

## SUMMARY OF SUBMISSIONS

This table is a summary of submissions lodged for this award on or before 5.00pm on 25 May 2015.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1.	CFMEU	<a href="#">Sub-14/04/16</a>	5.1 & 5.2		<b>Facilitative provisions</b> Submits adjective “affected” should be added before the nouns “employee’s” or “individual” to make it clear that the particular provision is applicable to a specific employee or group of employees.	Para 2 – 4	Parties have agreed to add the word ‘affected’ before the word ‘employees’ – see Attachment A of <a href="#">Report to the Full Bench</a> .  CFMEU refers to [43] of Full Bench decision <a href="#">[2014] FWCFB 9412</a>
2.	CFMEU	<a href="#">Sub-02/03/15</a>	6.4(f)	10.3(c)	<b>Casual Employment</b> Current award states casual loading paid instead of ‘ <i>the other attributes of full-time and part-time employment</i> ’. Oppose change of word ‘attributes’ to ‘entitlements’ in Mining Award exposure draft - <a href="#">sub06/11/14</a> . Raise same issue in regard to this ED.	Para 4 – 6	Parties have agreed to change the word ‘entitlements’ to ‘attributes’ – see Attachment A of <a href="#">Report to the Full Bench</a> .  CFMEU submits wording should remain unchanged, Part-time and Casuals Full Bench in <a href="#">AM2014/196</a> and <a href="#">AM2014/197</a> <b>not</b> dealing with this matter.
		<a href="#">Sub-14/04/16</a>			Maintains opposition No reasonable grounds to justify the change and change may cause confusion.	Pages 1-5	
	CTG	<a href="#">Sub-18/04/16</a>	6.4(f)	10.3(c)	Makes no submission in response to CFMEU.	Para 19	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
2.	CFMEU	<a href="#">Sub-02/03/15</a>	8	16	<p><b>Ordinary hours of work</b> Seek that Saturday and Sunday penalty rates apply equally to shiftworkers when they work ordinary hours on those days. Provision should be made for payment of penalty rate for ordinary hours on public holidays for shiftworkers and others. Rate should be triple time consistent with Black Coal Mining industry.</p>	Items 7-11, p.2	Parties have not reached an agreed position on this clause – see Attachment C of <a href="#">Report to the Full Bench</a> .
	CTG	<a href="#">Sub-18/04/16</a>			<p>Variation proposed by CFMEU not a drafting and technical issue but a substantive claim. Opposes variation proposed. Wishes to be heard on any variation to provide for weekend and public holiday penalty rates.</p>		
3	CFMEU	<a href="#">Sub-14/04/16</a>	8.3(b) and 13.1		<p><b>Hours of work – Penalty rates – day workers</b> <i>In response to FWC query:</i> Each clause provides penalty rates to apply to different type of hours of work, either ordinary hours or overtime. As such each subclause applies separately.</p>	Para 5-9	Parties agree that this clause does not require any further variation – see Attachment B of <a href="#">Report to the Full Bench</a> .
	CTG	<a href="#">Sub-18/04/16</a>			<p><i>In response to FWC query:</i> No interaction between clauses 8.3(b) and 13.1. Clause 8.3(b) deals with payment for work during ordinary hours and cl 13.1 deals with payment for work outside ordinary hours.</p>		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
4.	CFMEU	<a href="#">Sub-14/04/16</a>	8.4(b)		<p><b>Hours of work – shiftwork</b>  <i>In response to FWC query:</i>  Award should provide Saturday, Sunday and public holiday penalty rates for shift workers. Weekend rates in cl 8.3(b) of ED should apply equally to shift workers and day workers.</p> <p>Notes issue of appropriate penalty rate for public holidays, whether ordinary hours or overtime. Rate for working ordinary time on public holiday by shiftworker should be 250% of minimum rate. Provision should, for fairness, equity and consistency, be 250% of minimum hourly rate for continuous shift workers when working overtime on public holiday</p>	Para 10 – 17	<p>Parties have not reached an agreed position on this clause – see Attachment C of the <a href="#">Report to the Full Bench</a>.</p> <p>See also cl 13.1, 13.3 and 18.2 of ED</p> <p>CFMEU may wish to put additional submissions on this issue as it involves substantive change.</p>
	CTG	<a href="#">Sub-18/04/16</a>			<p><i>In response to FWC query</i>  <i>Stevedoring Industry Award 1999</i> not appropriate comparator. Clause 8.4 primarily based on cl 20.5 of <i>Mining MA</i>. Coal Export MA made based on consent draft which did not provide weekend and public holiday penalties for shiftworkers. Not a drafting and technical matter. Party wishes to be heard further on any variation to these rates for shiftworkers.</p>	Para 6 – 11	<p>Party suggests this matter requires determination by a Full Bench.</p>

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
5.	CFMEU	<a href="#">Sub-14/04/16</a>	10.2(b)		<b>Apprentices</b> <i>In response to FWC query</i> Applicable adult weekly rate should be the “Maintenance Trades – Competent Rate”.	Para 18 – 20	Parties have agreed to replace the words ‘applicable adult weekly wage for their classification’ with the words ‘Maintenance Trades – Competent Rate’ – see Attachment A of <a href="#">Report to the Full Bench</a> .
	CTG	<a href="#">Sub-18/04/16</a>			Words “applicable adult weekly wage” be amended to refer to the “Maintenance Trades – Competent Rate”.	Para 12 – 14	
6.	CFMEU	<a href="#">Sub-14/04/16</a>	10.3(c) and (e)		<b>Adult apprentices</b> Agrees actual classification should be used rather than the current expression.	Para 21	Parties have agreed that this clause does not require any further variation – see Attachment B of <a href="#">Report to the Full Bench</a> .
	CTG	<a href="#">Sub-18/04/16</a>			Reference to “lowest adult classification” is to classification “entry level – introductory” appearing under heading “Maintenance Trades” in cl 10.1(a).	Para 15 – 17	
7.	CFMEU	<a href="#">Sub-14/04/16</a>	14.4(b)		<b>Payment for annual leave</b> Clause refers to payment for “rostered public holidays at 200% of the minimum hourly rate”. As rate for working on public holiday (ordinary hours or overtime) is 250% of minimum rate for day or shift workers, rate for rostered shifts on public holidays which fall whilst on annual leave should also be 250% of minimum hourly rate.	Para 16 – 17	Parties have not reached an agreed position on this clause – see Attached C of <a href="#">Report to the Full Bench</a> .  CFMEU may wish to put additional submissions on this issue as it involves substantive change.

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

CFMEU	Construction, Forestry, Mining and Energy Union – Mining and Energy Division
CTG	Coal Terminals Group
ED	Exposure draft