

### SUMMARY OF SUBMISSIONS ON REVISED EXPOSURE DRAFT – OUTSTANDING ISSUES

This table has been revised to include submissions received in response to para [125] of Full Bench Decision [\[2017\] FWCFB 3177](#) re outstanding issues and the exposure draft. The summary includes submissions received on or before 11 July 2017.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE (paragraph)	NOTES
1.	AMWU	<a href="#">Reply-04/12/15</a>			<b>General</b> Supports submissions of the TCFUA made on 22 and 27 November 2015	3.1	<b>RESOLVED</b> No action required
	AWU	<a href="#">Reply-04/12/15</a>			Supports submissions of TCFUA filed on 24 November 2015	41	
	TCFUA	<a href="#">Reply-07/12/15</a>			Supports and adopts AWU submissions filed 4 December 2015.	4	
1A			6.3(l)		<b>Part-time employees</b> 'leave entitlement' amended to 'leave entitlements'		<b>RESOLVED</b> ED amended to correct typographical error
2.	AIG	<a href="#">Sub-31/08/16</a>	6.4(g), 14.2(e), 15.A.1, 17, 18, 21.1(b)		<b>General – Inconsistent terminology</b> Cl 6.4(g) refers to 'penalty payments for...shiftwork'. Cl.14.2(e) contains a 'shift allowance'. Cl.15.A.1 refers to 'shift loadings'. Heading for cl.17 is 'Shiftwork and penalties...'. The heading for cl.17.3 is 'Payment for shiftwork' and cl.17.3 contains rates. The heading for clause 18 is 'Shiftwork and penalties...'. The heading for cl.18.3 is 'Payment for shiftwork'. Cl.18.3(a) and 18.3(b) contain allowances that are referred to as a 'penalty loading'. Cl.18.3(c) refers to 'shift penalties'. Cl.18.3(d) and (e) contain rates for shiftworkers.	44	<b>REFERRED</b> Referred to the Plain Language Full Bench (AM2016/15) see decision <a href="#">[2017] FWCFB 5536</a> at [581], see also <a href="#">[2018] FWC 1544</a> .

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					Cl.18.3(f) refers to the allowance in cl.14.2(e). Cl.21.1(b) refers to 'shift loading'.		
	ABI/NSWBC	<a href="#">Sub-07/07/2017</a>			Agree with AIG	34	
	AIG	<a href="#">Sub-11/07/17</a>			Item relates to 'Inconsistent Terminology Issue' which remains outstanding.	4-7 and 374	
3.	AWU	<a href="#">Reply-04/12/15</a>	Various		<b>General – wage rates</b> Reference to minimum hourly rate needs to be changed to ordinary hourly rate throughout the award as the award includes two all purpose allowances.	42	<b>RESOLVED</b> ED amended to reflect decision [45] of <a href="#">[2014] FWCFB 9412</a>
4.	AIG	<a href="#">Sub-20/11/15</a>	2.2 and 2.4		<b>The NES and this award</b> Text added at end of clause 2.4 should be moved to end of clause 2.2. Appears to be drafting error.	364	<b>RESOLVED</b> Error – ED amended
	TCFUA	<a href="#">Sub-24/11/15</a>			Submit clauses don't accurately reflect FB decision <a href="#">[2014] FWCFB 9412</a> and should be amended.	pp 1–2	
	ABI/NSWBC	<a href="#">Reply-07/12/15</a>			Agree with TCFUA – clauses should be amended to reflect FB decision.	4.2–4.3	
	TCFUA	<a href="#">Reply-07/12/15</a>			Agree	p 1	
	AIG	<a href="#">Reply-07/12/15</a>			Agree	209	
5.	AIG	<a href="#">Sub-20/11/15</a>	3.1		<b>Coverage</b> Clause 3.1 should be amended by substituting the word 'an' in the third line with 'and' – drafting error.		<b>RESOLVED</b> Error – ED amended

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	TCFUA	<a href="#">Reply-07/11/15</a>			Agree	p 1	
6.	AIG	<a href="#">Sub-20/11/15</a>	3.4(c)		<b>Coverage</b> Reference to '2014' should be replaced with '2015'.	366	<b>RESOLVED</b> Error – ED amended
	TCFUA	<a href="#">Sub-24/11/15</a>				p 3	
	Bus SA	<a href="#">Sub-27/11/15</a>			35		
	TCFUA	<a href="#">Reply-07/12/15</a>			Agree	p 1, 2	
	AIG	<a href="#">Reply-07/12/15</a>			Agree	210	
7.	TCFUA	<a href="#">Sub-24/11/15</a>	5.1		<b>Facilitative provisions</b> Proposed clause can be read ambiguously, to the effect that facilitative provisions, generally, allow for award provisions to be departed from by <i>either</i> individual or majority agreement. This interpretation would be misleading in relation to clause 5.2 (Facilitation by individual agreement) and clause 5.5 (Facilitation by majority agreement). Support wording of preamble in <i>Manufacturing Award 2010</i> . Proposed wording in submission.	p 3	<b>RESOLVED</b> In Decision <a href="#">[2014] FWCFB 9412</a> at para [42]-[43] Full Bench determined that facilitative provisions would be included in modern awards in the current form.
	ABI/NSWBC	<a href="#">Reply-07/12/15</a>				Oppose TCFUA submission. Submit no ambiguity in language and that bolded sub-headings at clauses 5.2, 5.3 and 5.4 make clear which provisions can be altered by individual, majority or individual, and majority only agreement.	

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	AIG	<a href="#">Reply-07/12/15</a>			Do not think TCFUA proposed variation is necessary. No reason why ED should deviate from FWC general approach.	211	
	AIG	<a href="#">Sub-11/07/17</a>			Maintain opposition to TCFUA's proposed change. Content for matter to be determined on the papers based on what has been filed.	375	
8.	AIG	<a href="#">Sub-20/11/15</a>	6.3(h)		<b>Part-time employees</b> Reference to 'clause 6.3(c)' should be replaced with 'clauses 6.3(d) and (e)' – drafting error.	367	<b>REMAINS OUTSTANDING</b>  Error – 6.4(b) inserted in last revision of ED meant cross-reference not updated – ED amended to reference 6.3(d).
	AWU	<a href="#">Sub-20/11/15</a>			Cross-reference incorrect and should be 6.3(d).	4	
	TCFUA	<a href="#">Sub-24/11/15</a>			Agree with AIG ref 6.3(d)	pp 3–4	
	TCFUA	<a href="#">Reply-07/12/15</a>			Agree with AIG ref 6.3(d)	p 2	
	AIG	<a href="#">Reply-07/12/15</a>			Do not agree with TCFUA and AWU. Cross reference should be to clauses 6.3(d) and (e). Submit if cross reference is only to 6.3(d) this could expand the circumstances in which overtime rates are payable.	212–213	<i>Note: AWU does not address whether reference to 6.3(e) should be included. This change not added to ED. Current award does not include either cross-references.</i>
	AIG	<a href="#">Sub-11/07/17</a>			Should refer to clauses 6.3(d) and 6.3(e). Content for matter to be determined on the papers based on what has been filed.	376	
	TCFUA	<a href="#">Sub-07/07/17</a>			Should not include any references to other sub-clauses within clause 6 and consistent with current clause 13.6, refer to the substantive overtime provision.	18-22	

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9.	AWU	<a href="#">Sub-20/11/15</a>	6.4(h)	14.7	<b>Casual employees</b> 6.4(h) deleted – submitted deleted in error.  AWU is correct that the clause appears in current award and should therefore most likely be retained unless FWC forms the view that it should be removed consistent with its decision not to include in awards provisions specifying clauses that do not apply to casual employees (decision <a href="#">[2014] FWCFB 9412</a> at [69]).	5-6	<b>RESOLVED</b> Error – ED amended
	TCFUA	<a href="#">Sub-24/11/15</a>				p 4	
	ABI/ NSWBC	<a href="#">Reply-07/12/15</a>				4.11	
	AIG	<a href="#">Reply-07/12/15</a>				214	
10.	AIG	<a href="#">Sub-20/11/15</a>	6.4(i)	14.3	<b>Casual loading</b> <del>Submit the provision does not expressly or by implication require that the 25% loading be calculated on a rate that incorporates any all purpose allowance. Submit it makes specific reference to a rate that excludes such amounts. Submit clause should be amended to refer to ‘minimum hourly rate’. Proposed wording in submission</del>	368–374	<b>RESOLVED</b> No longer pressed by AIG  Matter appears to have been determined in [110] of <a href="#">[2015] FWCFB 6656</a>
	AWU	<a href="#">Reply-04/12/15</a>				43–47 and generally Section 1 – Calculation	

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					where an award contains an all purpose allowance, the casual loading will be calculated on the rate inclusive of the all purpose allowance ( <a href="#">[2015] FWCFB 6656</a> at [110]).	of the casual loading	
	TCFUA	<a href="#">Reply-07/12/15</a>			Oppose AIG submission. Support and adopt submission of AWU paras 43–47. Award contains two allowances. Issue determined by FWC and AIG submissions provide no further material upon which amendment proposed is supportable.	p 2	
	AIG	<a href="#">Sub-11/07/17</a>			No longer pressed.	377	
10A	TCFUA	<a href="#">Sub-07/07/17</a>	6.5	14.10	<b>Casual conversion to full-time or part-time employment</b> Consistently and strongly oppose amendment to casual conversion clause. ED should revert to wording in current award. Changes would be substantive, with clear changes in legal effect.	23-36	<b>REMAINS OUTSTANDING</b>
	ABI/ NSWBC	<a href="#">Sub-07/07/2017</a>			Clause will not require amendment as <a href="#">[2017] FWCFB 3541</a> determined that awards with existing casual conversion provisions will be unaffected.	33	
	AIG	<a href="#">Sub-11/07/17</a>			AIG submission deferred pending decision in <a href="#">[2017] FWCFB 3541</a> . Submissions now made. Clause 6.5(a)(i) should include limitation ‘by a particular employer’ from current award.	378 - 394	

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					Clause 6.5(a)(ii) should also be amended to include limitation 'under this award' which appears in current award. Clause 6.5(a)(iii) should also be amended to refer to continuation of employment beyond the conversion process. Not clear what clause 6.5(c)(iii) relates to. Suggest that clause be amalgamated with clause 6.5(c)(ii) or it is amended to clarify that it relates to that clause.		
11.	TCFUA	<a href="#">Sub-24/11/15</a>	6.5(e)	14.10	<b>Casual conversion – Variation of casual conversion six month eligibility period</b> Submit 6.5(e) is a new provision not in the current award – should be deleted. No rationale given for changes made and constitutes substantive amendment.	pp 4–5	<b>REMAINS OUTSTANDING</b> Agreed, terms of current award to be retained.
	ABI/ NSWBC	<a href="#">Reply-07/12/15</a>			Submit issue addressed in previous submissions and reply submissions. Support proposed re-drafting advanced by AIG in <a href="#">sub-12/11/14</a> at [5].	4.5	
	AIG	<a href="#">Reply-07/12/15</a>			Do not oppose deletion on basis that such a clause does not appear in the current award.	215	
	TCFUA	<a href="#">Sub-07/07/17</a>			New provision not in current award – should be deleted. No rationale given for changes, constitutes substantive amendment.	26-36	
	AIG	<a href="#">Sub-11/07/17</a>			Identifies issue as still outstanding and	394	

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					reiterates that it does not oppose deletion since clause does not appear in current award.		
12.	TCFUA	<a href="#">Sub-24/11/15</a>	6A		<b>Outwork and related provisions</b> Submit clauses 6.1-6.3 under clause 6A should be renumbered 6A.1-6A.3 to avoid confusion.	p 5	<b>RESOLVED</b> TCFUA'S reference to (j) appears incorrect. <b>ED amended to renumber 6.1-6.3 as 6A.1-6A.3 and 6A.3(c) to k) as (a) to (i).</b>
	AIG	<a href="#">Reply-07/12/15</a>			Do not oppose TCFUA	216	
	TCFUA	<a href="#">Sub-07/07/17</a>			Clause 6A.3 contains numbering (c) to (k). This is a typographical error. The numbering should be (a) to (j) (sic) to reflect the current clause 17.3.	37	
13.	TCFUA	<a href="#">Sub-24/11/15</a>	6A, 6.1		<b>Outwork and related provisions</b> Word 'for' be reinserted into clause so that it reads 'Arrangements (including <u>for</u> the engagement of outworkers) must...'	p 5	<b>RESOLVED</b> Error – ED amended
	AIG	<a href="#">Reply-07/12/15</a>			Do not oppose TCFUA	217	
14.	AWU	<a href="#">Sub-20/11/15</a>	8.3		<b>Changes to hours</b> Semi-colon at end of clause 8.3(a)(i) needs to be replaced with a full stop.	7	<b>REMAINS OUTSTANDING</b>  Insertion of full stop appears to be agreed by parties and has been amended in exposure draft in red. <i>Note: the error points to issue in the format of the clause. Clause reformatted, parties at liberty to comment. Comment only</i>
	TCFUA	<a href="#">Sub-24/11/15</a>			Agree with AWU submission that semi-colon at end of clause 8.3(a)(i) needs to be replaced with full stop.	p 6	
	AIG	<a href="#">Reply-07/12/15</a>			Do not oppose TCFUA and AWU	218	
	TCFUA	<a href="#">Sub-07/07/17</a>			TCFUA propose a differently formulated clause 8.3, in which the text in clause 8.3(b) of the ED is added	38-39	



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					to the end of clause 8.3(a)(ii).		<i>provided by TCFUA.</i>
15.	AIG	<a href="#">Sub-12/11/14</a>	8.4(c) and (d)		<b>Arrangement of working hours including rostered days off</b> Clauses should be renumbered as 8.4(b)(i) and (ii) to make clear they related to clause 8.4(b).	10	<b>RESOLVED</b> Amended in accordance with [262] of <a href="#">[2015] FWC FB 7236</a>
		<a href="#">Sub-20/11/15</a>			17 Feb 2015 amendment to ED did not incorporate change proposed in submission that has been agreed.	375–376	
16.	AIG	<a href="#">Sub-20/11/15</a>	8.4(e) (formerly 8.4(g))		<b>Rostered day off falling on public holidays</b> Reference to ‘clause 23’ should be replaced with reference to ‘clause 24’.	377	<b>RESOLVED</b> Amended in accordance to [262] of <a href="#">[2015] FWC FB 7236</a> – agreed position
	TCFUA	<a href="#">Reply-07/12/15</a>			Agree with AIG	p 3	
17.	TCFUA	<a href="#">Sub-24/11/15</a>	8.5(b)	33.2	<b>Substitution of rostered day off</b> Submit clause is different to current clause due to insertion of word ‘affected’. Current clause refers to ‘majority of employees concerned’ – potentially a wider group of employees.	p 6	<b>REMAINS OUTSTANDING</b>
	ABI/NSWBC	<a href="#">Reply-07/12/15</a>				Disagree with TCFUA and do not consider there to be any material difference between the words ‘affected’ in ED and ‘concerned’ in current award. Note the word ‘affected’ is used in model consultation clause (28) of ED and is appropriate.	

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	AIG	<a href="#">Reply-07/12/15</a>			Not opposed to TCFUA proposal on the basis that wording is consistent with clause 33.1 of the current award – but don't consider variation necessary.	219	
	TCFUA	<a href="#">Sub-07/07/17</a>			TCFUA continue to press issue, noting that proposed amendment is supported by AWU and not opposed by AIG.	40-44	
18.	TCFUA	<a href="#">Sub-24/11/15</a>	9.5	40.3	<b>Minimum break between overtime shifts</b> Subheading is misleading as provision relates to minimum breaks between periods of work before or after overtime not minimum breaks between two periods of overtime as the subheading implies. Current clause heading is more accurate and should be restored.	p 6	<b>RESOLVED</b> <i>Change appears agreed by the parties and has been marked on exposure draft in red text.</i> BUT red text in heading is as follows: <b>'Minimum break before or after between overtime shifts'</b> ED further amended to remove word 'shifts', consistent with current MA
	ABI/NSWBC	<a href="#">Reply-07/12/15</a>			TCFUA submission doesn't appear to be controversial.	4.7	
	AIG	<a href="#">Reply-07/12/15</a>			Not opposed to TCFUA on basis that clause reflects current award.	220	
	TCFUA	<a href="#">Sub-07/07/17</a>			Continues to submit heading should read 'Rest period before and (sic) after overtime'. Note this was supported by AWU, not opposed by AIG and considered by the ABI/NSWBC not to be controversial.	45-51	
19.	TCFUA	<a href="#">Sub-24/11/15</a>	9.5(b)(i) and (ii)	40.3(b)(i) and (ii) (TCFUA	<b>Minimum break between overtime shifts</b> Subclauses do not include the word	p 7	<b>RESOLVED</b> Amended in accordance with <a href="#">[2015] FWCFB 7236</a> , [262].

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				refer to 40.4(b)(i) and (ii) – appears to by error)	‘consecutive’ – current clause does in combination with the words ‘10 consecutive hours off duty’. Drafting error and word should be reinserted.		
	AIG	<a href="#">Reply-07/12/15</a>	Not opposed on basis TCFUA intended to reflect current 40.3(b)(i) and (ii)		221		
	TCFUA	<a href="#">Sub-07/07/17</a>	Continue to press issue. Proposed amendment supported by AWU and not opposed by AIG.		52-56		
20.	TCFUA	<a href="#">Sub-24/11/15</a>	Part 4 heading (& Table of Contents)		<b>Part 4—Wages and Allowances</b> Submit heading of Part 4 should be amended to read ‘Wages, Allowances and Superannuation’ to assist useability of the award.	p 1	<b>REMAINS OUTSTANDING</b> Note: heading is currently consistent with other exposure drafts.
	ABI/NSWBC	<a href="#">Reply-07/12/15</a>			Consider TCFUA proposal unnecessary but do not have strong opposition.	4.1	
	AIG	<a href="#">Reply-07/12/15</a>			Not opposed to TCFUA submission but do not consider change necessary.	222	
	TCFUA	<a href="#">Sub-07/07/17</a>			Continues to press issue. Notes proposal is not opposed by main parties. Highlights special nature of industry and widespread underpayment or non-payment of superannuation.	12-17 and 57	

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21.	AIG	<a href="#">Sub-20/11/15</a>	14.2(a)(i)		<b>Allowances – Textile industry</b> Should be amended to make reference to exemption for incentive payments to avoid ambiguity or tension arising between terms of clause 14.2(a) and 14.2(b). Proposed wording in submission.	378	<b>RESOLVED</b>	
	AWU	<a href="#">Reply-04/12/15</a>				Oppose AIG proposed variation. Submit there is no tension.		48–49
	TCFUA	<a href="#">Reply-07/12/15</a>				Oppose AIG proposed variation. Support and adopt AWU submissions. Submit no inconsistency or ‘tension’ between two provisions to warrant amendment.		p 3
	AIG	<a href="#">Sub-11/07/17</a>				No longer presses submission.		395
22.	AIG	<a href="#">Sub-20/11/15</a>	17.3	35.1	<b>Payment for shiftwork</b> Heading to clause 17 should be amended by deleting the words ‘and penalties’ to be consistent with current clause which does not characterise the additional payment as a loading, penalty or otherwise.	379, and generally 2.2	<b>REFERRED</b> Referred to the Plain Language Full Bench (AM2016/15) see decision <a href="#">[2017] FWC FB 5536</a> at [581], see also <a href="#">[2018] FWC 1544</a> .	
	TCFUA	<a href="#">Reply-07/12/15</a>				Oppose AIG submission. Submit the FWC has determined format of awards as part of Review. Heading is consistent with equivalent headings of clause 18 and 19.		p 4
	AIG	<a href="#">Sub-11/07/17</a>				Item relates to ‘Inconsistent Terminology Issue’ which remains outstanding.		4-7 and 396

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22A	TCFUA	<a href="#">Sub-07/07/17</a>	18.3		ED states rates have been ‘updated as a result of AWR 2016’, but rates in clauses 18.3(a) and (b) are incorrect. Monetary amounts have increased again from AWR 2016/17 but are not reflected in ED.	58-60	<b>RESOLVED</b> Issue re incorrect rates overtaken by AWR 2016/17. ED to be amended to reflect new rates.
23.	TCFUA	<a href="#">Sub-24/11/15</a>	18.4(a)	36.6	<b>Shiftwork and penalties—textile industry</b> Reference to ‘clause 18.3’ is incorrect and should be to ‘clause 17.3’.	p 7	<b>RESOLVED</b> Error – ED amended
	AIG	<a href="#">Sub-20/11/15</a>			Reference to ‘clause 18.3’ should be substituted with ‘clause 17.3’. This is consistent with the current clause 36.6.	380	
	TCFUA	<a href="#">Reply-07/12/15</a>			Agree with AIG	p 4	
	AIG	<a href="#">Reply-07/12/15</a>			Agree	223	
24.	AIG	<a href="#">Sub-20/11/15</a>	20.3(a)(i) and (ii)		<b>Payment for working overtime</b> Consistent with decision <a href="#">[2015] FWCFB 4658</a> at [95]–[96] the words ‘minimum hourly rate’ should be inserted after ‘150%’ and ‘200%’	381–382	<b>RESOLVED</b> Exposure draft amended according to [44] of <a href="#">[2015] FWCFB 4658</a> – ‘ordinary hourly rate’ inserted as the award contains all purpose allowances.
	AWU	<a href="#">Reply-04/12/15</a>			Reference after 150% should be ‘ordinary hourly rate’ not ‘minimum hourly rate’.	42, 50	
	TCFUA	<a href="#">Reply-07/12/15</a>			Oppose AIG submission. Support and adopt AWU submission.	p 4	

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24A	TCFUA	<a href="#">07/07/17</a>	21.3	41.4	<b>Former 'Requirement to take annual leave' (now Excessive leave accruals; general provision)</b> TCFUA states this clause remains subject to the Annual Leave Common Issue proceedings (AM2014/47).	61	<b>RESOLVED</b> Determined, see <a href="#">PR595052</a> . ED updated.
25.	TCFUA	<a href="#">Sub-24/11/15</a>	24.1	43.1	<b>Public holidays</b> Wording is different and has different meaning to current award. Submit no apparent reasoning as to why current term should be removed. Propose combining the two provisions. Proposed wording in submission.	P 8	<b>RESOLVED</b> Amendment agreed by parties has been marked in exposure draft in red text.
	ABI/ NSWBC	<a href="#">Reply-07/12/15</a>			Agree with TCFUA	4.8	
	AIG	<a href="#">Reply-07/12/15</a>			Do not agree that there is a substantial deviation from current award but do not oppose TCFUA	224	
26.	AIG	<a href="#">Sub-20/11/15</a>	24.2		<b>Public holidays</b> Reference to 'clause 22.4' should be substituted with 'clause 24.3'.	383	<b>RESOLVED</b> Error – ED amended
	TCFUA	<a href="#">Sub-24/11/15</a>			Cross reference incorrect (union submit that clause 22.3 is the correct cross reference however this appears to be a typographical error). Cross reference should be 24.3	p 8	
	ABI/ NSWBC	<a href="#">Reply-07/12/15</a>			TCFUA advanced correct typographical error but have incorrect clause reference. Clause reference should be 24.3.	4.9	
	TCFUA	<a href="#">Reply-</a>			Agree reference to be corrected	p 5	

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		<a href="#">07/12/15</a>					
	AIG	<a href="#">Reply- 07/12/15</a>			Do not oppose TCFUA	225	
27.	AIG	<a href="#">Sub-20/11/15</a>	24.3(c)(i)	43.2(b)	<b>Work on public holidays</b> Clause should be amended to clarify that loading applies in addition to the employee receiving regular Saturday or Sunday penalty rates for all ordinary hours worked on 25 December, with a minimum of four hours payment.	384	<b>RESOLVED</b> Amendment agreed by parties has been marked in exposure draft in red text.
	TCFUA	<a href="#">Reply- 07/12/15</a>			Not opposed to AIG submission.	P 5	
27A	AIG	<a href="#">Sub-11/07/17</a>	24.6(a)		<b>Rostered day off falling on public holiday</b> Clause should be amended by replacing 'ordinary time rate' with 'ordinary hourly rate'.	397	<b>RESOLVED</b> ED is amended to correct error.
28.	AIG	<a href="#">Sub-20/11/15</a>	26.2		<b>Notice of termination by an employee</b> Drafting error – insert the word 'from' in between the words 'may withhold' and 'any money'.	385	<b>RESOLVED</b> Error – ED amended
	Bus SA	<a href="#">Sub-27/11/15</a>			Make same submission as Ai Group	36	
	TCFUA	<a href="#">Reply- 07/12/15</a>			Do not oppose.	Pp 1, 6	
	AIG	<a href="#">Reply- 07/12/15</a>			Agree with Business SA	226	
29.	AIG	<a href="#">Sub-20/11/15</a>	Sch C		<b>Summary of hourly rates of pay</b> Should be amended to clarify that	386–388	<b>REMAINS OUTSTANDING</b>

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE (paragraph)	NOTES
					wages rates for 'wool and basil employees' or 'storeworker employees' have not been included. Suggest changing title to 'Schedule C—Summary of Hourly Rates of Pay—General'. In addition submit note should be inserted below heading 'This schedule only contains hourly rates of pay for employees to who clause 10.1 applies'.		
	TCFUA	<a href="#">Reply-07/12/15</a>			Oppose AIG submission. AIG proposal may be misleading because the Schedule deals with more than the general classifications in clause 10.1 e.g. contains tables in relation to seven day continuous shiftworkers.	P 6	
	AIG	<a href="#">Sub-11/07/17</a>			Content for matter to be determined on the papers based on what has been filed.	398	
30.	AIG	<a href="#">Sub-20/11/15</a>	C.3.1 (formerly C.2.2)	See 35	<b>Summary of hourly rates of pay</b> Amount payable in respect of a permanent night shift and afternoon and night shift are expressed as 130% and 115% of the minimum weekly rate respectively. This is inaccurate as amounts are derived by calculating 30% and 15% of the relevant minimum weekly rate. Amounts should be replaced with '30%' and '15%'. Submit this is consistent with C.4.1.	389	<b>RESOLVED</b> Amendment appears to be agreed by parties has been marked in exposure draft in red text.



ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE (paragraph)	NOTES
	TCFUA	<a href="#">Reply-07/12/15</a>			Agree with AIG submission if it is meant that potential anomaly arises because read literally the term 115% or 130% of the 'minimum weekly wage' would result in higher amounts than represented in the table.	P 7	
31.	AIG	<a href="#">Sub-20/11/15</a>	C.3.1 (formerly C.2.2)		<b>Summary of hourly rates of pay</b> Footnote omitted – see headings 'permanent night shift' and 'afternoon & night shift'. Insert 'payment per shift in addition to applicable minimum hourly rate'	390	<b>RESOLVED</b> <i>Note: Footnote may assist to explain payment. Note added to the ED requesting parties' input on what footnote should say</i>
	TCFUA	<a href="#">Reply-07/12/15</a>			Disagrees with AIG, as different methods for calculating shift loading for textile workers and general skills.		
32.	AIG	<a href="#">Sub-20/11/15</a>	C.3.1 (formerly C.2.2)		<b>Summary of hourly rates of pay</b> Table suggests that public holiday penalty in final column is calculated on the minimum weekly rate. This is incorrect – the penalty is applied to the minimum hourly rate.	391	<b>RESOLVED</b> Error – public holiday is calculated on 'ordinary hourly rate' per clause 24.3(a) – table C.2.2 amended in ED.
	TCFUA	<a href="#">Reply-07/12/15</a>			Agree with AIG		
32A	TCFUA	<a href="#">Sub-07/07/17</a>	C.3.3		Based on AWR 2015/16, certain rates in schedule C.3.3 are incorrect.	62-63	<b>RESOLVED</b> Issue overtaken by new rates in AWR 2016/17. ED to be amended to reflect new rates.
33.	TCFUA	<a href="#">Sub-24/11/15</a>	C.3.2, C.3.3, C.4.2		<b>Summary of hourly rates of pay</b> Submit various overtime and public holiday rates for casual employees incorrect due to cumulative calculation	Pp 8–10	<b>REMAINS OUTSTANDING</b>

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE (paragraph)	NOTES
			(formerly C.4.1), C.4.3 (formerly C.4.2), C.4.4 (formerly C.4.3), C.4.5 (formerly C.4.4),		method. Submit correct method is compounding.		
	ABI/ NSWBC	<a href="#">Reply-07/12/15</a>			Disagree with TCFUA in respect of alleged errors in method of calculating wage rates in the various schedules. Nothing in the award suggests the casual rates should be based on compounding method rather than cumulative. Casual loading in this award is not 'all purpose' and therefore should not be treated as compounding when determining rate of pay for weekends, public holidays or shift work.	4.10	
	AIG	<a href="#">Reply-07/12/15</a>			Strongly oppose TCFUA. TCFUA has not explained reasons for its position that the public holiday penalty compounds on the casual loading. To adopt TCFUA approach would be to depart from terms of the current award and result in significant increase in costs.	227–237	
	TCFUA	<a href="#">Sub-07/07/17</a>			TCFUA maintains wage rates for casual employees with respect to penalties and loadings are incorrect because they have been calculated based on a cumulative method rather than a compounding method. In relation to casual day workers, this submission applies to C.4.1 and C.4.2.	65-81	
	AIG	<a href="#">Sub-11/07/17</a>			Maintains opposition to TCFUA. If	399	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE (paragraph)	NOTES
					TCFUA presses its position, AIG may seek further opportunity to be heard.		
34.	TCFUA	<a href="#">Sub-24/11/15</a>	C.4		<b>Summary of hourly rates of pay – clause numbering</b> Clause directly under C.4 is not numbered. Submit that for consistency it should be numbered C.4.1	p 10	<b>RESOLVED</b> Clause deleted to apply decision <a href="#">[2014] FWCFB 9412</a> at paragraph [45].
34A	TCFUA	<a href="#">Sub-07/07/17</a>	C.5.1, C.5.2, C.5.3 and C.5.4		<b>Summary of hourly rates of pay</b> Submit wage rates for casual employees with respect to penalties and loadings are incorrect due to cumulative calculation method. Correct method is compounding.		<b>REMAINS OUTSTANDING</b>  Linked to item 33.
35.	TCFUA	<a href="#">Sub-24/11/15</a>	C.5.4 (formerly C.4.4)		<b>Summary of hourly rates of pay Casual employees–shiftworkers-overtime rates</b> Table not accurate in relation to overtime rate payable to employees engaged under a Payment By Results (PBR) arrangement. Submit note could be inserted at bottom of each table to alert readers to different overtime rates payable to employees paid under any system of PBR and refer to specific overtime provisions in clause 20.3(c)	p 14	<b>RESOLVED</b> Amendment appears to be agreed by parties, amendment drafted in red text in exposure draft.
	AIG	<a href="#">Reply-07/12/15</a>			Not opposed to TCFUA proposal.	238	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE (paragraph)	NOTES
36.	TCFUA	<a href="#">Sub-24/11/15</a>	Schedule D		<b>Expense related allowances—meal allowance – cross reference</b> Clause reference incorrect – should be to clause 12.3(a)  Agree with TCFUA	pp 14–15	<b>RESOLVED</b> Error – ED amended
	AIG	<a href="#">Reply-07/12/15</a>		239			
36A	TCFUA	<a href="#">Sub-07/07/17</a>	Schedule D		<b>Summary of Monetary Allowances</b> Sched D of ED does not include the wool scouring pits allowance, which is in clause 26.14 of the current award. This allowance should be included in schedule D.	97	<b>RESOLVED</b> ED amended
37.	TCFUA	<a href="#">Sub-24/11/15</a>	F.5.8	F.5.8	<b>Minimum conditions for workers – cross reference</b> References to ‘clauses 29 and 30’ incorrect and should be ‘clauses 29.1 and 29.2’.  Not opposed to TCFUA amendment	p 15	<b>RESOLVED</b> ED amended, inserted as clause D.5
	AIG	<a href="#">Reply-07/12/15</a>				240	
38.	TCFUA	<a href="#">Sub-24/11/15</a>	F.5.10	F.5.10	<b>Minimum conditions for workers – cross reference</b> Reference to ‘clauses 29 and 30’ incorrect and should be ‘clauses 29.3 and 29.10’ (note TCFUA proposed amendment appears to contain error – clause should be amended to ‘clauses 29.3–29.5’ to reflect current award’).  Agree with TCFUA, consistent with the award, correct cross reference is to clauses 29.3–29.5	pp 15–16	<b>RESOLVED</b> Error – ED amended
	AIG	<a href="#">Reply-07/12/15</a>				241	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE (paragraph)	NOTES
39.	Business SA	<a href="#">Sub-27/11/15</a>	Sch E		<b>Schedule E—Part-day public holidays</b> - Should be amended in accordance with <a href="#">PR573679</a> (refer to Sched G in submission in error).	37	<b>RESOLVED</b> ED amended in accordance with <a href="#">PR580863</a>
	TCFUA	<a href="#">Reply-07/12/15</a>			TCFUA agree with Business SA and note it incorrectly referenced ‘Schedule G’ when should actually be ‘Schedule E’	p 1	
	AIG	<a href="#">Reply-07/12/15</a>			Agree with TCFUA	243	
40.	TCFUA	<a href="#">Sub-24/11/15</a>	Appendix – Schedule F		<b>Appendix to Schedule F (information given to outworkers)</b> Not updated to reflect current wage and superannuation rates.	p 16	<b>REMAINS OUTSTANDING</b> ED amended to reflect AWR-2015-16. <b>ED to be amended to reflect AWR 2016-17.</b> <i>Note inserted in relation to superannuation rates – parties are asked whether ‘9.25%’ should be updated to ‘9.5%’.</i> <b>Response only received from TCFUA. No submissions opposing redraft.</b>
	AIG	<a href="#">Reply-07/12/15</a>			Not opposed to TCFUA	242	
	TCFUA	<a href="#">Sub-07/07/17</a>			<i>In response to question by Commission:</i> Appendix should read ‘9.5%’ as this reflects superannuation legislation effective since 1 July 2014. Amendment necessary to avoid misleading employers and outworkers; and to aid compliance, outworkers are particularly vulnerable to exploitation.	100-104	
41.	TCFUA	<a href="#">Sub-24/11/15</a>	G.16		<b>Schedule G—Apprentices</b> Schedule not amended in accordance with <i>Apprentices decision</i> <a href="#">[2014] FWCFB 9156</a> (7 December 2014) and Determination <a href="#">PR559309</a>	p 17–19	<b>RESOLVED</b> ED updated in accordance with <a href="#">[2014] FWCFB 9156</a> and <a href="#">PR559309</a>
	AIG	<a href="#">Reply-</a>			Agree with TCFUA	243	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE (paragraph)	NOTES
		<a href="#">07/12/15</a>					
42A	TCFUA	<a href="#">Sub-07/07/17</a>	Schedule I		<b>National Training Wage</b> Notes that award was varied on 21 June 2017 to delete Schedule E (National Training Wage) and vary clause 20.12 <a href="#">PR593813</a> .	105	<b>RESOLVED</b> ED reflects <a href="#">PR593813</a> .
42B	TCFUA	<a href="#">Sub-07/07/17</a>	Schedule J		<b>Definitions (junior employee)</b> Questions necessity for definition of 'junior employee' to be contained in both Schedule J and clause 6.6 (Juniors). Submits definition should only be in clause 6.6(a) for ease of navigation within award. Raises issue for consideration of Commission and parties.	106	<b>REMAINS OUTSTANDING</b>

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

ABI/NSWBC	Australian Business Industrial and NSW Business Chamber
AIG	Australian Industry Group
AMWU	'Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union' known as the Australian Manufacturing Workers' Union (AMWU)
AWU	The Australian Workers' Union
Business SA	South Australia's Chamber of Commerce and Industry
ED	Exposure Draft
TCFUA	Textile, Clothing and Footwear Union of Australia