

## SUMMARY OF SUBMISSIONS ON REVISED EXPOSURE DRAFT

This table is a summary of reply submissions lodged for this award after the 23 October 2015 decision [\[2015\] FWCFCB 7236](#) and in response to the Revised Exposure Draft published on [30 October 2015](#). The summary includes submissions received before 23 September 2016.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE (paragraph)	NOTES	
1.	AIG	<a href="#">Sub 20-11-15</a>	5.2(a)		<b>Facilitative provision</b> – clause ‘0’ to be replaced with clause ‘8.2(a)’	119	Typographical error corrected in exposure draft.	
	AMMA	<a href="#">Sub 25-11-15</a>				Page 2		
	BusSA	<a href="#">Sub 27-11-15</a>				6		
	AWU	<a href="#">Reply 4-12-15</a>				4		
2.	AWU	<a href="#">Sub 20-11-15</a>	6.4(c)		<b>Casual employees</b> whether casual loading payable on overtime has been referred to FB. For completeness adds that amendment should made to remove ‘ordinary’ from ‘ordinary hours’.		Referred to <a href="#">AM2014/197</a> Casual and Part-time Employment FB	
3.	AIG	<a href="#">Sub 20-11-15</a>	6.4(c)		<b>Casual loading</b> – clause to be amended to ‘ordinary hourly rate’ with ‘minimum hourly rate’. Consistent with current award all purpose allowances should not be incorporated.	120-128	Related to item 9	
	AWU	<a href="#">Reply 4-12-15</a>				Issue has been determined that casual loading payable on ordinary rate by <a href="#">[2015] FWCFCB 6656</a> at [110], and <a href="#">[2015] FWCFCB 7236</a> at [59].		8-9
	AIG	<a href="#">Reply 7-12-15</a>				Continues to press issue		40-41
4.	AMWU	<a href="#">Sub 20-11-15</a>	8.2		Supports wording of FB in October decision.	2.1-2.2	No change needed.	
5.	AWU	<a href="#">Sub 20-11-15</a>	10.3(b)(i)		<b>Apprentices</b> – table of rates applying from 1 January 2014 could be deleted.	5	Exposure draft has been amended.	
	AIG	<a href="#">Reply 7-12-15</a>				Does not oppose		42

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6.	AWU	<a href="#">Sub 20-11-15</a>	11.2(a)		<b>Wage related allowances</b> – following July decision insert ‘annual’ before leave.		Exposure draft amended in accordance with paragraph [91] of [2015] FWCFB 4658.
	AIG	<a href="#">Sub 20-11-15</a>				129	
7.	AWU	<a href="#">Sub 20-11-15</a>	14.1(c)		<b>Overtime</b> – concerned clause may indicate casual only receives overtime if work in excess of weekly ordinary hours (set out in clause 6.4), contends casuals also entitled to overtime rates if work outside of span of hours or in excess of maximum daily hours. Amend clause to reference clause ‘8 – ordinary hours of work and rostering’ in addition to clause 6.4.	7	
	AIG	<a href="#">Reply 7-12-15</a>				Opposes change as could extend overtime payment obligations beyond current award.	
8.	AIG	<a href="#">Sub 20-11-15</a>	20.2		<b>Notice of termination by an employee</b> – ‘from’ to be inserted after ‘withhold’.	130	Typographical error corrected in exposure draft
	BusSA	<a href="#">Sub 27-11-15</a>				7	
9.	AIG	<a href="#">Sub 20-11-15</a>	Sch B		<b>Casual employees</b> – if 6.4(c) amended (see submission above) rates need to be recalculated on minimum hourly rate.	131	Related to item 3
	AWU	<a href="#">Reply 4-12-15</a>				No recalculation required, AIG contention has been rejected by FB on at least 2 occasions.	
10.	AIG	<a href="#">Sub 20-11-15</a>	Sch B		<b>Casual employees</b> – contends clause 14.5(b) specify that casual loading does not apply to overtime, shiftwork	132-135	Referred to <a href="#">AM2014/197</a> Casual and Part-time

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					penalties, weekend penalties and public holiday penalties.		Employment FB
	AWU	<a href="#">Reply 4-12-15</a>			Issue has been referred to casual and part-time full bench. Dispute AIG interpretation of clause 14.5(b), clause provides that employee only entitled to one extra amount of – shift loading, weekend/public holiday penalty or overtime rate. Provision is not directed at casual loading.	13-28	
11.	BusSA	<a href="#">Sub 27-11-15</a>	Sch G		<b>Part-day public holiday</b> to be updated in relation to recent statement	8	Exposure draft amended in accordance with <a href="#">PR580863</a>
12.	AMMA	<a href="#">Sub 25-11-15</a>	Sch H		<b>Definitions</b> – bullet points in ‘permanent nightshift’ begin at (b), should begin at (a)	Page 2	Typographical error corrected in exposure draft
	BusSA	<a href="#">Sub 27-11-15</a>				9	
	AWU	<a href="#">Reply 4-12-15</a>				5	
	AIG	<a href="#">Reply 7-12-15</a>				46	

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

AIG	Australian Industry Group
AMWU	Australian Manufacturing and Workers’ Union
AMMA	Australian Mines and Minerals Association
AWU	The Australian Workers’ Union
BusSA	Business SA
FB	Full Bench of the Fair Work Commission
FWC	Fair Work Commission