

REVISED SUMMARY OF SUBMISSIONS

The table is a summary of submissions and reply submissions lodged on or before 5.00pm on 9 December 2020 based on the *Hair and Beauty Industry Award* [plain language exposure draft](#) published on 28 October 2020.

A statement [\[2021\] FWC 963](#) and a revised [plain language exposure draft](#) were published on 21 January 2021

This updated table reflects the outcome of the [conference](#) held on 12 February 2021 as set out in the statement [\[2021\] FWCFB 858](#) and the revised *Hair and Beauty Industry Award* [plain language exposure draft](#) published on 18 February 2021.

List of abbreviations (in alphabetical order)

ABI	Australian Business Industrial and the NSW Business Chamber
Ai Group	Australian Industry Group
AWU	The Australian Workers' Union
HABIA	Hair and Beauty Industry Award
SDA	Shop Distributive and Allied Employees' Association

ITEM	PARTY	DOCUMENT	CLAUSE (PLED)	SUMMARY OF ISSUE	THEIR REF	NOTES
1	Ai Group	Ai Group sub – 25/11/2020	2	Definitions – apprentice Objects to the definition of ‘apprentice’ due to concerns it is not appropriate and would also apply to trainees. Submits the definition should be deleted.	Para 2	18/2/21: RESOLVED See [2021] FWCFB 858 at [20] PLED updated. Definition of ‘apprentice’ deleted.
	SDA	Reply Sub – 9/12/2020		Not opposed to AIG’s proposal regarding the definition of ‘apprentice’.	Para 2	
	AWU	Reply Sub – 9/12/20		Not opposed to AIG’s proposal regarding the definition of ‘apprentice’.	Para 4	

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2	Ai Group	Ai Group sub – 25/11/2020	2	Definitions – minimum hourly rate Submits that the omission of a reference to the rates prescribed by cl. 18 makes the application of provisions regarding the ‘minimum hourly rate’ for apprentices, trainees and graduates unclear. Suggests inserting a reference to cl.18 in the definition. Suggested wording provided.	Para 3 - 4	18/2/21: RESOLVED See [2021] FWCFCB 858 at [20] PLED updated. Definition amended as follows: “ minimum hourly rate means the minimum hourly rate specified in clause 17 – Minimum rates or clause 18 – Apprentice, trainee and graduate rates, as applicable. ” Note: change also made at clause 24.3(a) (Annual leave loading).
	SDA	Reply Sub – 9/12/2020		Not opposed to amended definition of ‘minimum hourly rate’ proposed by AIG.	Para 4	
	AWU	Reply Sub – 9/12/20		Not opposed to AIG’s proposal regarding the definition of ‘minimum hourly rate’.	Para 5	
3	Ai Group	Ai Group sub – 25/11/2020	2	Definitions – overtime rates Submits that text appearing between definitions of ‘Table 15’ and ‘Table 16’ appear to have been included in error and should be deleted.	Para 5	18/2/21: RESOLVED See [2021] FWCFCB 858 at [18] PLED updated. Text appearing between definitions of ‘Table 15’ and ‘Table 16’ has been deleted
	SDA	Reply Sub – 9/12/2020		Agree that text should be deleted.	Para 5	
	AWU	Reply Sub – 9/12/20		Agree that text should be deleted.	Para 6	
4	SDA	SDA sub – 1/12/2020	2	Definitions – standard weekly rate Objects to the deletion of the reference to the allowance in the PLED definition of ‘standard weekly rate.’ Submits a reference should be maintained to ensure there is a clear understanding of how allowances are adjusted.	Para 3 - 4	18/2/21: RESOLVED See [2021] FWCFCB 858 at [20] No change necessary. Reflects definition in Comparison of HABIA Current / ED published on 16/11/16.

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	Ai Group	Reply Sub – 9/12/2020		Submits SDA’s changes are not necessary given the approach taken in Schedule B of the PLED.	Para 3	
5	SDA	SDA sub – 1/12/2020	3.4	The National Employment Standards and this award Objects to deletion of words “whichever makes them more accessible” in current award cl.5. Submits words should be retained as they ensure that the means by which the NES are made available are fit for purpose.	Para 5	18/2/21: RESOLVED See [2021] FWCFB 858 at [20] No change necessary. Part of 4 yearly review process. Matter dealt with in [2014] FWCFB 9412 at para [29].
	Ai Group	Reply Sub – 9/12/2020		Submits clause reflects FWC’s approach across the awards system and departing from that approach is not warranted.	Para 4	
6	Ai Group	Ai Group sub – 25/11/2020	4.1(b)	Coverage Submits that the opening bracket immediately before the word ‘with’ should be deleted.	Para 6	18/2/21: RESOLVED See [2021] FWCFB 858 at [18] PLED updated. Opening bracket deleted.
	AWU	Reply Sub – 9/12/20		Agrees that bracket should be deleted.	Para 7	
7	ABI	ABI sub – 25/11/2020	4.2(e)	Coverage Submits that the words ‘face or head massaging’ in PLED cl. 4.2(e) should constitute a separate provision as cl. 4.2(f).	Para 3.1	18/2/21: RESOLVED See [2021] FWCFB 858 at [20] PLED updated. New clause 4.2(f) as follows: ‘(f) face or head massaging’
	SDA	Reply Sub – 9/12/2020		Not opposed to ABI’s amendments.	Para 59	

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	AWU	Reply Sub – 9/12/20		Not opposed to the separation of ‘facial or body waxing’ from ‘face or head massaging’ at 4.2(e).	Para 54	
	Ai Group	Reply Sub – 9/12/2020		Not opposed to ABI’s amendments.	Para 27	
8	Ai Group	Ai Group sub – 25/11/2020	4.2(j)	Coverage States that the definition of ‘hair and beauty industry’ refers to ‘high frequency body treatments, including full body massage’. Objects to the drafting of PLED cl. 4.2(j) because it refers to these services in the reverse order ‘body massage including high frequency body treatments’, consequently narrowing the scope of the award’s coverage. An amended clause is provided reflecting the order in the definition.	Para 7-9	18/2/21: OUTSTANDING See [2021] FWCFB 858 at [21]
	SDA	Reply Sub – 9/12/2020	4.2(j)	Contrary to AIG, submits changes do not have a substantive effect.	Para 6	
	AWU	Reply Sub – 9/12/20	4.2(j)	Understands the HABIA definition and PLED definition to have the same effect.	Para 8	
9	Ai Group	Ai Group sub – 25/11/2020	4.3(a)	Coverage Objects to PLED cl. 4.3(a) and submits that HABIA cl. 4.5 related to on-hire arrangements should be retained. Submits that the coverage of an employee and their employer under PLED cl.4.3(a) would turn on whether the on-hire employee is working in	Para 10-14	18/2/21: OUTSTANDING See [2021] FWCFB 858 at [24]

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				the hair and beauty industry and does not appear to link coverage to whether the on-hire employee is engaged in the performance of work for an employer in the industry. Submits this approach may narrow the application of the coverage clause, for example an on-hire employee working as a receptionist at a business covered by the award may be excluded. Notes that the PLED omits to provide that the award only covers a labour hire employer in respect of on-hire employees while they are engaged in the performance of relevant work in the industry.		
	SDA	Reply Sub – 9/12/2020		Not opposed to AIG’s proposed amendments.	Para 7	
	AWU	Reply Sub – 9/12/20		Not opposed the replacement of PLED cl.4.3(a) with HABIA cl. 4.5.	Para 9	
10	Ai Group	Ai Group sub – 25/11/2020	4.5(d)	Coverage Objects to PLED cl. 4.5(d) due to concern that employers will be excluded from coverage as a result of engaging even one employee who is excluded from the award’s coverage by PLED cl.4.5(a) – 4.5(c). Submits this exceeds the current exclusion under HABIA cl. 4.2 – 4.4. Submits clause should be amended so that it only excludes employers in relation to the employees described at clauses 4.5(a) – 4.5(c). Suggested wording provided.	Para 15 - 16	18/2/21: OUTSTANDING See [2021] FWCFB 858 at [24]

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	SDA	Reply Sub – 9/12/2020		Not opposed to AIG’s proposed amendments.	Para 8	
	AWU	Reply Sub – 9/12/20		Not opposed to AIG’s proposed amendments.	Para 10	
11	Ai Group	Ai Group sub – 25/11/2020	4.6	Coverage Objects to PLED cl. 4.6 due to concerns about ambiguity. Submits that replacing the words ‘the employee’ with ‘it’ make is unclear whether the provision requires an assessment of the environment in which the <i>work</i> is normally performed or the environment in which the work is normally performed by <i>the employee</i> . Alternative wording is provided.	Para 17-19	18/2/21: RESOLVED See [2021] FWCFB 858 at [20] PLED updated. Clause 4.6 amended as follows: “... the work performed by the employee and to the environment in which the employee normally performs the work. ”
	SDA	Reply Sub – 9/12/2020		Not opposed to AIG’s proposed amendments.	Para 9	
	AWU	Reply Sub – 9/12/20		Not opposed to AIG’s proposed amendments.	Para 11	
12	Ai Group	Ai Group sub – 25/11/2020	7.2	Table 1—Facilitative provisions Submits that cl. 10.4 should be deleted from the table at cl. 7.2 because it is not a facilitative provision. Submits that cl. 10.4 enables an employer and employee to agree to vary an agreement reached under the Award, but variation to ‘the standard approach in an award provision’ is not allowed.	Para 20 - 21	18/2/21: RESOLVED See [2021] FWCFB 858 at [18] PLED updated. Reference to PLED clause 10.4 deleted.

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	SDA	Reply Sub – 9/12/2020		Does not oppose AIG’s proposed deletions and amendments.	Para 10	
	AWU	Reply Sub – 9/12/20		Not opposed to AIG’s proposed deletion of cl.10.4 from Table 1 at cl.7.2.	Para 12	
13	Ai Group	Ai Group sub – 25/11/2020	7.2	Table 1—Facilitative provisions Submits that cl. 15.2(c)(i) should be deleted from the table at cl. 7.2 because it is not a facilitative provision. Submits that cl. 15.2(c)(i) enables an employer and employee to agree to vary a roster, but variation to ‘the standard approach in an award provision’ is not allowed.	Para 22 - 23	18/2/21: RESOLVED See [2021] FWCFB 858 at [18] PLED updated. Reference to PLED clause 15.2(c)(i) deleted.
	SDA	Reply Sub – 9/12/2020		Does not oppose AIG’s proposed deletions and amendments.	Para 10	
	AWU	Reply Sub – 9/12/20		Not opposed to AIG’s proposed deletion of 15.2(c)(i) from Table 1 at cl.7.2.	Para 12	
14	Ai Group	Ai Group sub – 25/11/2020	7.2	Table 1—Facilitative provisions Objects to the description of cl. 16.1 appearing in the table at cl. 7.2 because it does not properly reflect the nature of the facilitative provision. Submits the word ‘timing’ should be replaced with ‘duration’	Para 24	18/2/21: RESOLVED See [2021] FWCFB 858 at [18] PLED updated. Clause 16.1 reference to ‘timing’ replaced with ‘duration’.
	SDA	Reply Sub – 9/12/2020		Does not oppose AIG’s proposed deletions and amendments.	Para 10	

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	AWU	Reply Sub – 9/12/20		Not opposed to AIG’s proposed variation to the description of cl. 16.1 in Table 1.	Para 12	
15	SDA	SDA sub – 1/12/2020	9	<p>Full-time employees</p> <p>Notes the inclusion of the words ‘over a period of no more than 4 weeks’ in PLED cl.9. Submits this suggests that employees may work hours in excess of 38 hours in any given week.</p> <p>Submits it is unclear how cl.9 and 22.2 interact and clarification is required.</p> <p>Submits that both the HABIA and PLED are unclear about whether overtime can be paid for work outside the rostering provisions. If overtime cannot be paid then any such work is a breach of the award.</p>	Para 6-8	18/2/21: OUTSTANDING See [2021] FWCFB 858 at [21]
	Ai Group	Reply Sub – 9/12/2020		Submits its proposed change at para 65 of its sub on 25/11/20 will address SDA’s concerns about the interaction between cl.9 and 22.2 and ensure the PLED is internally consistent and consistent with the HABIA.	Para 5	
16	SDA	SDA sub – 1/12/2020	10.3(a)	<p>Part-time employees</p> <p>Submits that the word ‘ordinary’ before ‘hours’ in cl.10.3(a) should be deleted and that the agreement should include all hours to be worked by the employee. Submits this approach is consistent with award such as the <i>General Retail Industry Award 2020</i>.</p>	Para 9 - 10	18/2/21: OUTSTANDING See [2021] FWCFB 858 at [21]

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	Ai Group	Reply Sub – 9/12/2020		Opposes SDA’s amendment. Submit it constitutes substantive change.	Para 6	
17	Ai Group	Ai Group sub – 25/11/2020	10.6	Part-time employees Objects that cl. 10.6 only refers to cl. 17. Submits the minimum rates payable to apprentices, trainees and graduates in cl. 18 should also be referenced. Alternative wording provided.	Para 25	18/2/21: RESOLVED See [2021] FWCFCB 858 at [20] PLED clause 10.6 updated as follows: ‘A part-time employee must be paid in accordance with clause 17—Minimum rates or clause 18—Apprentice, trainee and graduates, as applicable. ’
	SDA	Reply Sub – 9/12/2020		Supports the inclusion of the cross-reference proposed by AIG.	Para 11	
	AWU	Reply Sub – 9/12/20		Supports inclusion of cross-reference to cl. 18	Para 13	
18	Ai Group	Ai Group sub – 25/11/2020	11	Casual employees Provides a suggested a clause outlining ordinary hours of work for casual employees to be inserted at PLED cl. 11. Noting that PLED cl. 14.1 applies only to full-time employees, submits that the PLED does not clearly articulate the maximum weekly ordinary hours for casual employees, and this may have consequences for superannuation calculations and meeting s.147 of FW Act. Submits suggested clause is consistent with PLED 22.4(a).	Para 45-47	18/2/21: RESOLVED See [2021] FWCFCB 858 at [20] PLED updated. New clause 11.3 inserted as follows: 11.3 The ordinary hours of work for a casual employee: (a) may be no more than 38 ordinary hours per week; or (b) where the employee works in accordance with a roster, may be no more than 38
	SDA	Reply Sub – 9/12/2020		Supports AIG’s proposed changes.	Para 26	

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	AWU	Reply Sub – 9/12/20		Not opposed to AIG’s amendments.	Para 28	ordinary hours per week averaged over the course of the roster cycle.
19	Ai Group	Ai Group sub – 25/11/2020	11.3(a) (now 11.4(a))	Casual employees Objects that cl. 11.3(a) only refers to cl. 17. Submits the minimum rates payable to apprentices, trainees and graduates in cl. 18 should also be referenced. Alternative wording provided.	Para 26	18/2/21: RESOLVED See [2021] FWCFB 858 at [20] PLED updated. Renumbered clause 11.4(a) amended as follows: ‘(a) the minimum hourly rate in clause 17—Minimum rates or clause 18—Apprentice, trainee and graduates, as applicable for the classification in which they are employed; and’
	SDA	Reply Sub – 9/12/2020		Supports the inclusion of the cross-reference proposed by AIG.	Para 12	
	AWU	Reply Sub – 9/12/20		Supports inclusion of cross-reference to cl. 18.	Para 14	
20	Ai Group	Ai Group sub – 25/11/2020	11.4	Casual employees Submits cl. 11.4 should be deleted. Relies on arguments re cl. 23.1 (items 56 and 57).	Para 27	18/2/21: OUTSTANDING See [2021] FWCFB 858 at [21]
	SDA	Reply Sub – 9/12/2020		Objects to the deletion of PLED cl.11.4. Submits that, pending the rectification of an error in HABIA cl. 13.3, it is correct that casuals who work outside the span of hours are entitled to penalty rates.	Para 13-15	
	AWU	Reply Sub – 9/12/20		Supports the content of PLED cl.11.4 and 23.1 because it rectifies an error in the HABIA. Submits the penalty rate entitlements for casual employees was unintentionally altered and issue	Para 15, 16, 20	

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				regarding HABIA cl. 13.3 has been raised with the AM2017/51 Full Bench.		
21	Ai Group	Ai Group sub – 25/11/2020	11.5	Casual employees Submits that the reference to cl 22.2 appears to be an error and should be replaced with a reference to cl. 22.4.	Para 28	18/2/21: RESOLVED See [2021] FWCFB 858 at [18] PLED updated. Cross reference corrected.
	AWU	Reply Sub – 9/12/20		Agrees with the referencing error identified by AIG.	Para 21	
	SDA	SDA sub – 1/12/2020		Casual employees Submits the reference to cl.22.2 is incorrect and should be changed to cl. 22.4.	Para 11	
22	Ai Group	Ai Group sub – 25/11/2020	12.2	Apprentices Objects to PLED cl.12.2 due to concern it substantially alters the HABIA. Submits that cl. 12.2 creates a new award-derived obligation to engage apprentices in accordance with certain laws and it should be deleted.	Para 29 - 30	18/2/21: OUTSTANDING See [2021] FWCFB 858 at [21]
	SDA	Reply Sub – 9/12/2020		Disagrees AIG's sub. Submits clause does not require any additional substantive obligations and should not be deleted.	Para 17	
	AWU	Reply Sub – 9/12/20		Disagrees with the AIG's submission that cl. 12.2 should be deleted. Submits it does not impose any additional substantive obligation.	Para 22	

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23	Ai Group	Ai Group sub – 25/11/2020	12.3	Apprentices Objects to PLED cl. 12.3 due to concern it does not reflect any existing HABIA provision and it is confusing and misleading. Submits that apprentices can be engaged in some jurisdictions on a part-time basis and there is no justification for treating a part-time apprentice on the same basis as a full-time employee. Submits that the application of specific provisions of the instrument to part-time apprentices should be considered discreetly, having regard to the terms of the relevant instruments. Submits cl. 12.3 should be deleted. Notes option to insert HABIA cl. 19.5(a) as replacement.	Para 31 - 32	18/2/21: OUTSTANDING See [2021] FWCFB 858 at [24]
	SDA	Reply Sub – 9/12/2020		Not opposed to the inclusion of HABIA cl.19.5(f) in the PLED.	Para 18	
	AWU	Reply Sub – 9/12/20		Not opposed to replacing PLED cl.12.3 with HABIA cl.19.5(a).	Para 23	
24	SDA	SDA sub – 1/12/2020	12.5	Apprentices Submits that the wording of HABIA cl.19.5(i) should be retained, particularly the phrase ‘...work or be required to work’. Objects to deletion of the word ‘work’ as italicised above.	Para 12	18/2/21: RESOLVED See [2021] FWCFB 858 at [20] PLED updated. Clause 12.5 amended as follows: Except in an emergency, an apprentice must not work or be required to work employer must not require an apprentice to work overtime or shiftwork at any time that would
	Ai Group	Reply Sub – 9/12/2020		Not opposed to SDA’s amendment.	Para 8	

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						prevent their attendance at training in accordance with their training agreement.
25	Ai Group	Ai Group sub – 25/11/2020	12.6	Apprentices - training Submits that PLED does not include an equivalent to HABIA cl. 19.5(f) allowing an employer to opt to pay the relevant fees directly to the RTO. Submits PLED 12.6(c) is distinct to cl.19.5(f). Submits that HABIA cl. 19.5(f) should be retained in the PLED.	Para 33 - 34	18/2/21: OUTSTANDING See [2021] FWCFB 858 at [24]
	AWU	Reply Sub – 9/12/20		Not opposed to including HABIA cl.19.5(f) in the PLED. Notes that employers paying fees directly to a registered training organisation is not uncommon.	Para 24	
26	Ai Group	Ai Group sub – 25/11/2020	12.7	Apprentices – block release training Submits that the word ‘excess’ should be inserted before the references to ‘reasonable’ in PLED cl. 12.7. Submits that the term ‘excess’ denotes that the relevant costs are those that exceed what would normally be incurred. Therefore, its omission may broaden the costs an employer is liable to pay. Submits proposal is consistent with the decision [2013] FWCFB 5411 and similar provisions in other awards.	Para 35- 37	18/2/21: OUTSTANDING See [2021] FWCFB 858 at [24]
	SDA	Reply Sub – 9/12/2020		Not opposed to AIG’s proposed amendments.	Para 19	
	AWU	Reply Sub – 9/12/20		Not opposed to including the word ‘excess’ before ‘reasonable’ in cl. 12.7.	Para 25	

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27	Ai Group	Ai Group sub – 25/11/2020	12.7(d)(ii)	Apprentices – block release training Submits that the words ‘(where necessary)’ should be inserted after ‘accommodation costs’ in PLED cl. 12.7(d)(ii). The Exposure Draft does not limit the requirement to pay for accommodation costs to those that are necessary. Objects to the omission of the word ‘necessary’ in PLED cl. 12.7(d)(ii) due to concerns that, compared to HABIA cl. 19.5(c), it expands the circumstances in which an employer may be required to pay for accommodation costs.	Para 38-40	18/2/21: OUTSTANDING See [2021] FWCFCB 858 at [24]
	SDA	Reply Sub – 9/12/2020		Not opposed to the insertion of ‘where necessary’ after ‘accommodation. Submits change is consistent with HABIA cl.19.5(c).	Para 20	
	AWU	Reply Sub – 9/12/20		Not opposed to inserting ‘(where necessary)’ after ‘accommodation’; consistent with HABIA cl. 19.5(c).	Para 26	
28	ABI	ABI sub – 25/11/2020	13.2	Classifications Objects to the drafting of PLED cl. 13.2 because it omits that the relevant skills are those required by the employer to be exercised. Submits that the words ‘and skills that the employee is required to exercise’ should be replaced with ‘and skills that the employee is required by the employer to exercise’.	Para 3.2	18/2/21: OUTSTANDING See [2021] FWCFCB 858 at [21]

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	Ai Group	Reply Sub – 9/12/2020		Agrees with ABI that PLED cl.13.2 is deficient, however prefers its own solution at paras 41 – 44 of sub on 25/11/20.	Para 28	
	AWU	Reply Sub – 9/12/20		Opposes ABI’s submission regarding the classification clause for same reasons it opposes AIG’s submission.	Para 55	
	SDA	Reply Sub – 9/12/2020		Opposes ABI’s submission regarding the classification clause for same reasons it opposes AIG’s submission.	Para 60	
	Ai Group	Reply Sub – 9/12/2020		Opposes SDA’s amendments to the classifications clause. Refers to paras 41-44 of its sub on 25/11/2020.	Para 9	
29	Ai Group	Ai Group sub – 25/11/2020	13.2	Classifications Submits that the words ‘as determined by the employer’ at the end of HABIA cl. 16.2 should be inserted in PLED cl. 13.2. Submits that their omission make it unclear how the principal functions of the employee’s employment are determined.	Para 41-44	18/2/21: OUTSTANDING See [2021] FWCFB 858 at [21]
	SDA	SDA sub – 1/12/2020		Supports deletion of the words ‘as determined by the employer’ in HABIA cl. 16.2. Submits it is clear that the employer assesses the competencies of employees before assigning them a classification and that making this assessment necessarily requires determining what the ‘principal functions of the employment’ are.	Para 13	

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	SDA	Reply Sub – 9/12/2020		Refers to its previous subs supporting the drafting of PLED cl.13.2. Submits in the alternative that, if the current HABIA provision is retained, a note clarifying that the test is based on the duties actually performed would be of assistance.	Para 21-25	
	AWU	Reply Sub – 9/12/20		Opposes addition of the words ‘as determined by the employer’ to cl.13.2. Supports SDA’s reading of clause and submits AIG’s changes are not necessary.	Para 27	
30	AWU	AWU sub – 25/11/2020	14.1	Ordinary hours of work Submits that the span of hours in PLED cl. 14.4 is important for casual employees because it determines when ordinary rates and penalty rates apply in accordance with PLED cl. 11.4. It is problematic that PLED cl. 14.1 indicates cl.14.4 does not apply to casual employees. Suggests confusion can be resolved by deleting cl. 14.1 and specifying that PLED cl. 14.7, 14.8 and 14.9 only apply to full-time and part-time employees.	Para 3 - 4	18/2/21: OUTSTANDING See [2021] FWCFB 858 at [21]
	Ai Group	Reply Sub – 9/12/2020		Opposes AWU’s proposed changes. Submits HABIA cl.13.4 shows the span of hours does not apply to casual employees, so PLED cl.14.4 should not apply to casual employees either.	Para 16	

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31	AWU	AWU sub – 25/11/2020	14.4	Table 2—Span of ordinary hours Submits that the span of ordinary hours on Sunday appears to have inadvertently been increased by one hour to 6pm.	Para 5	18/2/21: RESOLVED See [2021] FWCFB 858 at [18] PLED updated. Typographical error — span of ordinary hours on Sunday at Table 2 corrected to 10am-5pm.
	SDA	SDA sub – 1/12/2020		Submits there is an error in the Sunday span of ordinary hours listed in Table 2. The span should be altered to reflect the Sunday span of ‘10.00 am – 5.00 pm’.	Para 14	
	Ai Group	Reply Sub – 9/12/2020		Supports AWU’s submission about Table 2.	Para 17	
	Ai Group	Reply Sub – 9/12/2020		Agrees with SDA’s submission.	Para 10	
32	Ai Group	Ai Group sub – 25/11/2020	15.1 - 15.1(a)	Rostering principles—all employees Submits that HABIA cl.13.4 excludes casual employees from the requirement at HABIA cl.29 for the preparation and notification of rosters. Submits that the rostering notification principle at PLED cl. 15.1(a) is expressed to apply to casual employees and this constitutes a substantive change to the HABIA. Submits that the words ‘all employees’ in PLED cl.15.1 should be changed to ‘full-time and part-time employees’.	Para 48 - 49	18/2/21: OUTSTANDING See [2021] FWCFB 858 at [21]
	SDA	Reply Sub – 9/12/2020		Opposes AIG’s suggestion to change the heading of PLED cl. 15.1. Submits cl.15.1 is aligned with HABIA cl.30. Noting cl.30 is not included on the list of provisions stated not	Para 27-28	

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				apply to casual employees. submits casuals are not intended to be excluded from clause.		
33	Ai Group	Ai Group sub – 25/11/2020	15.1(b)-(f)	Rostering principles—all employees Submits that HABIA cl.13.4 and 29 exclude casual employees from the principles at HABIA cl.30 applying to the preparation and notification of rosters. Submits that contrary to the HABIA, the rostering principles at PLED cl.15.1(b)-(f) are expressed to apply to casuals. Submits issue can be rectified by changing the words ‘all employees’ in PLED cl.15.1 to ‘full-time and part-time employees’.	Para 49 - 51	18/2/21: OUTSTANDING See [2021] FWCFCB 858 at [21]
	SDA	Reply Sub – 9/12/2020		Opposes AIG’s submission that HABIA cl.30 does not apply to casuals. Submits that cl. 30 would also be included in the list of provisions at HABIA cl.13.4 if it did not apply to casuals. PLED cl.15.1(b) – (f) should be retained and heading should not be amended.	Para 29	
	AWU	Reply Sub – 9/12/20		Opposes AIG’s proposed amendment to the heading of clause 15.1. Submits PLED cl.15.1 reflects HABIA cl.30. Cl.30 is omitted from the list of provisions which do not apply to casual employees. AIG’s proposal is a substantive change.	Para 29	

ITEM	PARTY	DOCUMENT	CLAUSE (PLED)	SUMMARY OF ISSUE	THEIR REF	NOTES
34	Ai Group	Ai Group sub – 25/11/2020	15.1(f)(i)	Rostering principles—all employees Submits that PLED cl.15.1(f)(i) should be deleted because it unnecessarily repeats PLED cl. 15.1(b).	Para 52	18/2/21: RESOLVED See [2021] FWCFB 858 at [20] PLED updated. Clause 15.1(f)(i) deleted and subsequent clauses renumbered.
	AWU	Reply Sub – 9/12/20		Opposes deleting cl.15.1(f)(i) as it clarifies the employer’s obligation not to roster employees to work ordinary hours on more than 5 days per week.	Para 30	
35	Ai Group	Ai Group sub – 25/11/2020	15.2	Rostering—full-time employees Submits that the note at the end of cl.15.2 should refer to clause 32.	Para 53	18/2/21: RESOLVED See [2021] FWCFB 858 at [18] PLED updated. Cross-reference in Note at the end of PLED clause 15.2 amended to read “clause 32—Dispute resolution”.
	AWU	Reply Sub – 9/12/20	15.2	Agrees the correct cross-reference is cl. 32.	Para 31	
36	Ai Group	Ai Group sub – 25/11/2020	15.3(d)	Rostering—part-time employees Submits that a reference to cl.10.4 should be added to cl.15.3(d) to ensure that any subsequent agreement to change an employee’s hours of work is taken into account.	Para 54	18/2/21: RESOLVED See [2021] FWCFB 858 at [20] PLED updated. Clause 15.3(d) amended as follows: ‘An employer may change an employee’s roster, but not the number of hours agreed under clause 10.3 or as varied under clause 10.4.’
	AWU	Reply Sub – 9/12/20		Not opposed to inserting a reference to cl.10.4.	Para 32	
37	Ai Group	Ai Group sub – 25/11/2020	15.3 NOTE	Rostering—part-time employees Submits that the note at the end of cl.15.3 should refer to clause 32.	Para 55	18/2/21: RESOLVED See [2021] FWCFB 858 at [18]

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	SDA	Reply Sub – 9/12/2020		Agrees with AIG’s correction.	Para 31	PLED updated. Cross-reference in Note at the end of PLED clause 15.3 amended to read “clause 32—Dispute resolution”.
	AWU	Reply Sub – 9/12/20		Agrees the correct cross-reference is cl. 32.	Para 33	
38	Ai Group	Ai Group sub – 25/11/2020	17.2 – Question to parties	Junior rates Submits that under the HABIA junior employees are to be classified consistent with all other employees. Accordingly, the classification structure would apply to junior employees in the same way as adult employees. Any requirement that junior employees holding trade qualifications must be paid adult rates would substantively vary the HABIA. Such a variation should not be dealt with as part of the plain language redrafting process.	Para 56 - 57	18/2/21: OUTSTANDING See [2021] FWCFB 858 at [21]
	SDA	SDA sub – 1/12/2020		Junior rates Submits that junior rates should be limited to Level 1 and Level 2 employees. Position confirmed in reply sub (para 63).	Para 20	
	Ai Group	Reply Sub – 9/12/2020		Opposes SDA’s proposal regarding junior rates. Submits it constitutes a substantive change.	Para 11	
	AWU	AWU sub – 25/11/2020		Junior rates Submits that payment of junior rates should be confined to employees falling with the Level 1 classification on the basis that employees performing work above this level are required to	Paras 12-17	

ITEM	PARTY	DOCUMENT	CLAUSE (PLED)	SUMMARY OF ISSUE	THEIR REF	NOTES
				<p>have at least Certificate II qualifications or are performing skilled work. The payment of junior rates is not appropriate for employees at Level 2 and above.</p> <p>If first position is not accepted, it is submitted that junior rates should be limited to classification Levels 1 and 2 as the relevant tradesperson rate is Level 3 and it is contrary to the minimum wages objective for tradespersons to be paid less than the full trade rate. Paragraph 80 of [2020] FWCFB 6301 is cited in support.</p> <p>If accepted that junior rates should not be applicable to Level 3 employees, it is submitted that junior rates should also not apply to classification levels 4, 5, and 6.</p> <p>Reply sub confirmed this position (see para 34).</p>		
	Ai Group	Reply Sub – 9/12/2020		Opposes AWU’s submission about junior rates. Submits if constitutes a substantive change.	Para 18	
39	Ai Group	Ai Group sub – 25/11/2020	18.1, 18.2, 18.3	<p>Apprentice, trainee and graduate rates</p> <p>Does not oppose the deletion of the rates applying to apprentices starting before 1 January 2014.</p> <p>Confirmed position in reply sub (see para 19).</p>	Para 58	<p>18/2/21: RESOLVED</p> <p>See [2021] FWCFB 858 at [18]</p> <p>PLED updated. Table in clauses 18.1(a), 18.2(a) and 18.3(a) deleted and consequential amendments made to clause number and table headings in clause 18 and Schedule B and to table definitions in clause 2.</p>
	AWU	AWU sub – 25/11/2020		Supports removing provisions setting a separate rate of pay for apprentices who commenced their apprenticeship before 1 January 2014 (cl. 18.1(a), 18.2(a) and 18.3(a)). Submits clauses are obsolete as relevant apprenticeships are	Para 18	

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				generally completed within 3 years and it's highly unlikely that any apprenticeships commenced prior to 1 January 2014 remain incomplete. Reply Sub maintained this position (see para 35).		
	SDA	Reply Sub – 9/12/2020		Supports the deletion of the rates applying to apprentices starting before 1 January 2014.	Para 64	
40	AWU	AWU sub – 25/11/2020	18.3 – question to parties	Apprentice, trainee and graduate rates Supports the inclusion of a definition for a 'pre-apprentice'. Suggested wording provided.	Para 11	18/2/21: OUTSTANDING See [2021] FWCFCB 858 at [21]
	Ai Group	Reply Sub – 9/12/2020		Submits that the AWU's proposed definition of 'pre-apprentice' requires discussion. Notes concerns with the terms in which the definition has been framed, including the proposal that the rates prescribed for pre-apprentices can be paid for up to a maximum of two weeks. The basis for that limitation is not clear.	Para 20	
41	Ai Group	Ai Group sub – 25/11/2020	18.4	Minimum rates for adult apprentices Submits that for consistency with HABIA cl.19.4, PLED cl.18.4 should be amended to clarify that it applies only to adult apprentices who commenced their apprenticeship on or after 1 January 2014.	Para 59	18/2/21: OUTSTANDING See [2021] FWCFCB 858 at [24]

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	SDA	Reply Sub – 9/12/2020		Not opposed to AIG’s amendments.	Para 32	
	AWU	Reply Sub – 9/12/20		Not opposed to AIG’s amendments.	Para 36	
42	SDA	SDA sub – 1/12/2020	20.4	Broken Hill allowance No objection to the changes made to the clause, however submits an explanatory note giving the quantum as a percentage (that is, 4.28% of the standard hourly rate) should be added for clarity.	Para 16	18/2/21: RESOLVED See [2021] FWCFB 858 at [20] No change necessary. Part of 4 yearly review process: percentages moved from Allowances clause to Monetary Allowances Schedule (FFIA PLED Schedule B).
	Ai Group	Reply Sub – 9/12/2020		Noting PLED Schedule B, submits that SDA’s amendment to the Broken Hill allowance is unnecessary.	Para 13	
43	SDA	SDA sub – 1/12/2020	20.7	Special clothing allowance Submits that the term ‘special clothing’ should be included in the list so that it reads, ‘If an employer requires an employee to wear any article of clothing, such as a uniform, dress, protective, special or other clothing, then the employer must:...’.	Para 15	18/2/21: OUTSTANDING See [2021] FWCFB 858 at [24]
	Ai Group	Reply Sub – 9/12/2020		Not opposed to SDA’s amendment to the special clothing allowance.	Para 12	
44	AWU	AWU sub – 25/11/2020	20.8(a)	Tool allowance Submits that PLED cl. 20.8(a) should be amended to expressly state that the tool allowance is payable in relation to scissors and	Para 19	18/2/21: RESOLVED See [2021] FWCFB 858 at [20]

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				other cutting instruments. Suggested wording provided.		PLED updated. Clause 20.8(a) amended as follows: '(a) If an employer requires an employee to provide and use their own tools (including, but not limited to, scissors and other cutting instruments), then the employer must pay the employee a tool allowance of \$8.99 per week.'
	Ai Group	Reply Sub – 9/12/2020		Not opposed to AWU's variation to the tool allowance.	Para 21	
45	SDA	SDA sub – 1/12/2020	20.9(a)	Travelling time reimbursement Notes that the PLED restricts the reimbursement to full-time or part-time employees. Submits that the clause should begin with 'If an employer requires an employee to work...' in order to capture any employee who is required to work somewhere other than their usual place of work.	Para 17	18/2/21: RESOLVED See [2021] FWCFCB 858 at [20] No change necessary. Current award clause 13.4 sets out provisions in the award that do not apply to casuals. Current award clause 21.5 (travelling time reimbursement) does not apply to casuals. The words 'full-time or part-time' were inserted to clarify that PLED clause 20.9(a) does not apply to casuals.
	Ai Group	Reply Sub – 9/12/2020		Noting HABIA cl.13.4 prescribes that the travelling time reimbursement entitlement does not apply to casual employees, opposes amendment because it constitutes a substantive change.	Para 14	
	AWU	Reply Sub – 9/12/20		Notes that HABIA cl.13.4 precludes casual employees from an entitlement to a travelling time reimbursement. Other subs by SDA are supported.	Para 57 and 56	

ITEM	PARTY	DOCUMENT	CLAUSE (PLED)	SUMMARY OF ISSUE	THEIR REF	NOTES
46	Ai Group	Ai Group sub – 25/11/2020	20.9(a)(ii)	Travelling time reimbursement Objects to PLED cl. 20.9(a)(ii). Submits that contrary to the HABIA provision, cl. 20.9(a)(ii) requires payment for any additional costs, potentially incorporating costs other than fares, without regard for whether they were reasonably incurred. Submits that the PLED is not clear that determining ‘additional’ costs involves a comparison against the fares that would reasonably be incurred in travel to and from the employee’s usual place of work. Alternative wording is provided.	Para 60-62	18/2/21: OUTSTANDING See [2021] FWCFB 858 at [24]
	SDA	Reply Sub – 9/12/2020		Not opposed to AIG’s proposal. Submits change is consistent with other awards.	Para 33-34	
	AWU	Reply Sub – 9/12/20		Not opposed to AIG’s amendments.	Para 37	
47	Ai Group	Ai Group sub – 25/11/2020	20.10(b)	Transport of employee reimbursement Objects to PLED cl. 20.10(b) because its reference to ‘commercial passenger vehicle’ may encompass ride sharing options, certain types of bus services and hire cars. Submits this is substantive change to the award because HABIA cl. 21.8(a) is limited to reimbursement for taxi fares only.	Para 63 - 64	18/2/21: OUTSTANDING See [2021] FWCFB 858 at [21]
	SDA	Reply Sub – 9/12/2020		Opposes AIG’s sub. Submits the term ‘commercial passenger vehicle’ is appropriate given the rising use of alternative transport operators. The requirement imposed by the word	Para 35	

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				‘reasonably’ in the clause will function to prevent employees from accessing more expensive options.		
	AWU	Reply Sub – 9/12/20		Accepts HABIA cl.21.8 confines reimbursement for travel to the cost of taxi fares. Submits reference to ‘commercial passenger vehicle’ is warranted given the increased use of other transport operators (e.g. Uber). The word ‘reasonably’ in cl. 20.10(b) will operate to prevent employees using more expensive options such as hire cars.	Para 38	
48	Ai Group	Ai Group sub – 25/11/2020	20.10(b)(ii)	Transport of employee reimbursement Submits that the words ‘whichever is applicable’ in cl.20.10(b)(ii) relate to cl.20.10(b)(i) and 20.10(b)(ii) and should therefore appear on a separate line below cl.20.10(b)(ii).	Para 66	18/2/21: RESOLVED See [2021] FWCFB 858 at [20] PLED amended as follows: ‘(b) The employer must reimburse the employee, as applicable , for any cost they reasonably incur in taking a commercial passenger vehicle: (i) from their usual place of residence to their place of work; or (ii) from their place of work to their usual place of residence, whichever is applicable. ’
	AWU	Reply Sub – 9/12/20		Not opposed to AIG’s amendments.	Para 39	
49	Ai Group	Ai Group sub – 25/11/2020	22.2	Payment of overtime for full-time employees Submits that PLED cl.22.2 is substantively different from the HABIA cl.31.2(a). Submits cl.22.2 should require the payment of overtime	Para 65	18/2/21: OUTSTANDING See [2021] FWCFB 858 at [21]

ITEM	PARTY	DOCUMENT	CLAUSE (PLED)	SUMMARY OF ISSUE	THEIR REF	NOTES
				rates if a full-time employee works in excess of an average of 38 ordinary hours per week.		
	SDA	Reply Sub – 9/12/2020		Opposes AIG’s position. Supports retaining PLED cl. 22.2 and notes it aligns with HABIA cl.31.2(a). Suggests additional wording to clarify that overtime applies after 38 hours, or an average of 38 hours where the usual roster has hours worked averaged over a roster cycle.	Para 39-40	
	AWU	Reply Sub – 9/12/20		Not opposed to AIG’s amendment.	Para 40	
50	AWU	AWU sub – 25/11/2020	22.2 and 22.5	<p>Payment of overtime for full-time employees</p> <p>Submits that the intent of HABIA cl. 31.2 and cl. 28.2 is to require the payment of overtime rates where an employee works in excess of an average of 38 ordinary hours per week and outside the span of ordinary hours.</p> <p>By contrast, it is submitted that the entitlement under PLED cl. 22.2 and 22.5 of full-time and part-time employees to overtime rates if they work outside the span of hours in PLED cl. 14.4 is ambiguous. The ambiguity arises because PLED cl. 22.2 only refers to the payment of overtime rates where an employee works in excess of 38 ordinary hours per week.</p> <p>Submits that PLED cl. 22.2 and 22.5 are deficient because they do not prescribe the payment of overtime rates when a full-time and part-time employee works in excess of the maximum daily hours in cl. 14.7 and 14.8.</p>	Paras 6 - 8	18/2/21: OUTSTANDING See [2021] FWCFB 858 at [21]

ITEM	PARTY	DOCUMENT	CLAUSE (PLED)	SUMMARY OF ISSUE	THEIR REF	NOTES
				Submits that if overtime rates are not payable for hours in excess of the maximum per day, the provisions must operate to prohibit the working of any additional hours.		
	Ai Group	Reply Sub – 9/12/2020		Opposes the AWU’s submissions about overtime. Submits the HABIA does not require the payment of overtime rates to full-time or part-time employees if they work outside the spread of hours or if they work more than 10.5 ordinary hours in a day. HABIA cl.31.2(a) entitles permanent employees to overtime rates if they work in excess of the number of ordinary hours prescribed by cl.28.2. This is a reference to the cap of an average of 38 ordinary hours prescribed by cl. 28.2, not the spread of hours. No HABIA provision requires the payment of overtime rates for time worked in excess of the maximum daily hours prescribed by cl. 28.3 for permanent employees.	Para 22-23	
51	SDA	Reply Sub – 9/12/2020	22.5	Overtime rates Submits 2nd reference to cl.22.2 should be corrected to cl.22.4.	Para 41	18/2/21: RESOLVED See [2021] FWCFB 858 at [18] PLED updated. Last cross-reference in lead-in words amended to be 22.4.
52	Ai Group	Ai Group sub – 25/11/2020	22.5	Overtime rates Submits that the reference to rostered days off in Table 16 should include a footnote referring to cl.23.2, otherwise it is not clear when those rates are payable.	Para 67	18/2/21: RESOLVED See [2021] FWCFB 858 at [20] PLED amended by inserting a new NOTE 2 as follows:

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	AWU	Reply Sub – 9/12/20		Not opposed to AIG’s amendment.	Para 41	“NOTE 2: Clause 23.2 sets out provisions relating to working on a rostered day off.”
53	AWU	AWU sub – 25/11/2020	22.5	Overtime rates Submits that the wording of Note 1 is currently inaccurate because the Sunday and public holiday rates have not been calculated in the manner stated in the note.	Para 9	18/2/21: RESOLVED See [2021] FWCFCB 858 at [20] PLED amended as follows: “NOTE 1: The overtime rates for casual employees for Monday to Saturday have been calculated by adding the casual loading specified in clause 11.3(b) to the overtime rates for full-time and part-time employees specified in clause 22.5.”
	Ai Group	Reply Sub – 9/12/2020		Agrees the note does not reflect the approach adopted in Table 16 in relation to Sunday and public holiday penalty rates. Supports converting the note to a footnote for Monday – Saturday rates in Table 16.	Para 25	
	SDA	Reply Sub – 9/12/2020		Supports submissions by the AWU, in particular regarding overtime rates.	Para 61-62	
54	Ai Group	Ai Group sub – 25/11/2020	23.1	Penalty rates Submits that the 2 nd and 3 rd rows of Table 17 should be deleted because the HABIA does not permit full-time and part-time employees to work ordinary hours in the circumstances described in those rows. Submits the reference to cl.22 is misleading because it potentially suggests that a permanent employee can work ordinary hours during such times and that if they do, they must be paid the rates in cl.22.	Para 68 - 69	18/2/21: OUTSTANDING See [2021] FWCFCB 858 at [21]

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55	Ai Group	Ai Group sub – 25/11/2020	23.1	Penalty rates Submits that the 2 nd and 3 rd rows of Table 17 should be deleted because the HABIA does not entitle casual employees to the penalty rates prescribed in those rows.	Para 70	18/2/21: OUTSTANDING See [2021] FWCFCB 858 at [21]
	SDA	Reply Sub – 9/12/2020		Opposes AIG’s proposal to delete the 2 nd and 3 rd rows of Table 17. Submits that casual employees are entitled to the penalty rates prescribed by the 2 nd (see HABIA cl. 13.3 and para 14 of reply sub) and 3 rd (see HABIA cl.31.2(c)) rows of Table 17. Notes hours listed in the 3 rd row are ordinary hours of work on a Saturday and attract a 33% loading.	Para 36-38	
56	Ai Group	Ai Group sub – 25/11/2020	23.2(a)	Rostered day off Submits that PLED cl.23.2(a) should be amended to ensure it is consistent with PLED cl.23.2(b) and 22.5: (a) Clause 23.1 applies if the An employer and employee <u>may</u> agree in writing that the employee will work on a day that is their rostered day off.	Para 71	18/2/21: OUTSTANDING See [2021] FWCFCB 858 at [21]
	SDA	Reply Sub – 9/12/2020		Opposes AIG’s submission. Submits that PLED drafting provides greater clarity for when the entitlement to the relevant penalty rates applies for working on a rostered day off.	Para 42	
	AWU	Reply Sub – 9/12/20		Opposes AIG’s amendment to cl. 23.2(a). Submits the words ‘clause 23.1 applies if’	Para 42	

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				ensure simplicity and ease of understanding when the entitlement to a 200% penalty rate for working on a rostered day off applies.		
57	Ai Group	Ai Group sub – 25/11/2020	24.2	Additional paid annual leave for certain shiftworkers Objects to PLED cl. 24.2 due to concern that, contrary to HABIA cl. 33.2, the shiftworker definition is not confined to seven day shiftworkers and as a result the additional leave entitlement is broader. Submits that the words ‘seven day’ should be inserted before ‘shiftworker’.	Para 72 - 73	18/2/21: RESOLVED See [2021] FWCFB 858 at [18] PLED updated. Omitted in error – the words ‘7-day’ have been inserted before ‘shiftworker’ in PLED clause 24.2.
	SDA	Reply Sub – 9/12/2020		Not opposed to AIG’s amendments.	Para 44	
	AWU	Reply Sub – 9/12/20		Not opposed to inserting the words ‘seven day’ before ‘shift worker’.	Para 44	
58	Ai Group	Ai Group sub – 25/11/2020	24.2	Additional paid annual leave for certain shiftworkers Submits that PLED cl.24.2 should be deleted because the award does not contemplate the performance of shiftwork and consequently cl. 24.2 has no work to do.	Para 74	18/2/21: OUTSTANDING See [2021] FWCFB 858 at [24]
	SDA	Reply Sub – 9/12/2020		Opposes deletion of cl.24.2. Submits award would be substantively changed.	Para 43	

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	AWU	Reply Sub – 9/12/20		Opposes deleting cl.24.2 (in addition to cl. 22.3(b)(ii) and 24.7(a) relating to shiftworkers). Submits that this is a substantive change.	Para 43	
59	Ai Group	Ai Group sub – 25/11/2020	24.3	<p>Annual leave loading</p> <p>Submits that PLED cl. 24.3(a) and 24.3(b) both state that an employee is entitled to an additional payment for accrued annual leave. Cl. 24.3(b) goes on to prescribe the quantum of the additional amount payable. While not abundantly clear what those amounts are to be paid in addition to, read alongside the NES, it appears that the PLED is purporting to require the payment of the prescribed amounts in addition to the employee’s base rate of pay. An example of the application of PLED cl. 22.3(b)(i) is provided and it is noted that a similar outcome would flow from cl. 22.3(b)(ii). Submits that HABIA cl.33.3(b) lacks clarity, however it is not intended to operate in the manner reflected in the PLED.</p> <p>Submits that cl. 24.3 should be amended to resolve issues. This may include deleting cl. 24.3(b)(ii) given the award does not contemplate shiftwork.</p>	Para 75-79	18/2/21: OUTSTANDING See [2021] FWCFB 858 at [21]
	SDA	Reply Sub – 9/12/2020		Submits that the ambiguity arising from the wording of PLED cl. 24.3(a) and 24.3(b) can be resolved by reverting to the wording of HABIA cl.33.3.	Para 45-46	

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				Objects to the deletion of PLED cl. 22.3(b)(ii) due to concerns it would change award substantively.		
	AWU	Reply Sub – 9/12/20		Notes the potential confusion arising from the wording of PLED cl.24.3(a) and 24.3(b). Favours retaining HABIA cl. 33.3 because it is simpler.	Para 45	
60	SDA	SDA sub – 1/12/2020	24.4(b)	Temporary close-down Objects to PLED cl.24.4(b) and submits it should be deleted because it is not in the HABIA.	Para 19	18/2/21: RESOLVED See [2021] FWCFB 858 at [20] No change necessary. Current award clause 33.5 states: ‘33.5 Requirement to take leave notwithstanding terms of the NES An employer may require an employee to take annual leave by giving at least four weeks’ notice as part of a close-down of its operations.’
	Ai Group	Reply Sub – 9/12/2020		Opposes deleting PLED cl.24.4(b). Submits clause reflects HABIA cl.33.5.	Para 15	
	AWU	Reply Sub – 9/12/20		Notes that PLED cl.24.4(b) reflects HABIA cl.33.5. Other subs by SDA are supported.	Para 58 and 56	
61	Ai Group	Ai Group sub – 25/11/2020	24.6(f)	Cashing out of annual leave Submits that the second sentence ‘Error! Reference source not found’ in cl.24.6(f) should be deleted.	Para 80	18/2/21: OUTSTANDING See [2021] FWCFB 858 at [24] Note: Error! Reference source not found’ changed to the correct clause reference of ‘24.3’ (see item 61)
	SDA	Reply Sub – 9/12/2020		Not opposed to AIG’s proposal.	Para 47	

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62	AWU	AWU sub – 25/11/2020	24.6(f)	Cashing out of annual leave Submits typographical error ‘Error! Reference source not found’ in PLED 24.6(f) should be amended to ‘24.3 – Annual Leave Loading’.	Para 10	18/2/21: RESOLVED See [2021] FWCFCB 858 at [18] PLED updated. Cross referenced to clause 24.3
	Ai Group	Reply Sub – 9/12/2020		Opposes AWU’s proposed change due to concerns with cl. 24.3. Submits the final sentence should be deleted.	Para 26	
63	Ai Group	Ai Group sub – 25/11/2020	24.7(a)	Excessive leave accruals: general provision Submits that if cl.24.2 is deleted in light of earlier submissions, then the reference to it in cl. 24.7(a) should be removed.	Para 81	18/2/21: OUTSTANDING See [2021] FWCFCB 858 at [24]
	SDA	Reply Sub – 9/12/2020		Opposes AIG’s submission on basis that it would substantively change award.	Para 48	
64	Ai Group	Ai Group sub – 25/11/2020	24.9(d)	Excessive leave accruals: request by employee for leave Submits that if cl.24.2 is deleted in light of earlier submissions, then the reference to it in cl.24.9(d) should be removed.	Para 82	18/2/21: OUTSTANDING See [2021] FWCFCB 858 at [24]
	SDA	Reply Sub – 9/12/2020		Opposes AIG’s submission on basis that it would substantively change award.	Para 49	
65	Ai Group	Ai Group sub – 25/11/2020	29.2 & 29.3	Substitution of public holidays by agreement Submitted that PLED cl.29.2 and 29.3 contain various drafting errors and should be replaced	Para 83	18/2/21: OUTSTANDING See [2021] FWCFCB 858 at [24]

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				with two clauses drafted to reflect HABIA cl.35.2 and 35.3. Suggested wording provided.		
	AWU	AWU sub – 25/11/2020		Submits the issue raised by AIG should be resolved by retaining the HABIA provision.	Para 47	
	SDA	Reply Sub – 9/12/2020		Submits that the PLED drafting does not reflect HABIA cl. 35.2, 35.4 and 35.4 and only accounts for part-days. Favours reverting to HABIA cl.35.2, 35.3 and 35.4 for ease and clarity. Alternatively, PLED cl. 29.2 and 29.3 should be replicated for a full-day public holiday.	50-51	
66	Ai Group	Ai Group sub – 25/11/2020	29.3(a)	Payment for work on public holiday or substitute day Submits that the words ‘Subject to clause 29.2(b)’ should be inserted at the beginning of cl. 29.3(a) because cl.29.3(a), stating that an employer <i>must</i> pay an employee at public holiday penalty rates if an employee works on a public holiday or substituted public holiday, potentially conflicts with the circumstances provided for by cl.29.3(b)(i) in which an employee will not be paid at public holiday penalty rates for working on a public holiday or a substituted public holiday.	Para 84 - 85	18/2/21: OUTSTANDING See [2021] FWCFB 858 at [24]
	AWU	Reply Sub – 9/12/20		Not opposed to AIG’s amendment to cl.29.3(a) but submits the correct cross reference is to clause 29.3(b).	Para 48	

ITEM	PARTY	DOCUMENT	CLAUSE (PLED)	SUMMARY OF ISSUE	THEIR REF	NOTES
67	Ai Group	Ai Group sub – 25/11/2020	34.1(c)	Transfer to lower paid duties on redundancy Submits that the reference to cl.34.1(b)(i) should be replaced with a reference to cl.34.1(b)(ii).	Para 87	18/2/21: RESOLVED See [2021] FWCFB 858 at [18] PLED updated. Typographical error – Changed to ‘34.1(b)(ii)’ as per the current award.
	SDA	Reply Sub – 9/12/2020		Supports AIG’s amendments.	Para 52	
	AWU	Reply Sub – 9/12/20		Agrees that the correct cross-reference is 34.1(b)(ii).	Para 49	
68	Ai Group	Ai Group sub – 25/11/2020	34.3(c)	Job search entitlement Submits that the reference to cl.34.3(a) should be replaced with a reference to cl.34.3(b)	Para 88	18/2/21: RESOLVED See [2021] FWCFB 858 at [18] PLED updated. Typographical error – Changed to ‘34.3(b)’ as per the current award.
	SDA	Reply Sub – 9/12/2020		Supports AIG’s amendments.	Para 53	
	AWU	Reply Sub – 9/12/20		Agrees the correct cross-reference is 34.3(c).	Para 50	
69	Ai Group	Ai Group sub – 25/11/2020	B.5.3	Hairdressing and beauty therapy apprentices starting an apprenticeship on or after 1 January 2014—ordinary and penalty rates Submits that the words ‘and beauty therapy apprentices’ in the heading at PLED cl. B.5.3 should be deleted because the rates appearing in the table are calculated in accordance with HABIA cl.19.1(b) and apply only to hairdressing apprentices. Notes that beauty therapy apprentice rates are provided by HABIA cl.19.2	Para 89 - 90	18/2/21: RESOLVED See [2021] FWCFB 858 at [18] PLED updated. The words ‘and beauty therapy apprentices’ deleted from B.5.3 and B.5.4. Two new tables inserted: B.5.5—Beauty therapy apprentices—ordinary and penalty rates

ITEM	PARTY	DOCUMENT	CLAUSE (PLED)	SUMMARY OF ISSUE	THEIR REF	NOTES
	SDA	Reply Sub – 9/12/2020		Supports AIG’s submission. Submits separate rates be included for beauty therapy apprentices.	Para 54-55	B.5.6—Beauty therapy apprentices—overtime rates
	AWU	Reply Sub – 9/12/20		Supports deleting ‘and beauty therapy’ from the heading of cl. B.5.3. Notes that two additional tables of rates must be included in the PLED for beauty therapy apprenticeships commenced before and after 1 January 2014.	Para 51-52	
70	Ai Group	Ai Group sub – 25/11/2020	B.5.4	Hairdressing and beauty therapy apprentices starting an apprenticeship on or after 1 January 2014—overtime rates Submits that the words ‘and beauty therapy apprentices’ in the heading at PLED cl. B.5.4 should be deleted because the rates appearing in the table are calculated in accordance with HABIA cl.19.1(b) and apply only to hairdressing apprentices. Notes that beauty therapy apprentice rates are provided by HABIA cl.19.2	Para 91 - 92	18/2/21: RESOLVED See [2021] FWCFCB 858 at [18] PLED updated. The words ‘and beauty therapy apprentices’ deleted from B.5.3 and B.5.4. Two new tables inserted: B.5.5—Beauty therapy apprentices—ordinary and penalty rates B.5.6—Beauty therapy apprentices—overtime rates
	SDA	Reply Sub – 9/12/2020		Supports AIG’s submission. Submits separate rates be included for beauty therapy apprentices.	Para 56-57	
	AWU	Reply Sub – 9/12/20		Supports deleting ‘and beauty therapy’ from the heading of cl.B.5.4. Notes that two additional tables of rates must be included in the PLED for beauty therapy apprenticeships commenced before and after 1 January 2014.	Para 51-52	

ITEM	PARTY	DOCUMENT	CLAUSE (PLED)	SUMMARY OF ISSUE	THEIR REF	NOTES
71	Ai Group	Ai Group sub – 25/11/2020	B.5.6	Pre-apprentices starting an apprenticeship on or after 1 January 2014—overtime rates Submits the rates in the final column require correction because they should be the same as the 3 rd and 4 th columns rates.	Para 93	18/2/21: RESOLVED See [2021] FWC FB 858 at [18] PLED updated. Rates amended to be the same as the rates in the 3 rd column.
	SDA	Reply Sub – 9/12/2020		Support AIG’s submission, but clarifies that the rates in the final column should be the same as the rates in the 3 rd column.	Para 58	
	AWU	Reply Sub – 9/12/20		Notes the rates contained in the final column of B.5.6 are incorrect and should be amended to reflect the correct rates of pay.	Para 53	