

REVISED SUMMARY OF SUBMISSIONS

This summary of submissions has been updated to include a summary of submissions received in accordance with the [Directions](#) issued by Deputy President Clancy on 14 December 2016. This document was revised on 17 February 2017 and again on 10 October 2017

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1.	BusSA	Sub-15/04/16	6.3(b)(ii)	11.2	Full-time employment Word ‘relevant’ has been removed.	Page 51, [13.1.1]	AGREED - Clause to be varied as per current award – Report to Full Bench 3 June 2016
	AWU	Reply sub-5/05/16			Supports an amendment to reintroduce the word ‘relevant’ to bring clause in line with current award.	Page 2, [8]	
2.	AWU	Sub-18/04/16	6.4(a)(i)	12.1(a)	Part-time employment Insert the word “ordinary” so clause reads “is engaged to work less than 38 ordinary hours per week”.	Page 1, [3]	AGREED - Clause to be amended – Report to Full Bench 3 June 2016
3.	AWU	Sub-18/04/16	6.5(a)	13.1	Casual employment Provision inconsistent with s.147 of Act and does not include terms specifying ordinary hours of work – propose to insert “ <i>and works less than 38 hours per week</i> ”.	Pages 1-2, [4]-[5]	OUTSTANDING - Not resolved at conference – Report to the Full Bench 25 August 2016 , PN[3], see Hearing 6 June 2016 at PN870–PN889
	BusSA	Reply sub-6/05/16			Agree to the extent of any inconsistency with the Act	Page 25, [12.1]	
	AWU	Corr-29/08/16			Parties remain in dispute; proposal has implications for how overtime provisions operate. Fitness Australia foreshadowed compromise position with AWU. As yet AWU have not had opportunity to view and consider offer.	Page 2	

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	TA	Sub-8/08/16			Opposes AWU proposal. If effect of this is to provide casuals with entitlement to overtime, this represents a substantial variation to existing award.	Pages 1-2	
		Sub-10/01/17				Para 2	
	AWU	Sub-11/01/17			Continues to pursue claim.	Page 2	
		Sub-27/01/17			Provides grounds for claim. See also item 4A	Para [21]-[22], [44] – [48]	
	FA & GA	Sub-7/02/17			Casual clerical and admin employees not subject to limitations in ordinary hours therefore not entitled to overtime payment for working hours outside ordinary hours. To extent award does not expressly exclude casuals from overtime provisions, entitlement ambiguous ought to be clarified. Any variation to current entitlement amounts to substantive variation. Clarification sought from Commission regarding application of ordinary hours and overtime rates.	Para [3]-[12], [16]-[17]	
	AFEI	Sub-7/02/17			Opposes AWU proposal. Agrees with subs of TA & GA	Para [1]-[2]	
	AWU	Sub-13/02/17			Additional hours only reasonable taking into account payment of overtime. Submission consistent with arrangement of hours for casual coaching staff (provided for in NES).	Para [10]-[11]	

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4.	AWU	Sub-18/04/16	6.5(c)	13.2	Casual employment ED should be amended to reflect current clause and the word “ordinary” should be removed.	Page 2, [6]-[7]	AGREED - ED to be amended to reflect current award – Report to Full Bench 3 June 2016
	AFEI	Reply sub-6/05/16			Disagrees with proposed amendment. Terms of current award should be retained, with the insertion of an additional sentence (example contained within submissions).	Page 6, [56]	
4A	TA	Sub-8/08/16	8.1 and 13	22 and 24	Span of hours ED does not limit span of hours to full-time and part-time employees as is case in existing award. TA opposes this change. A substantial variation to existing award.	Pages 1-2	OUTSTANDING - Not resolved at conference – Report to the Full Bench 25 August 2016
		Sub-10/01/17			Difference in legal effect in clause 8 and 13 of ED compared to current award. Current award does not impose limitations on ordinary hours for casual clerical and administrative employees whereas ED does.	Paras 3-14	This item is to be read in conjunction with item 3.
	GA	Sub-10/01/17			Agrees with TA	Para 20	
	AFEI	Sub-7/02/17			Agrees with TA & GA. Removed references to part-time and full-time employees in clause 8.1(a) opposed. Has effect of extending overtime rates to casual employees.	Paras [2]-[3]	

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	AWU	Sub-13/02/17			Change necessary in order to determine ordinary hours for casual employees (refer to s.147 of Act). TA subs limited to what is the legal interaction between clause 8 and 13 of the exposure draft. AWU agree with this approach.	Para [14]-[15]	
4B	AWU	Sub-27/01/17	8.1 and 13.1		<p>Span of hours Two omissions from original submission</p> <p>1 - Propose to amend clause 8.1 to read: <i>'Ordinary hours of work for a[n] full time employee must not exceed 11 hours on any one day.'</i> Clarifies application of daily maximum.</p> <p>2 - Propose to delete clause 13.1: <i>'Clause 13 only applies to Clerical and Administrative staff.'</i> Exemption of coaches incompatible with clause 8.2</p>	Paras [25]-[27]	OUTSTANDING - Not resolved at conference – Report to the Full Bench 25 August 2016 This item is to be read in conjunction with item 3.
	GA & TA	Sub-7/02/17			Oppose AWU claim. Proposal regarding overtime for coaching employees is a new claim made on late notice. Proposal should be dismissed. No substantive evidence has been provided.	Para [10]-[13], [18]-[21]	
	AFEI	Sub-7/02/17			Opposes AWU claim to limit ordinary hours for casuals. Would introduce substantial and unwarranted change.	Para [4]	
	AFL	Sub-7/02/17			Opposes AWU claim, claim should be dismissed. If claim is pressed, AFL seeks	Page 1	

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					to make further submissions.		
	AFEI	Reply sub-9/2/17			Agrees with GA, TA and AFL. Opposes variation.	Page 1	
5.	BusSA	Sub-15/04/16	10.1(b)(ii)	17.1(b)	Junior employees Queries: 1. Will only employees aged 18 who have worked continuously for 12 months be paid the full adult rate for their classification; 2. Does the same apply for 19 year olds who have worked for the same period but would otherwise be paid 90% of the adult rate?	Page 51, [13.1.2]	AGREED - Clause to be amended – Report to Full Bench 3 June 2016
6.	BusSA	Sub-15/04/16	10.2(b) 10.2(b)	17.2(b)	Clerical and administrative staff – Junior employees <i>Parties are asked to clarify whether an employee under 21 years of age classified at Grade 3-6 is paid as an adult?</i> The junior employees should be paid their age equivalent percentage of the appropriate wage rate – consistent with <i>Clerks – Private Sector Award 2010</i> .	Page 51, [13.2.1]	OUTSTANDING - AEFI remains opposed, favours retention of wording in current award Report to the Full Bench 25 August 2016 , PN[5]
	AFEI	Sub-15/04/16			ED should reflect the wording of current award.	Page 8, [42]	
	AWU	Sub-18/04/16			Reference to “Grade 1 or 2” from the table be replaced with “% of the appropriate minimum wage in clause 10.2”	Page 2, [9]	
	AWU	Reply sub-5/05/16			Agrees with BusSA submission.	Page 2-3, [7]	
					Unsure if AFEI oppose inclusion of subclause (i) or the altered wording of subclause (ii). Re (i): AFEI supports	Page 2, [6]	

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					inclusion of proposed wording to ensure juniors are paid at the correct rate according to their classification. Re (ii): AFEI prefers wording in current clause.		
	BusSA	Reply sub-6/05/16			Disagrees with AWU's proposed amendment pursuant to their submissions dated 17 April 2016, and relies on previous submissions.	Page 25, [12.2], [12.4]	
	AWU	Sub-11/01/17			Continues to press position.	Page 2	
7.	BusSA	Sub-2/03/15	11.2	18.4	Allowances—overtime meal allowance Payable to clerical administrative staff when required to work overtime after 7pm. Appears to be payable even when at least 24 hours' notice has been given to work overtime, thereby allowing the employee make appropriate arrangements, including bringing a meal.	Page 7	WITHDRAWN - Hearing 6 June 2016 at PN893 Confirmed at conference in August- Report to the Full Bench 25 August 2016 , PN[6]

List of abbreviations (in alphabetical order)

Act	<i>Fair Work Act 2009</i>
AFEI	Australian Federation of Employers and Industries
AWU	The Australian Workers' Union
BusSA	Business SA
ED	Exposure draft
FA	Fitness Australia
FA & GA	Fitness Australia & Gymnastics Australia
GA	Gymnastics Australia