

From: Katie Biddlestone [<mailto:katie@sda.org.au>]
Sent: Monday, 7 August 2017 4:29 PM
To: Chambers - Hatcher VP
Subject: FW: AM2014/209 & AM2016/15 - 4 yearly review of Modern Awards - Pharmacy Industry Award 2010

Dear Associate,

I write in relation to the plain language drafting of the Pharmacy Industry Award 2010. I am aware that proceedings in relation to the plain language drafting of specific clauses in this Award are in the final stages, however, as an interested party involved in the plain language drafting of the standard clauses in Awards, the SDA has identified a potential issue with the drafting of Schedule B – Summary of Hourly Rates of Pay, particularly the inconsistency with the Ordinary Hours of Work Clause.

Clause 13.1 of the plain language exposure draft published on 5 July 2017 states that '*Ordinary hours may be worked on any day between 7.00 am and midnight*'. Schedule B, clause B.1.1 then states that Full-time and part-time employees – ordinary and Monday to Friday penalty rates. The headings in the table also distinguish between ordinary hours and Monday to Friday penalties. The separation of the two is incorrect. The hours referred to in the table as Monday to Friday penalty rates are ordinary hours as they fall within the ordinary hours of work as prescribed in clause 13.1.

The SDA is concerned that unless the wording contained in B.1.1 and the headings in the table are changed, Schedule B will be inconsistent with other Award provisions such as 13.1 and clause 21 – Penalty Rates, and may have an impact on the entitlements to ordinary rates of pay which other provisions in the Award may provide.

The SDA recommends the proposed changes in RED:

B.1.1 Full-time and part-time employees—~~ordinary and~~ Monday to Friday penalty rates

Ordinary hours Monday to Friday				
8.00am to 7.00pm	Morning – before 8.00am	Evening – 7.00pm to 9.00pm	Evening – 9.00pm to midnight	
% of minimum hourly rate				
100%	150%	125%	150%	

The overlap of different Full Bench's dealing with plain language drafting has meant that some drafting issues become evident when working through clauses in different proceedings. Given that a final decision has not yet been issued regarding the plain language drafting of the Pharmacy Award, the SDA would like this issue to be considered prior to the Full Bench issuing a decision.

Kind Regards,

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National Industrial Officer & National Women's Officer



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