	
14	BusSA	Sub-02/03/15	7.7(a)	22.8(a)	Afternoon shift This clause defines afternoon shift as a shift finishing between 6.00 pm and midnight. The ordinary hours are from 7.00 am to 7.00 pm. Clause leads to ambiguity about whether a day worker who finishes between 6.00 pm and 7.00 pm is entitled to an afternoon shift penalty.	p.5	Substantive variation – requires more consideration [PN814]
15	FWO	Corro-02/03/15	7.7(a)	22.8(a)(iv) & 22.8(b)	Night shift Whether night shift penalties will apply to a person finishing a shift between midnight Friday and 8.00 am Saturday.	p.1	Resolved – no change required [PN815]

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
16	ABI	Sub-12/11/2015	7.7	22.8(a)(i)	Shift worker Seeks to vary clause to include clear span of hours for shiftworkers of “Monday to Fridays or on Saturdays between 8am and 12pm” as it does not currently include clear span of hours.	2.1-2.7	ED amended [PN807]
	ABI	Sub-15/04/2016			‘shiftworker means an employee whose ordinary hours of work are worked in accordance with the shifts defined in subclauses (ii) to (iv) on Mondays to Fridays or on Saturdays between 8am and 12pm’.	3.1	
17	BusSA	Sub-15/04/16	7.7(d)		Shift work penalties Saturday morning – defined as ordinary hours, and shift work provision applies	1.2.3	Resolved – no change to clause – cross reference to ordinary hours added in Schedule B [PN807]
	AFEI	Sub-15/04/16	7.7(d)		Saturday is sufficiently clear in ED		
18	AIG	Sub-14/04/16	7.7(d)		Shift penalties be amended to read shift loading, consistent with the term and the current award. Would also effect Schedule B.2.1 see below	95	Further consultation
19	ABI	Sub-15/04/2016	9.1		Minimum wages Submit ‘minimum hourly rate’ column be included in wage table and definition in Schedule H include: "minimum hourly rate means the minimum hourly rate prescribed in clause 9- Minimum wages".	3.4-3.6	Insert hourly rate column [PN869]

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
20	AIG	Sub-14/04/16	9.1(a)		Concerned 'classification' has been omitted. To be amended: 'An employer must pay adult employees the following minimum <u>wage</u> for ordinary hours worked by the employee <u>for their classification as set out in the table below:</u> '	96-99	Resolved – 'for their classification' added to cl. 9.1(a) [PN847]
21	AIG	Sub-14/04/16	9.1(a)		Adult employees - amend clause to reflect, that the minimum annual rate and weekly rates only applies to full-time employees. Notes the interaction with this clause with part-time clause 6.3(b) and casual clause 6.4(c)	100-103	ED to be amended to include hourly rate in 9.1 [PN851]
22	BusSA	Sub-15/04/16	9.4		School-based apprentices No need for Schedule D – school based apprentices	1.2.4	Agreed – clause deleted and delete reference to apprentice in F.3.3 [PN817], in accordance with [2013] FWCFB 5411 [483]
	AFEI	Sub-15/04/16			School-based apprentices to be deleted		
23	ABI	Sub-15/04/2016	11.2		Allowances Pro-rata rate for part-time workers	3.2	No change made to ED at this stage [PN867]
24	AIG	Sub-14/04/16	11.3(b)(i)		Wage related allowances – Stand-by and call-back allowances Stand-by allowance in current award is paid per day, the ED alters this to per day or per shift. Proposed to deleting 'or	104-106	Agreed - 'or shift' deleted [PN857]

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
					shift’.		
25	ABI	Sub-15/04/2016	11.3(b)(ii)		Reinstate current award distinction between being paid call-back allowance when person is on stand-by and when person not on stand-by.	3.3	Further conference – The exposure draft will not be changed at this stage. FWC and the parties will further consider this matter. The matter may further discussed at the 29 April conference. [Report to Full Bench – 22 April 2016]
	AIG	Sub-14/04/16			ED alters current award which limits call-back allowance to those on stand-by. Proposes following amendment: ‘(ii) Any employee who <u>formally is rostered to stand by and</u> is recalled to work...’ Further insert a new 11.3(b)(viii) as per current clause 18.2(vi): “(vi) An employee who is not formally rostered to stand by but is recalled to work must be paid in accordance with the provision of clause 23—Overtime and penalty rates and must be entitled to a minimum payment of two hours at the appropriate overtime rate. The duration of the call-out will be assessed as in 18.2(b)(ii) of this clause.”	107-112	
26	AIG	Sub-14/04/16	13.6(a)		Current award ‘reasonably practicable’ has been replaced by ‘where possible’ in ED. Submits original language should be kept.	113-114	Agreed – changed back to ‘reasonably practicable’ [PN865]
27	AIG	Sub-14/04/16	B.2.1		Amend ‘penalty rates’ to read ‘shift	115	No change at this stage

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
					loading', as per amendment called for in cl. 7.7(d).		[PN865]
28	AIG	Sub-14/04/16	B.3.1		Table suggests casuals cannot work ordinary hours for Saturdays. Cl.7.1 provides ordinary hours for Saturday. Amend table: <ul style="list-style-type: none"> - Reference to ordinary hours includes 'ordinary hours (Mon-Sat)' - Reference Saturday to 'Saturday (overtime)' 	116-117	ED amended B.3.1 'Ordinary hours' to include footnote to definition in clause 7.1 and next to Saturday included '(Overtime)' [PN865].
29	AIG	Sub-14/04/16	Sched H		Would like to include definition of minimum hourly rates.	118	Agree definition of minimum hourly rate should be included [PN867]

List of abbreviations (in alphabetical order)

ABI	Australian Business Industrial and NSW Business Chamber
AFEI	Australian Federation of Employers and Industries
AIG	Australian Industry Group
BusSA	Business SA
ED	Exposure Draft of the modern award
FWC	Fair Work Commission
FWO	Fair Work Ombudsman