

### 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](#)) and 8 February 2017 ([Transcript](#)).

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1	NATSIHWA	<a href="#">Sub-1Jul16</a>	1	<b>Title</b> Amended to “Aboriginal and Torres Strait Islander Community Controlled Health Services Award [Year]”	Para 14	Moved to substantive claims. See <a href="#">Transcript 8/02/17</a> [PN99-100]. UV and AFEI reserves position, confirmed in <a href="#">report</a> .
	UV	<a href="#">Sub-6Oct16</a>		Supports submission	Pg 2	
2	HSU	<a href="#">Sub-30Jun16</a>	various	<b>Allowances and Wages tables</b> Proposal for new layout in tables	Para 21-23	Agreed see <a href="#">Transcript 8/02/17</a> [PN123]. Confirmed in <a href="#">report</a> .
3	UV	<a href="#">Sub-30June16</a>	various	<b>Use of ordinary hourly rate</b> Propose different definition of term	Pg 2	To be discussed further at next conference, confirmed in <a href="#">report</a> .
4	HSU	<a href="#">Sub-30Jun16</a>	2	<b>Definitions</b> Propose for some definitions to sit outside clause 2 Issue with placement of certain definitions in ED	Para 5-11	Agreed, see <a href="#">Transcript 8/02/17</a> [PN157], confirmed in <a href="#">report</a> .  AMOD: Clauses 2, 18.4(d) and A.2.8 have been altered to reflect this agreed change.
5	HSU	<a href="#">Sub-30Jun16</a>	2	<b>Definitions</b> ‘Aboriginal person’ and definition to be changed to ATSI	Para 44-45	

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	NATSIHWA	<a href="#">Sub_25Jul16</a>		Supports HSU proposal. Proposes to insert 'ATSI' into definitions to distinguish Torres Strait Islanders	Para 5	Moved to substantive claims. See <a href="#">Transcript 8/02/17</a> [PN158], confirmed in <a href="#">report</a> . See NATSIHWA position in amended <a href="#">draft determination</a> in clause 1.
6	HSU	<a href="#">Sub_30Jun16</a>	2	Change 'Aboriginal health worker' to ATSI community health worker' also seeks additional definition of ATSI health practitioner	Para 46-48	
	UV	<a href="#">Sub_30Jun16</a>		Propose new definition to 'ATSI Community Health Care Practitioner'	Para 4-10	
	NATSIHWA	<a href="#">Sub_25Jul16</a>		<i>In response to question raised by Commission</i> Supports amendment to incorporate Torres Strait Islander health workers Does not support HSU sub, proposes to alter 'ATSI community health worker' definition, but supports wording of 'ATSI health practitioner' revised definition	Pg 2-3	Proposed a new definition of Aboriginal Health Worker in <a href="#">draft determination</a> dated 1/12/2016, see <a href="#">Transcript-06Dec16</a> [PN481-498], confirmed in <a href="#">report</a> .  Moved to substantive claims. See <a href="#">Transcript 8/02/17</a> [PN158]. See NATSIHWA position in amended <a href="#">draft determination</a> in clause 1.
	ABI & NSWBC	<a href="#">Sub_01Jul16</a>		Proposes alternate wording	Pg 5	

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	UV	<a href="#">Sub_25Jul16</a>		Does not support proposal	Para 8	
7	UV	<a href="#">Sub_30Jun16</a>	2	<i>In response to question raised by Commission</i> Seeks removal of 'Note' under Aboriginal health worker	Pg 3	
	NATSIHWA	<a href="#">Sub_25Jul16</a>	2	Supports proposal	Para 3	Moved to substantive claims. See <a href="#">Transcript 8/02/17</a> [PN183]. See NATSIHWA position in amended <a href="#">draft determination</a> in clause 1.
8	UV	<a href="#">Sub_30Jun16</a>		Seeks addition of 'ATSI Primary Healthcare Practitioner' into definitions	Para 10	
	NATSIHWA	<a href="#">Sub_1July16</a>		Does not support proposal	Para 8	Moved to substantive claims. See <a href="#">Transcript 8/02/17</a> [PN184]. See NATSIHWA position in amended <a href="#">draft determination</a> in clause 1.
9	NATSIHWA	<a href="#">Sub_01Jul16</a>	2	Seeks definitions for Aboriginal and Torres Strait Islander Health Practitioner and Aboriginal and Torres Strait Islander Health Assistant	Para 9-14	Moved to substantive claims. See <a href="#">Transcript 8/02/17</a> [PN184]. See NATSIHWA position in amended <a href="#">draft determination</a> in clause 1.
	UV	<a href="#">Sub_30Jun16</a>		Seeks definitions for ATSI Community Health Worker and ATSI Primary Health Care Practitioner	Para 4-7	
10	HSU	<a href="#">Sub_30Jun16</a>	2	Does not oppose removal of appropriate	Para 24	

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				certificate		
	NATSIHWA	<a href="#">Sub-25Jul16</a>		Supports proposal	Para 3	Agreed, see <a href="#">Transcript 8/02/17</a> [PN201-203], confirmed in <a href="#">report</a> .
11	HSU	<a href="#">Sub-30Jun16</a>	3.3	<b>National employment standards</b> Opposing removal of words “whichever makes them more accessible” from clause	Para 25	AFEI opposes re-introduction of wording. See <a href="#">Transcript 8/02/17</a> [PN209]. AFEI to provide submission on issue [PN225], confirmed in <a href="#">report</a> .
	UV	<a href="#">Sub-30Jun16</a>		Current wording should be retained	Para 3	This provision is contained in all EDs  HSU supports UV’s position. See <a href="#">Transcript 8/02/17</a> [PN241]
	NATSIHWA	<a href="#">Sub-25Jul16</a>		Supports HSU and UV proposal	Para 3	Reserves position pending submissions from other parties. See <a href="#">Transcript 8/02/17</a> [PN230], confirmed in <a href="#">report</a> .
12	HSU	<a href="#">Sub-30Jun16</a>	12.2	<b>Classifications</b> Suggests redrafting of clause	Para 57	Moved to substantive claims. See <a href="#">Transcript 8/02/17</a> [PN249].
	NATSIHWA	<a href="#">Sub-25Jul16</a>		supports proposal	Para 3	
13	HSU	<a href="#">Sub-30Jun16</a>	13.2	<b>Ordinary hours of work</b> Believe ED amendment changes award entitlement. Proposes to alter wording	Para 32-33	NATSIHWA proposes to include, ‘without the payment of overtime’ at the

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						end of clause 13.2. Proposes to supply submission to this effect for other parties to consider. See <a href="#">Transcript 8/02/17</a> [PN318], confirmed in <a href="#">report</a> .
14	HSU	<a href="#">Sub-30Jun16</a>	13.3, 13.4	<b>Ordinary hours of work</b> Heading 'Span of hours' needs to be reinstated	Para 34-36	Agreed, see <a href="#">Transcript 8/02/17</a> [PN349], confirmed in <a href="#">report</a> .
15	HSU	<a href="#">Sub-30Jun16</a>	14	<b>Rostering Arrangements</b> Remove cross-reference to clause 28 (consultation clause)	Para 37-39	Agreed, see <a href="#">Transcript 8/02/17</a> [PN358], confirmed in <a href="#">report</a> .
16	HSU	<a href="#">Sub-30Jun16</a>	14.1(a)	<b>Rostering Arrangements</b> Suggests clause be split into 2 subclauses to improve comprehension	Para 58	Agreed, see <a href="#">Transcript 8/02/17</a> [PN373], confirmed in <a href="#">report</a> .
	NATSIHWA	<a href="#">Sub-25Jul16</a>		Supports proposal	Para 3	
17	HSU	<a href="#">Sub-30Jun16</a>	15.2	<b>Meal breaks</b> — <i>response to question raised by Commission</i> Proposes alteration to clause to reflect determination of unpaid meal break timing	Para 52-54	Moved to substantive claims. See <a href="#">Transcript 8/02/17</a> [PN375], confirmed in <a href="#">report</a> .
	NATSIHWA	<a href="#">Sub-01Jul16</a>		Does not support any amendments	Para 15-19	
	APEI	<a href="#">Sub-05Aug16</a>		Agrees with NATSIHWA. Opposes HSU submission	Para 46	
18	HSU	<a href="#">Sub-30Jun16</a>	16.1	<b>Minimum Wages — classifications</b> — <i>response to question raised by Commission</i> agrees with question, no stated provisions for progression through levels within a	Para 55	Moved to substantive claims. See <a href="#">Transcript 8/02/17</a> [PN391], confirmed in <a href="#">report</a> .

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				grade		
19	UV	<a href="#">Sub-30Jun16</a>	16	Progression is time-based	Para 11	Substantive issue to be discussed at next conference, confirmed in <a href="#">report</a> .
20	HSU	<a href="#">Sub-30Jun16</a>	17.2	<b>Bilingual qualification allowance</b> – <i>response to question raised by Commission</i> Current clause wording is appropriate	Para 56	Tabled for further conferencing. See <a href="#">Transcript 8/02/17</a> [PN407], confirmed in <a href="#">report</a> .
	UV	<a href="#">Sub-30June16</a>		Common practice in NT to require proof of bilingual proficiency and accreditation in writing	Para 12	
	NATSIHWA	<a href="#">Sub-01Jul16</a>		Does not support amendments	Para 24-27	
	ABI & NSWBC	<a href="#">Sub-01Jul16</a>		Do not support submission. Term already defined in clause 2	Para 3.3	
21	HSU	<a href="#">Sub-30Jun16</a>	17.3(a)(i)	<b>Clothing allowance</b> Believes alteration changes meaning of clause. Proposes alternative redraft	Para 26-29	Agreed, see <a href="#">Transcript 8/02/17</a> [PN419], confirmed in <a href="#">report</a> .
	NATSIHWA	<a href="#">Sub-25Jul16</a>		Supports proposal	Para 3	
22	HSU	<a href="#">Sub-30Jun16</a>	17.3(a)(ii)	<b>Laundry allowance</b> Proposed addition of wording	Para 30	Agreed, see <a href="#">Transcript 8/02/17</a> [PN428], confirmed in <a href="#">report</a> .
	NATSIHWA	<a href="#">Sub-25Jul16</a>		Supports proposal	Para 3	
23	HSU	<a href="#">Sub-30Jun16</a>	17.3(b)(i)	<b>Travelling, transport and fares allowance</b> Objects to removal of words “not less than”	Para 31	Agreed, see <a href="#">Transcript 8/02/17</a> [PN435], confirmed in <a href="#">report</a> .

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	NATSIHWA	<a href="#">Sub-25Jul16</a>		Supports HSU	Para 3	
	UV	<a href="#">Sub-30Jun16</a>		Objects to alteration as changes meaning of clause	Para 13	
	AFEI	<a href="#">Sub-05Aug16</a>		Does not believe change is necessary but does not oppose this change	Para 47	
24	HSU	<a href="#">Sub-30Jun16</a>	17.3(b)(v)	<b>Travelling, transport and fares allowance</b> use of term minimum hourly rate— does not believe changes from [2014] FWCFB 9412 have been applied appropriately to this clause	Para 16	Moved to substantive claims. See <a href="#">Transcript 8/02/17</a> [PN445].
	UV	<a href="#">Sub-30Jun16</a>		Insert words “and level” after “employee classification” to clarify meaning	Para 14	
	AFEI	<a href="#">Sub-05Aug16</a>		Does not believe change is necessary but does not oppose UV proposal	Para 48	
25	HSU	<a href="#">Sub-30Jun16</a>	17.3(c)	<b>Meal allowance</b> Believes ED redraft alters entitlement, suggests variation to wording Proposal alters wording for clarity rather than entitlement.	Para 59	Agreed as HSU proposal alters wording for clarity rather than entitlement. See <a href="#">Transcript 8/02/17</a> [PN446-453].
	NATSIHWA	<a href="#">Sub-25Jul16</a>		Supports HSU proposal	Para 3	
26	HSU	<a href="#">Sub-30Jun16</a>	19.1(a)	<b>Overtime</b> Seeks to re-insert ‘span of hours’ wording	Para 40	Withdrawn due to issue being resolved per item 14. See <a href="#">Transcript 8/02/17</a> [PN454-457].
27	HSU	<a href="#">Sub-30Jun16</a>	19.4	<b>Rest period after overtime</b> Believes changes to award change meaning	Para 41-42	Agreed, see <a href="#">Transcript 8/02/17</a> [PN474], confirmed in <a href="#">report</a> .

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28	HSU	<a href="#">Sub-30Jun16</a>	19.6	<b>Overtime–oncall and recall</b> Repeated wording “or part thereof” should be removed	Para 43	Agreed, confirmed in <a href="#">report</a> .
	NATSIHWA	<a href="#">Sub-25Jul16</a>		NATSIHWA supports proposal	Para 3	
29	HSU	<a href="#">Sub-30Jun16</a>	19.6	<b>Overtime–oncall and recall</b> This is an allowance, propose moving clause to allowances (clause 17)	Para 12	Will be subject to further conferences. See <a href="#">Transcript 8/02/17</a> [PN500].
	NATSIHWA	<a href="#">Sub-25Jul16</a>		Supports proposal	Para 3	
30	HSU	<a href="#">Sub-30Jun16</a>	24	<b>Public holidays</b> Suggests reordering of clauses – order of 24.2 and 24.3 should be reversed so payment entitlements come first. The word ‘payment’ at the beginning of the sentence in 24.3(a)(i) and (ii) should be removed as it is superfluous	Para 60-61	Agreed, see <a href="#">Transcript 8/02/17</a> [PN501-508], confirmed in <a href="#">report</a> .
	NATSIHWA	<a href="#">Sub-25Jul16</a>		Supports proposal		
31	NATSIHWA	<a href="#">Sub-01July16</a>	26	<b>Ceremonial leave</b> Proposes amendment to clause	Para 28-30	Substantive issue, will be subject to further conferences. See <a href="#">Transcript 8/02/17</a> [PN517], confirmed in <a href="#">report</a> .
	UV	<a href="#">Sub-25Jul16</a>		NATSIHWA proposal clarify entitlement	Para 10	
32	UV	<a href="#">Sub-30June16</a>	Sched A	<b>Classifications</b> Amendment to clause to reflect nomenclature	Para 15	Moved to substantive claims. See <a href="#">Transcript 8/02/17</a> [PN520-526], confirmed in <a href="#">report</a> .
33	NATSIHWA	<a href="#">Sub-25Jul16</a>	Sched A	<b>Classifications – aboriginal health worker</b> Proposes to keep common use of	Para 7	Moved to substantive claims. See <a href="#">Transcript</a>



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				<del>'Aboriginal health worker'</del>		<a href="#">8/02/17</a> [PN528], confirmed in <a href="#">report</a> .

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

ABI & NSWBC	Australian Business Industrial and the NSW Business Chamber
AFEI	Australian Federation of Employers and Industries
AIG	Australian Industry Group
ED	Exposure draft
HSU	Health Services Union
NATSIHWA	National Aboriginal and Torres Strait Islander Health Worker Association
UV	United Voice