

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 25 August 2017.

The summary has been revised to include feedback from the conferences on 20 April 2017 ([Transcript](#)) and 12 May 2017 ([Transcript](#)).

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1	ABI & NSWBC	Sub-18/01/17	1.2	Title and Commencement 'as varied' should be deleted	Para 2.2	RESOLVED See Decision [2017] FWCFB 3433 at para [327]
2	NL & ors	Sub-21/12/16	3	Definitions - artist Move 'for publication' from subclause (c) to the end of the first sentence to read 'prepares for publication'.	Annexure A, Pg 3	AGREED Transcript 20/4/17 – PN110 ED updated
3	NL & ors	Sub-21/12/16	3	Definitions – ordinary hourly rate At the end of the sentence, replace 'an employee' with 'the employee'.	Annexure A, Pg 4	AGREED Transcript 20/4/17 – PN110 ED updated
4	NL & ors	Sub-21/12/16	4.2	Coverage – published media industry Remove clause. Already included in definitions.	Annexure A, Pg 5	WITHDRAWN Transcript 20/4/17 – PN110
5	NL & ors	Sub-21/12/16	4.5	Coverage – exempt positions <i>In response to question raised by Commission</i> Section 154(1) of the FW Act does not apply. Clauses 4.5(c)-(h) do not provide for terms and conditions of employment.	Paras 3.1-3.6	AGREED Provision will remain in the award. Transcript 20/4/17 – PN110 ED updated
6	ABI & NSWBC	Sub-18/01/17	4.9(a)(i)	Exemptions from award provisions Category of employees excluded should be to "employees described at clause 4.3" and not "employees described at clause 3.1"	Para 5.1	WITHDRAWN Transcript 20/4/17 – PN110

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7	ABI & NSWBC	Sub-18/01/17	5	Effect of variations made by the Fair Work Commission Clause should be moved under cl.1 – Title and Commencement	Para 2.1	WITHDRAWN Transcript 20/4/17 – PN110
8	NL & ors	Sub-21/12/16	7.2	Facilitative provisions for flexible working practices Insert clauses 12.2 (a majority of employees), 12.3 (an individual) and 25.3(c) (an individual).	Annexure A, Pg 10-11	AGREED Transcript 20/4/17 – PN110 ED updated
9	ABI & NSWBC	Sub-18/01/17	7.2	Facilitative provisions for flexible working practices Reference to cl.12.6 should be replaced with cl.12.3	Para 5.2	WITHDRAWN Transcript 20/4/17 – PN110
10	NL & ors	Sub-21/12/16	8	Full-time employment Insert ‘an employee who is’ following ‘A full-time employee is’. Previous clause defined who was a full-time employee under the award, ED wording does not have that effect.	Para 2.4	AGREED Transcript 20/4/17 – PN110 ED updated
11	NL & ors	Sub-21/12/16	9.1	Part-time employment Insert ‘an employee who is’ following ‘A part-time employee is’. Previous clause defined who was a part-time employee under the award, ED wording does not have that effect.	Para 2.5	AGREED Transcript 20/4/17 – PN110 ED updated
12	NL & ors	Sub-21/12/16	9.7(a)	Part-time employment – Overtime Retain wording of current award clause 10.2(f). ED wording confusing and changes meaning.	Para 2.6	AGREED Transcript 20/4/17 – PN110 ED updated according to submission
13	NL & ors	Sub-21/12/16	11.4(g)	Classifications Change reference to be to the Higher Education Loan Program.	Para 2.7	AGREED Transcript 20/4/17 – PN110 ED updated

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14	MEAA	Sub-21/12/16	11.8	Classifications <i>In response to question raised by Commission</i> Not opposed to removal of subclause.	Para 8	AGREED Transcript 20/4/17 – PN110 ED updated
	NL & ors	Sub-21/12/16		Clause no longer required.	Para 2.8	
	ABI & NSWBC	Sub-18/01/17		cl. 11.8 and Sched A are no longer required	Para 5.3	
15	ABI & NSWBC	Sub-18/01/17	12.1	Ordinary hours of work reference to cl. 12.5 should be to cl. 12.6	Para 5.4	WITHDRAWN Transcript 20/4/17 – PN110
16	NL & ors	Sub-21/12/16	12.4	Ordinary hours of work – Penalties may not apply Proposes amendments to ED clause to accurately reflect current arrangements. Amendments made in Annexure A of sub.	Paras 2.12-2.13, Annexure A Pg 16-17	AGREED Transcript 12/5/17 – PN10 ED updated Parties will discuss this further and report back - Transcript 20/4/17 – PN111
17	NL & ors	Sub-21/12/16	19.1	Shiftwork and weekend penalties Proposes amendments to ED to reflect the entitlements are subject to the other provisions of the clause. Amendments made in Annexure A of sub.	Para 2.14, Annexure A Pg 24	AGREED Transcript 12/5/17 – PN10 ED updated Parties will discuss this further and report back - Transcript 20/4/17 – PN111
18	NL & ors	Sub-21/12/16	19.2	Proposes amendments to ED to reflect the entitlements are subject to the other provisions of the clause. Amendments made in Annexure A of sub.	Para 2.14, Annexure A Pg 24	AGREED Transcript 12/5/17 – PN10 ED updated Parties will discuss this further and report back - Transcript 20/4/17 – PN111

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19	NL & ors	Sub-21/12/16	19.4	Shiftwork and weekend penalties – Saturday and Sunday work Proposes amendments to ED clauses to reflect the entitlements are subject to the other provisions of the clause. Amendments made in Annexure A of sub.	Annexure A Pg 26	AGREED Transcript 12/5/17 – PN10 ED updated Parties will discuss this further and report back - Transcript 20/04/17 – PN111
20	MEAA	Sub-21/12/16	20	Overtime and penalty rates Changing wording from ‘time’ based formulas to ‘percentages’ or multiples of ‘minimum weekly rate’ or ‘minimum hourly rate’ in calculating overtime reduces take home pay for those receiving rates higher than the Award minimums. ‘Time’ expressions should be restored and ‘minimum weekly rate’ and ‘minimum hourly rate’ references to these clauses should be removed.	Paras 4-7	WITHDRAWN Transcript 20/4/17 – PN111
	NL & ors	ReplySub-22/02/17		Disagrees with MEAA’s submissions.	Paras 3.1-3.2	
21	NL & ors	ReplySub-22/02/17	20.3(e)	Overtime and penalty rates Contains incorrect references to ‘ordinary hourly rate of pay’. These should be ‘minimum hourly rate of pay’.	Para 3.2(e)	WITHDRAWN Transcript 12/5/17 – PN10
22	NL & ors	Sub-21/12/16	22.2(a)	Annual leave and public holidays ‘by their employer’ should be reinserted after ‘employees required’.	Para 2.15	AGREED Transcript 20/4/17 – PN111 ED updated
23	NL & ors	Sub-21/12/16	22.3	Annual leave and public holidays Delete clause. Clause 25.4 does not apply to employees receiving additional leave under clause 22.2(a).	Para 2.16	AGREED Transcript 20/4/17 – PN111 ED updated

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24	NL & ors	Sub-21/12/16	22.4	Annual leave and public holidays Insert 'by the employer' after 'must be notified'.	Para 2.17, Annexure A Pg 30	AGREED Transcript 20/4/17 – PN111 ED updated
25	NL & ors	Sub-21/12/16	25.3	Public holidays Proposes amendments to ED clause to make clear it is only part of clause 25 that applies to employees entitled to additional annual leave. Amendments made in Annexure A of sub.	Para 2.18, Annexure A Pg 35	AGREED Transcript 12/5/17 – PN10 ED updated Parties will discuss this further and report back - Transcript 20/4/17 – PN111
26	NL & ors	Sub-21/12/16	Sched A	Translation table Delete Schedule. No longer required.	Annexure A, Pg 40	AGREED Transcript 20/4/17 – PN111 ED updated
27	NL & ors	Sub-21/12/16	Sched B	Summary of Hourly Rates of Pay Add a note in respect of each public holiday rate noting it does not apply to employees receiving additional annual leave under clause 22.2(a). Amendments made in Annexure A of sub.	Para 2.19, Annexure A	AGREED Transcript 12/5/17 – PN10 ED updated Parties will discuss this further and report back - Transcript 20/4/17 – PN111
28	NL & ors	Sub-21/12/16	Sched B	Summary of Hourly Rates of Pay Remove 'other than shiftworkers' from table headings.	Annexure A, Pg 41-43	AGREED Transcript 12/5/17 – PN10 ED updated Parties will discuss this further and report back - Transcript 20/4/17 – PN111
29	NL & ors	Sub-21/12/16	Sched B	Summary of Hourly Rates of Pay <i>In response to question raised by Commission</i> It would be useful to include penalties payable for the groups in the question.	Para 3.7	AGREED Transcript 20/4/17 – PN111 ED updated

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
30	ABI & NSWBC	Sub-18/01/17	Sched B.1.3	Full-time and part-time employees other than shiftworkers—ordinary and penalty rates <i>In response to question raised by Commission</i> Would be useful to include the penalties payable for employees (including shiftworkers). There should be a reference in the table(s) to the clause(s) from which the rate is derived.	Para 5.5	AGREED Transcript 20/4/17 – PN111 ED updated
31	NL & ors	Sub-21/12/16	Sched C	Summary of Monetary Allowances <i>In response to question raised by Commission</i> An adjustment mechanism is not required.	Para 3.8	AGREED Transcript 20/4/17 – PN111 ED updated

List of abbreviations (in alphabetical order)

ABI & NSWBC	Australian Business Industrial and New South Wales Business Chamber
ED	Exposure draft
MEAA	Media, Entertainment and Arts Alliance
NL & ors	News Limited and others