

REVISED SUMMARY OF SUBMISSIONS

This table is a summary of submissions lodged for this award on or before 5.00pm on 31 May 2016. The notes refer to the conference held on 21 April 2016 ([Transcript](#)) and the [Report to the Full Bench 22 April 2016](#), [Report to the Full Bench 2 May 2016](#), and [Report to the Full Bench 26 May 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] Next version of ED will restore words in cl.4.1 of current MA as proposed by the AIG, BusSA and AFEI. This should finalise matter - Report - 26 May 2016
	BusSa	Sub-06/05/16			BusSA agrees with AIG	1.1	
	AFEI	Sub-06/05/16			Words 'those employees' should be replaced with 'their employees'	2	
	AIG	Sub-08/05/16			AIG submits amendments to clause do not properly reflect current award.	8-14	
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]
	BusSa	Sub-06/05/16			BusSA agrees with AIG	1.2	

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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]
	AFEI	Sub-06/05/16			Agreement should be between employer and a majority of employees.	3	
7	BusSA	Sub-02/03/15	6.3	10.2(e)	Part-time employment Part-time clause 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 & AM2014/197
8	AIG	Sub-14/04/16	6.3(b)		Reference to cl 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]
	BusSa	Sub-06/05/16			BusSA agrees with AIG	1.3	
	ABI	Sub-06/05/16			ABI prefers ED to expressly include minimum hourly rates	3.1	
9	AIG	Sub-14/04/16	6.3(d)		Reference to ‘in excess of these hours’ could be misread to mean entire clause. Should only be in relation to 6.3(c).	84-88	Agreed – clauses to be amalgamated [PN847]
	BusSa	Sub-06/05/16			BusSA agrees with AIG	1.4	
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 definition to be added to Schedule H. [PN847]
	BusSa	Sub-06/05/16			BusSA agrees with AIG	1.3	
	ABI	Sub-06/05/16			ABI prefers ED to expressly include minimum hourly rates.	3.1	

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11	BusSA	Sub-15/04/16	6.4(d)		Substantial issue – ‘attribute’ has been replaced with ‘entitlement’. Current wording should be retained.	1.2.1	Agreed – ‘entitlements’ to be changed back to ‘attributes’ [PN816]
	AIG	Sub-14/04/16			ED changed ‘attributes’ to ‘entitlements’.	91-94	
	ABI	Sub-06/05/16			ABI agrees with BusSA and AIG	3.2	
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	BusSA	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 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 afternoon shift penalty.	p.5	Outstanding substantive issue to be determined Report – 2 May 2016 and Report - 26 May 2016
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]

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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] AIG request further opportunity to consider current wording. AIG confirmed at conference 26 May 2016 they accept wording of ED – Report - 26 May 2016 .
	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	
	BusSa	Sub-06/05/16			BusSA agrees with ABI	1.5	
	AIG	Sub-08/05/16			AIG seeks further opportunity to consider proposal to ensure there are no unintended consequences stemming from the amendment	15	
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	Outstanding issue. AIG to pursue matter - Report - 26 May 2016
	AIG	Sub-08/05/16			AIG continues to seek this amendment	17-20	
19	ABI	Sub-15/04/2016	9.1		Minimum wages Submit ‘minimum hourly rate’ column be	3.4-3.6	Insert hourly rate column [PN869]

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					included in wage table and definition in Schedule H include: "minimum hourly rate means the minimum hourly rate prescribed in clause 9- Minimum wages".		
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 for their classification as set out in the <u>table below</u> .'	96-99	Resolved – 'for their classification' added to cl. 9.1(a) [PN847]
	BusSa	Sub-06/05/16			BusSA agrees with AIG	1.6	
21	AIG	Sub-14/04/16	9.1(a)		Adult employees - amend clause to reflect, that minimum annual rate and weekly rates only apply to full-time employees. Notes interaction with part-time cl 6.3(b) and casual cl 6.4(c)	100-103	ED to be amended to include hourly rate in 9.1 [PN851] It is proposed to adopt AIG proposal to added "(full-time employees)" underneath min weekly and annual rate columns in table – Report - 26 May 2016
	AIG	Sub-08/05/16			Amendment to ED does not resolve issue identified.	21-22	
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]
	AFEI	Sub-15/04/16			School-based apprentices to be deleted		FWCFB 5411 [483]
	ABI	Sub-06/05/16			ABI agrees with BusSA and AFEI	3.3	

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23	ABI	Sub-15/04/2016	11.2		Allowances Pro-rata rate for part-time workers	3-2	No change to ED at this stage [PN867] AFEI withdraws the matter - Report - 26 May 2016
	BusSa	Sub-06/05/16			BusSA agrees with ABI	4-7	
	AFEI	Sub-06/05/16			AFEI agrees with ABI but submits it should be extended to casual employees	4	
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, ED alters this to per day or per shift. Proposed to deleting ‘or shift’.	104-106	Agreed - ‘or shift’ deleted [PN857]
	ABI	Sub-06/05/16			ABI agrees with AIG		
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	Resolved – AIG amendment made to ED – Report – 2 May 2016 and Report - 26 May 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 is recalled to work...</u> ’. And insert new 11.3(b)(viii) as per current clause 18.2(vi).	107-112	
	BusSa	Sub-06/05/16			Agrees with ABI	1.8	
	AFEI	Sub-06/05/16			Report to Full Bench indicates amendment proposed by AIG would be reflected in ED, but this has not occurred.	5	

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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]
	BusSa	Sub-06/05/16			BusSA agrees with AIG	1.9	
	ABI	Sub-06/05/16			ABI agrees with AIG	3.5	
26A	FSU	Corr-25/05/16	13.6(b)(ii)	23.8	ED refers to 'minimum hourly rate'. Should refer to 'their base rate of pay'. Current award 'double rates', submits this means base rate including loading and overtime. 'Base rate of pay' has been applied in <i>Clerks – Private Sector Award 2010</i> .		Current ED reflects full bench authority. No change to be made – Report - 26 May 2016 .
27	AIG	Sub-14/04/16	B.2.1		Amend 'penalty rates' to read 'shift loading', as per amendment called for in cl. 7.7(d).	115	Outstanding issue. AIG to pursue the matter - Report - 26 May 2016
	AIG	Sub-08/05/16			AIG continues to press for amendment	23	
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].
	BusSa	Sub-06/05/16			BusSA agrees with AIG	1.10	

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29	AIG	Sub-14/04/16	Sched H		Would like to include definition of minimum hourly rates.	118	Resolved - Agree definition of minimum hourly rate should be included [PN867] - Revised definition per AIG proposed wording – Report - 26 May 2016
	BusSa	Sub-06/05/16			BusSA agrees with AIG	1.11	
	AIG	Sub-08/05/16			Definition should be amended to read “minimum hourly rate means the minimum weekly rate prescribed by clause 9, divided by 38”	24-26	
	ABI	Sub-06/05/16			ABI agrees with AIG	3.6	

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
FSU	Finance Sector Union