

REVISED SUMMARY OF SUBMISSIONS

This summary of submissions has been updated to include a summary of submissions received in accordance with the [Directions](#) issued by Deputy President Clancy on 14 December 2016. The is document was revised on February 2017 and again on 10 October 2017

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1.	NFF	Sub-9Jun2016	1.2		Title and Commencement Delete 'as varied'. Similar amendment has been made in relation to Horticulture, Wine Industry and Sugar Industry awards.	Para 4-6	AGREED – Report to Full Bench 25 August 2016
2.	NFF	Sub-9Jun2016	2.3		The National Employment Standards and this award Propose alternative words to advise employees by electronic means to accommodate where there is no notice board. Variation adopted in relation to Horticulture, Wine Industry and Sugar Industry awards. Proposed words provided.	Para 8-9	AGREED – Report to Full Bench 25 August 2016
3.	NFF	Sub-9Jun2016	3.2		Coverage Definition of 'silviculture and afforestation' is found in both cl. 3.2 and Schedule F. Preference for cl. 3.2.	Para 7	AGREED – Report to Full Bench 25 August 2016
4.	NFF	Sub-9Jun2016	3.3, 3.4		Delete 'set out at clauses 3.1 and 3.2' as reference unnecessary given silviculture and afforestation is a defined term.	Para 10-11	AGREED – Report to Full Bench 25 August 2016

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5.	AWU	Sub-17Apr2016	5.2		Facilitative provisions Clause 11.4(i) should be inserted as a facilitative provision.	Page 1, [4]	AGREED – sub clause 11.6(i) should be inserted into the table of facilitative provisions in clause 5.2 – ED to be updated.
	NFF	Sub-9Jun2016			Disagrees with AWU that 11.4(i) is facilitative provision. Perhaps AWU mean 11.6(i).	Para 12	
	AWU	Sub-18Jan2017			Clause 11.6(i) should be inserted as a facilitative provision.	Para 3.1	
6.	AWU	Sub-17Apr2016	6.3		Types of employment – Full-time employees Should refer to “ <i>an average of 38 ordinary hours per week</i> ”.	Page 1, [5]	OUTSTANDING – Report to Full Bench 25 August 2016
	NFF	Sub-9Jun2016			Disagrees with AWU. Inclusion of ‘ordinary’ unnecessary and may mean a full time employee who works outside span of hours could not be classified as full-time.	Para 13-14	
	AWU	Sub-18Jan2017			Confirms it continues to pursue claim.	Para 2	
	NFF	Sub-7Feb2017			Disagrees with AWU for reasons in submission of 9 June 2016. To preserve status quo and avoid unintended consequences, the word “ordinary” should not be added.	Para 7-17	
7.	NFF	Sub-9Jun2016	6.4(a)(i)		Types of employment – Part-time employees Typo – there appears to be ‘hours’ missing after 38.	Para 15	AGREED – Report to Full Bench 25 August 2016

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8.	AWU	Sub-17Apr2016	6.4(a)(i)		Types of employment – Part-time employees Should refer to “ <i>less than 38 ordinary hours per week</i> ”.	Page 1, [6]	OUTSTANDING – Report to Full Bench 25 August 2016 .
	NFF	Sub-9Jun2016			Disagrees definition should be limited to ordinary hours.	Para 16	
	AWU	Sub-18Jan2017			Confirms it continues to pursue claim.	Para 2	
	NFF	Sub-7Feb2017			The word “ordinary” should not be inserted.	Para 2	
9.	AWU	Sub-17Apr2016	6.4(b)		Types of employment – Part-time employees “ <i>These hours once fixed can only be varied by mutual agreement between the employer and the majority of employees whose hours will be affected</i> ” should be deleted.	Page 1, [7]	AGREED – Report to Full Bench 25 August 2016
	NFF	Sub-9Jun2016			Agrees with AWU.	Para 17	
10.	AWU	Sub-17Apr2016	6.5(b)		Types of employment – Casual employees – Casual loading 25% casual loading is not confined to ordinary hours under clause 10.4(b) and should be amended to read: “ <i>For each hour worked, a casual employee must be paid at least...</i> ”	Page 2, [8]	AGREED – Report to Full Bench 25 August 2016
	NFF	Sub-9Jun2016			Agrees with AWU – ‘ordinary’ should be removed from first line of cl. 6.5(b).	Para 18	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
11.	AWU	Sub-17Apr2016	8.2		Ordinary hours of work and rostering Clause should be amended to read: “ <i>Ordinary hours of work must not exceed an average of 38 per week over a work cycle agreed in accordance with clause 8.3</i> ”.	Page 2, [9]	AGREED – Report to Full Bench 25 August 2016
	NFF	Sub-9Jun2016			Disagrees with AWU, clause sufficiently clear.	Para 19	
	AWU	Sub-18Jan2017			Clause should be amended to read: “ <i>Ordinary hours of work must not exceed an average of 38 per week over an agreed and specified work cycle.</i> ”	Para 3.2	
12.	AWU	Sub-17Apr2016	9.2		Breaks – Delayed meal breaks <i>Parties are asked to confirm the penalty for waiting for a meal break. Part V, clause 2(b) of the pre-reform award (AN170096) provided for a ‘single time in addition to the appropriate rate’.</i> Penalty payment should be specified as 200% of the “applicable rate of pay”.	Page 2, [10]	OUTSTANDING – Report to Full Bench 25 August 2016 .
	NFF	Sub-9Jun2016			Does not support use of ‘applicable rate of pay’. Proposes alternate wording where employee is paid allowance of 100% ordinary hourly rate until break is taken.	Para 20-22	

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	AWU	Sub-18Jan2017			Clause should be amended to read: “ <i>An employee who is required to defer a meal break prescribed by clause 9.1 must, for the duration of such deferment, be paid at a rate of 200% of the applicable rate of pay.</i> ”	Para 3.3	
	NFF	Sub-7Feb2017			Opposes AWU’s new form of wording because it relies on phrase “applicable rate of pay”. Provides alternative form of wording.	Para 4-5	
13.	AWU	Sub-17Apr2016	9.3(b)		Breaks – Overtime crib breaks Replace “ordinary hourly rate” with “applicable rate of pay”.	Page 2, [11]	OUTSTANDING – Report to Full Bench 25 August 2016 .
	NFF	Sub-9Jun2016		Proposes alternative wording to AWU. Using time worked during ordinary hours.	Para 23		
	AWU	Sub-18Jan2017		Confirms it continues to pursue claim.	Para 2		
	NFF	Sub-7Feb2017		Replace “ordinary hourly rate” with “applicable rate of pay”.	Para 19		
14.	AWU	Sub-17Apr2016	10.2		Minimum wages Proposed amendment: “ <i>The <u>minimum hourly rate</u> can be calculated by dividing the <u>minimum weekly wage rate</u> by 38</i> ”.	Page 2, [12]	OUTSTANDING – Report to Full Bench 25 August 2016 .
	AWU	Sub-17Jan2017		Instead of being amended, clause may be removed altogether.	Para.3.4		
	NFF	Sub-20Jan2017		Agrees that clause 10.2 may be deleted.	Para 3-4		
	NFF	Sub-20Jan2017		Confirms it agrees to removal of clause 10.2.	Para 6		

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15.	NFF	Sub-9Jun2016	10.2, 10.3		Minimum wages Proposes alternative to using ‘actual weekly rate’ with ‘ordinary weekly rate’ throughout the award. Presents 3 options without preference.	Para 24-28	OUTSTANDING – Report to Full Bench 25 August 2016 .
	NFF	Sub-17Jan2017			Confirms it continues to pursue claim, stating a single approach to the ordinary rate of pay should be adopted – either using the current “actual weekly rate” concept or replacing it with “ordinary weekly rate”.	Para 8	
16.	AWU	Sub-17Apr2016	10.4(a)		Minimum wages – Pieceworkers Current provision does not require written agreement and specification of the piecework rate and suggests amending clause.	Page 2, [13]	OUTSTANDING – Report to Full Bench 25 August 2016 .
	NFF	Sub-9Jun2016			Opposes AWU’s proposal, would be substantial change. Proposes alternative set of wording, adopting ‘ordinary hourly rate’ proposed regarding clauses 10.2 and 10.3.	Para 29-30	
	NFF	Sub-7Feb2017			Opposes AWU’s proposal. Alternative clause provided.	Para 20-21	

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17.	AWU	Sub-17Apr2016	10.4(d) and (e)		Minimum wages – Pieceworkers Insert a provision stating that during periods of paid leave a pieceworker is entitled to receive the greater of the following: the rate of pay for the appropriate type of leave; or the employee’s average piecework earnings calculated in accordance with the definition of “base rate of pay” for award/agreement free pieceworkers contained in Reg 1.09 of the <i>Fair Work Regulations 2009</i> .	Pages 2-3, [14]	OUTSTANDING – Report to Full Bench 25 August 2016 .
	NFF	Sub-9Jun2016			Agrees revised approach is necessary. Disagrees with AWU proposal. Proposes alternative wording based on Reg 1.09 <i>Fair Work Regulations 2009</i> .	Para 31-33	
	AWU	Sub-18Jan2017			Confirms it continues to pursue claim.	Para 2	
	NFF	Sub-20Jan2017			Proposes wording to replace clauses 10.3(d) and (e) which addresses identified anomaly and is based on Reg 1.09 <i>Fair Work Regulations 2009</i> .	Para 8-14	
	NFF	Sub-7Feb2017			Does not support AWU’s proposed clauses.	Para 22-23	
18.	NFF	Sub-9Jun2016	10.5(c)(i)		Payment on termination Proposes to add ‘of termination’ after the word ‘notice’.	Para 34	AGREED – Report to Full Bench 25 August 2016

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19.	AWU	Sub-17Apr2016	11.3(b)		Allowances – Wage related allowances – Leading hand allowance Current wording arguably indicates an employee can receive their normal rate when working as a leading hand.	Page 3, [15]	OUTSTANDING – Report to Full Bench 25 August 2016 .
	NFF	Sub-9Jun2016			Disagrees with AWU. Employee whose rate is higher than under clause 11.3(b)(i) is not entitled to receive additional leading hand allowance. Reference in clause should be ‘ordinary week rate’ or ‘actual weekly rate’.	Para 35-36	
	AWU	Sub-18Jan2017			Confirms it continues to pursue claim.	Para 2	
	NFF	Sub-7Feb2017			Does not support AWU’s proposed change.	Para 24-25	
	AWU	Sub-9Feb2017			Wording of clause should be amended to clarify what allowance an employee appointed as a leading hand is entitled to.	Para 3.1-3.5	
20.	NFF	Sub-9Jun2016	11.4(b)		Allowances – Expense related allowances—fares and travelling time—Distant jobs Insert ‘away from, and’ after ‘on work’	Para 38	AGREED – Report to Full Bench 25 August 2016 .
21.	NFF	Sub-9Jun2016	11.4(c)		Allowances – Expense related allowances—fares and travelling time – Country radial areas After engage, delete ‘at’ and insert ‘on work for’	Para 38	AGREED – Report to Full Bench 25 August 2016 .

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22.	AWU	Sub-17Apr2016	11.4(d)(i)		Allowances – Expense related allowances—fares and travelling time –Travelling outside radial areas Should be amended to read “ <i>with a minimum payment of half an hour per day...</i> ”	Page 3, [16]	AGREED – Report to Full Bench 25 August 2016 .
	NFF	Sub-9Jun2016			Agrees with AWU proposal.	Para 37	
23.	NFF	Sub-9Jun2016	11.4(f)(i) and (v)		Expense related allowances – fares and travelling time – Provision of transport Cross references appear incorrect, should be clauses 11.4(d) and 11.4(l)(i) respectively.	Para 39-40	OUTSTANDING – Report to Full Bench 25 August 2016 .
	NFF	Sub-17Jan2017			Confirms it continues to pursue claim.	Para 8	
	NFF	Sub-20Jan2017			Cross references are incorrect. Clause 14.4(f)(i) should begin with “ <i>Subject to clause 11.4(d)...</i> ”	Para 15-18	
24.	AWU	Sub-17Apr2016	11.4(f)(iv)		Expense related allowances – fares and travelling time – Provision of transport Last sentence should refer to “ <i>clauses 13.6, 11.6(d) and 11.6(e) of this award</i> ” because clause 11.6(d) also prescribes a travelling time entitlement.	Page 3, [17]	OUTSTANDING – Report to Full Bench 25 August 2016 .
	NFF	Sub-9Jun2016			Cl.11.6(d) does not appear to relate to travel entitlements. 11.6(e) does, but operates in substitute rather than addition to clause 11.4.	Para 39	
	AWU	Sub-18Jan2017			Confirms it continues to pursue claim.	Para 2	

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	NFF	Sub-7Feb2017			Cross references in clause 11.4(f)(i) and (v) incorrect - should be clause 11.4(d) and 11.4(l)(i) respectively. Does not consider it appropriate to insert additional reference to clause 11.6(d) into clause 11.4(f)(iv).	Para 22-23	
24A	NFF	Sub-17Jan2017	11.4(i)(i) – (ii)	18.1(k)	Transfer during ordinary working hours <u>Change in legal effect</u> - removing words “ <i>provided that</i> ” from beginning of clause 11.4(i)(ii) makes it no longer clear that one allowance is paid in lieu of another. This would significantly increase reimbursement costs for travel during working hours.	Para 9	OUTSTANDING
25.	NFF	Sub-9Jun2016	11.4(l)(iii)		Expense related allowances – fares and travelling time Clause appears to replicate cl. 11.4(f)(ii) and could be deleted.	Para 42	OUTSTANDING – Report to Full Bench 25 August 2016 .
	NFF	Sub-17Jan2017			Confirms it continues to pursue claim.	Para 8	
	NFF	Sub-20Jan2017			To avoid duplication of terms, clause 11.4(l)(iii) can be deleted.	Para 19	

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26.	AWU	Sub-17Apr2016	11.6(a)(i)	18.5	Expense related allowances – living away from home allowances Unnecessary to have two dot points and suggests combining them.	Page 3, [18]	OUTSTANDING – Report to Full Bench 25 August 2016 .
	NFF	Sub-9Jun2016			To avoid unintended consequences add <i>'to which it is not reasonable to expect them to return each night; and'</i> , and from 11.6(a)(ii) delete <i>'usual'</i> .	Para 43	
	NFF	Sub-17Jan2017			Confirms it continues to pursue claim.	Para 8	
	NFF	Sub-17Jan2017			Change in legal effect - removing words <i>"to which it is not reasonable to expect them to return each night"</i> means employers are no longer able to assert that employee can reasonably return home after work and so is not entitled to allowance. Insertion of word <i>'usual'</i> before <i>'place of residence'</i> limits scope of the rule regarding <i>'false statements'</i> .	Para 9	
	AWU	Sub-18Jan2017			Confirms it continues to pursue claim.	Para 2	
	NFF	Sub-20Jan2017			Proposed wording provided to deal with issue identified in previous submissions.	Para 20-24	
	NFF	Sub-7Feb2017				Relies on submission of 20 January 2016 and proposes wording.	

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27.	NFF	Sub-9Jun2016	11.6(c)(iv)		Expense related allowances – living away from home allowances Should be amended to remove the last sentence, which provides for disagreements to be referred to FWC, as covered by dispute resolution cl. 24.		OUTSTANDING – Report to Full Bench 25 August 2016 .
	NFF	Sub-17Jan2017			Confirms it continues to pursue claim.	Para 8	
	NFF	Sub-20Jan2017			Delete last sentence of clause to avoid duplication.	Para 25-27	
28.	NFF	Sub-9Jun2016	11.6(d)(i)	18.5(d)(i)	Expense related allowances – living away from home allowances – camping out Proposes for it to be redrafted to reflect current award. Proposed wording provided.	Para 45	OUTSTANDING – Report to Full Bench 25 August 2016 .
	NFF	Sub-17Jan2017			Confirms it continues to pursue claim.	Para 8	
	NFF	Sub-17Jan2017			Change in legal effect - Clause should be clarified so that whether it is ‘necessary to house an employee in a camp’ is a separate question to the existence of one of the three circumstances of employment.		
	NFF	Sub-20Jan2017			Proposed wording provided to deal with issue identified in previous submissions.	Para 28-37	

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29.	NFF	Sub-9Jun2016	11.6(d)(iv)		Expense related allowances – living away from home allowances – camping out Propose to make it clear agreement on fee is a matter between ‘the parties’ or ‘the employer and the employee’.	Para 46	OUTSTANDING – Report to Full Bench 25 August 2016 .
	NFF	Sub-17Jan2017			Confirms it continues to pursue claim.	Para 8	
	NFF	Sub-20Jan2017			Confirms words “between the parties” should be retained or replaced with “between the employer and employee(s)”.	Para 34-37	
30.	NFF	Sub-9Jun2016	11.6(e)		Expense related allowances – living away from home allowances – Travelling expenses Proposes addition of wording to subclauses 11.6(e)(i)-(iv) and replacing cross-reference in 11.6(e)(iv) with reference to 11.6(e)(i)-(iii).	Para 47	OUTSTANDING – Report to Full Bench 25 August 2016 .
	NFF	Sub-17Jan2017			Confirms it continues to pursue claim.	Para 8	
	NFF	Sub-20Jan2017			Proposes revision of wording as per submission of 9 June 2016 to reduce scope for disputes over meaning.	Para 38-39	

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31.	AWU	Sub-17Apr2016	13.3(a)		Overtime and penalty rates – Rest period after overtime duty Clause would be clearer if it stated: <i>“Overtime will be arranged so that employees have at least 10 consecutive hours off duty after completing the overtime”</i> .	Page 3, [19]	OUTSTANDING – Report to Full Bench 25 August 2016 .
	NFF	Sub-9Jun2016			Disagrees with AWU. No change required.	Para 48	
	AWU	Sub-18Jan2017			Confirms it continues to pursue claim.	Para 2	
	NFF	Sub-7Feb2017			Does not oppose AWU’s proposed wording.	Para 29	
32.	NFF	Sub-9Jun2016	13.5(a)(ii)		Weekend and public holiday work Propose change ‘the Saturday following Good Friday’ to ‘Easter Saturday’.	Para 49	AGREED – Report to Full Bench 25 August 2016 .
33.	AWU	Sub-17Apr2016	13.6(a)(i), (ii)		Overtime and penalty rates – Call-outs – Monday to Friday <i>Parties are asked to comment on how clauses 13.6(a)(i) and 13.6(a)(ii) interact, given they provide for two different minimum engagement periods.</i> Clause 13.6(a)(i) applies if less than 2 hours of work is performed on the call-out. If more than 2 hours of work is required on the call-out, the superior entitlements in clause 13.6(a)(ii) apply.	Page 4, [20]	AGREED – Report to Full Bench 25 August 2016 (that clause 13.6(a)(i) applies if less than 2 hours of work are performed on the call-out and if more than 2 hours of work are required on the call-out, the entitlements in clause 13.6(a)(ii) apply).

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	NFF	Sub-9Jun2016			Agrees with AWU, clause provides for min 3 hour engagement for people who have left for the day then recalled to work. Cl. 13.6(a)(ii) extends min engagement period to 4 hours if actual time worked during the call out is 2 hours or more.	Para 50-51	
34.	AWU	Sub-17Apr2016	14.11		Shiftwork – Saturdays Words after the first comma should be: “ <i>inclusive of time worked for accrual purposes as prescribed in clause 14.5</i> ”.	Page 4, [21]	AGREED – Report to Full Bench 25 August 2016 .
	NFF	Sub-9Jun2016			Agrees with AWU, ED should reflect current award.	Para 52	
35.	AWU	Sub-17Apr2016	15.7	27	Bushfire fighting – Monday to Friday payment Term “applicable rate of pay” may be more appropriate than “ordinary hourly rate” to reduce the risk of a shiftworker falling onto a lower rate when they commence fighting a fire because shift loadings are not included in “ordinary hourly rate”.	Page 4, [22]	OUTSTANDING – Report to Full Bench 25 August 2016 .
	NFF	Sub-9Jun2016			Does not support use of ‘applicable rate of pay’, this approach has been opposed in relation to other agricultural awards. Not clear whether shiftwork provisions operate in situations where a fire is burning out of control. NFF view is cl. 15 operates in exclusion of other hours	Para 53-54	

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					of work and penalty provision and only for a limited time, after which an employee returns to normal duty (see cl. 15.14)		
	NFF	Sub-17Jan2017			Confirms it continues to pursue claim.	Para 8	
	AWU	Sub-18Jan2017			Confirms it continues to pursue claim.	Para 2	
	NFF	Sub-20Jan2017			Shift work provisions in award and ED – insofar as they deal with rates of pay, breaks and allowances - do not apply when an employee is fighting bushfires.	Para 40-47	
	NFF	Sub-7Feb2017			Does not agree with insertion of term “applicable rate of pay”. Prefers “ordinary hourly rate”.		
36.	NFF	Sub-9Jun2016	15.11		Bushfire fighting – Stand-by Should be expressed as operating ‘Despite clause 15.11(e)’	Para 55	AGREED – Report to Full Bench 25 August 2016
37.	NFF	Sub-9Jun2016	15.14(a)		Bushfire fighting – Resumption of normal duties Last word of clause, ‘hours’, should be replaced with ‘time that occurs during the break’ to align with current award.	Para 56	AGREED – Report to Full Bench 25 August 2016
38.	AWU	Sub-17Apr2016	16.4		Annual leave – Requirement to take leave Clause should be deleted in preference for model terms developed during AM2014/47 .	Page 4, [23]	AGREED – Report to Full Bench 25 August 2016 (wording of clause will be changed as a result of the Annual Leave Common issue decision).
	NFF	Sub-9Jun2016			Clause likely to be varied following recent decision AM2014/47 .	Para 57	

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39.	AWU	Sub-17Apr2016	16.5(b)	29.5(b)	Annual leave – Payment of annual leave Clause should be amended to read: “ <i>an additional loading of 17.5% of the ordinary hourly rate per hour of leave taken</i> ”.	Page 4, [24]	OUTSTANDING – Report to Full Bench 25 August 2016 .
	NFF	Sub-9Jun2016			‘Ordinary hourly rate’ should be replaced to reflect current award provision with 17.5% loading on the minimum rate.	Para 58	
	AWU	Sub-18Jan2017			Confirms it continues to pursue claim.	Para 2	
	NFF	Sub-7Feb2017			Retain wording in current award.	Para 32-34	
40.	AWU	Sub-17Apr2016	Schedule A.1		Summary of Hourly Rates of Pay – Ordinary hourly rate Delete “all” appearing before the words “industry and special allowances”.	Page 4, [25]	AGREED – Report to Full Bench 25 August 2016 .
	NFF	Sub-9Jun2016			Agrees with AWU, ‘all’ should be removed.	Para 59	
41.	AWU	Sub-17Apr2016	Schedule A.2.3		Summary of Hourly Rates of Pay – Full-time and part-time shiftworkers—ordinary, penalty rates and overtime Fire fighting rates should be included as they have been included in A.2.1.	Page 4, [26]	OUTSTANDING – Report to Full Bench 25 August 2016 .
	NFF	Sub-9Jun2016			Bushfire fighting provisions are stand alone provisions. There should be separate table that applies generally to bushfire fighting (without reference to whether a person is shiftworker or not).	Para 60	

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	AWU	Sub-18Jan2017			Confirms it continues to pursue claim.	Para 2	
	NFF	Sub-7Feb2017			Bushfire fighting provisions are stand-alone provisions and should be in a separate table that applies only to bushfire fighting.	Para 35	
42.	AWU	Sub-17Apr2016	Schedule A.2.3		Summary of Hourly Rates of Pay – Full-time and part-time shiftworkers—ordinary, penalty rates and overtime Heading for the column “5 successive shifts” should be “ <u>less than 5 consecutive shifts</u> ”.	Page 4, [27]	AGREED – Report to Full Bench 25 August 2016 .
	NFF	Sub-9Jun2016			Agree with AWU.	Para 61	
43.	AWU	Sub-17Apr2016	Schedule A.2.3		Summary of Hourly Rates of Pay – Full-time and part-time shiftworkers—ordinary, penalty rates and overtime Should be a separate column for Sundays – this could be expressed as 200% for all hours worked.	Page 4, [28]	OUTSTANDING – Report to Full Bench 25 August 2016
	NFF	Sub-9Jun2016			Current award does not specify Sunday loading for shiftworkers, this reflects terms of pre-reform <i>Silviculture and Afforestation Award (Tas)</i> . Clause 13.5(b)(i) does not apply to shiftworkers. Clause 14.12 includes new cross-reference to shiftwork rates of Sunday and public holiday, this cross-reference is not in current award.	Para 62	

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	AWU	Sub-18Jan2017			Confirms it continues to pursue claim.	Para 2	
	NFF	Sub-7Feb2017			Relies on submission of 9 June 2016.	Para 36	
	AWU	Sub-9Feb2017			Proposes inserting column that outlines applicable penalty rate for full-time and part-time shiftworkers. Shiftworkers under current award are entitled to penalty rate for working on Sundays. Clause 13.5(b)(i) applies to all employees. Clause 14.10 excludes Saturdays, Sundays and holidays because applicable penalty rate otherwise applies.	Para 4.1.1-4.1.4.	
44.	AWU	Sub-17Apr2016	Schedule A.3		Summary of Hourly Rates of Pay – Casual employees Suggests including overtime rates for casuals.	Page 4, [30]	OUTSTANDING – Report to Full Bench 25 August 2016
	NFF	Sub-9Jun2016			Reserve right to comment on any revised table.	Para 66	
	AWU	Sub-18Jan2017			Confirms it continues to pursue claim.	Para 2	
	NFF	Sub-7Feb2017			Seeks opportunity to comment on any inclusion of overtime rights for casuals in final version of table at Schedule A.3 once published.	Para 37	
45.	NFF	Sub-9Jun2016	Schedule A.3.1		Casual employees – rates of pay Bushfire provisions are ‘stand alone’, these appear independent to operation of other penalties.	Para 64	OUTSTANDING – Report to Full Bench 25 August 2016
	NFF	Sub-17Jan2017			Confirms it continues to pursue claim.	Para 8	

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	NFF	Sub-20Jan2017			Provisions dealing with rates of pay for employees fighting bushfires should be reflected as 'stand alone' provisions in the Schedule.	Para 48	
46.	AWU	Sub-17Apr2016	Schedule A.3.2		Summary of Hourly Rates of Pay – Casual employees – Casual shiftworkers—ordinary and penalty rates A Sunday rate of 225% for all hours worked should be inserted and bush fire fighting rates may be required as they appear in A.3.1.	Page 4, [29]	OUTSTANDING – Report to Full Bench 25 August 2016
	AWU	Sub-18Jan2017			Confirms it continues to pursue claim.	Para 2	
	NFF	Sub-7Feb2017			Current award does not specify a loading for Sunday work for shiftworkers.	Para 38	
	AWU	Sub-7Feb2017			Proposes inserting column that outlines applicable penalty rate for casual shiftworkers. Shiftworkers under current award are entitled to penalty rate for working on Sundays. Clause 13.5(b)(i) applies to all employees. Clause 14.10 excludes Saturdays, Sundays and holidays because applicable penalty rate otherwise applies.	Para 4.1.1-4.1.4.	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
47.	NFF	Sub-9Jun2016	Schedule D.2		National Training Wage Changes to Commonwealth VET model require updating of language. Definition of 'traineeship' and 'training packages' should be updated to refer to Ministerial Council for Tertiary Education and employment, in place of relevant Industry Skills Council and National Quality Council. Wording provided.	Para 67-69	REFERRED – Full Bench re National Training Wages – Report to Full Bench 25 August 2016
48.	NFF	Sub-9Jun2016	Schedule D.3.3		National Training Wage – Coverage <i>Parties are asked to identify “any training program which applies to the same occupation and achieves essentially the same training outcome as an existing apprenticeship in an award as at 25 June 1997” that they consider should not be covered by this Schedule.</i> NFF not aware of any training programs which apply.	Para 70	REFERRED – Full Bench re National Training Wages – Report to Full Bench 25 August 2016 .
49.	NFF	Sub-9Jun2016	Schedule D.7.3		National Training Wage – Allocation of Traineeships to Wage Levels Agri-Food, Amenity Horticulture, Conservation and Land Management and Rural Production training packages have been consolidated into one training package titled 'Agriculture, Horticulture and Conservation and Land Management' in Wage Level C.	Para 71-72	REFERRED – Full Bench re National Training Wages – Report to Full Bench 25 August 2016 .

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
50.	NFF	Sub-9Jun2016	Schedule E		Part-day public holidays Note that this clause is likely to be revised following AM2014/301 Public Holidays common issue proceedings.	Para 73	REFERRED – Full Bench re Public Holidays– Report to Full Bench 25 August 2016 .
51.	AWU	Sub-17Apr2016	Schedule F		Definitions Definition of “silviculture and afforestation” is not needed as it already appears in clause 3.2.	Page 5, [31]	AGREED – Report to Full Bench 25 August 2016 .

List of abbreviations (in alphabetical order)

AWU	The Australian Workers’ Union
ED	Exposure Draft of the <i>Silviculture Award 2010</i>
NFF	National Farmers Federation