

### REVISED SUMMARY OF SUBMISSIONS – TECHNICAL AND DRAFTING

This table is a summary of proposed variations lodged for this award on or before 5.00pm on 29 November 2016. No notes arose out of the hearing held on 6 December 2016 ([Transcript](#)). This summary has been updated to include notes arising from conference held on for 15 December 2016 ([Transcript](#)) and subsequent submissions and correspondence.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1	ABI& NSWBC	<a href="#">Sub – 01/07/16</a>	1	<b>Title and commencement</b> The words “as varied” should be removed from cl 1.2.	Para 2.2; page 4	RESOLVED  No change – <a href="#">Transcript</a> of 15/12/16 at [PN6]
2	HSU	<a href="#">Sub – 30/06/16</a>	2	<b>Definitions – casual ordinary hourly rate</b> The definition of “casual ordinary hourly rate” should be deleted as it is not used anywhere in the award.	Para 12; page 4	RESOLVED  The term “casual ordinary hourly rate” is used in Schedule B.2—Casual employees
3	AWU	<a href="#">Sub – 6/07/16</a>	2 & 11	<b>Definitions – casual ordinary hourly rate; and Casual Employment</b> Delete “casual ordinary hourly rate” from cl.2 and insert “The casual loading is payable for all purposes.” at start of cl.11.4	Page 1	RESOLVED  No change – <a href="#">Transcript</a> of 15/12/16 at [PN16-35]
4	HSU	<a href="#">Sub – 30/06/16</a>	2	<b>Definitions – ordinary hourly rate</b> Award contains a single classification structure with grades 1-7 so clause should reference an employee’s grade as opposed to the “employee’s classification”. Proposed wording provided.	Paras 6-8; page 3	RESOLVED  No change – <a href="#">Transcript</a> of 15/12/16 at [PN35-49]
5	HSU	<a href="#">Sub – 30/06/16</a>	3.3	<b>National Employment Standards and this award</b>	Para 13; page 4	RESOLVED

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				Reinstate words “whichever makes them more accessible”		No change – <a href="#">Transcript</a> of 15/12/16 at [PN50-55]
	ABI& NSWBC	<a href="#">Reply sub – 22/07/16</a>		Current wording consistent with Decision of 23 December 2014 [2014] FWCFB 9412.	Para 6.1; page 4	
6	HSU	<a href="#">Sub – 30/06/16</a>	4	<b>Coverage</b> Clause 4.1 could be split into 2 at start of second paragraph. Clause 4.3 should sit under cl. 4.5 since it is one of the areas the award does not cover.	Para 16-18; page 4	RESOLVED  Clause 4.1 split into 2 separate clauses – <a href="#">Transcript</a> of 15/12/16 at [PN56-61]
7	NDS	<del><a href="#">Sub – 18/07/16</a></del>	4	<del><b>Coverage</b> New award must include ongoing recognition of right of ADEs to continue using award.</del>	Page 2	REFERRED  <del>Substantive issue – <a href="#">Transcript</a> of 15/12/16 at [PN62-85]; confirmed in <a href="#">Statement</a> of 20/12/16</del>
8	NDS	<del><a href="#">Sub – 18/07/16</a></del>	4	<del><b>Coverage</b> New award must include ongoing recognition of right of organisations covered by award to use pro rata wage assessment tools other than the Supported Wage System (SWS).</del>	Page 2	REFERRED  Substantive issue – <a href="#">Transcript</a> of 15/12/16 at [PN62-85]; confirmed in <a href="#">Statement</a> of 20/12/16
9	NDS	<del><a href="#">Sub – 18/07/16</a></del>	4	<del><b>Coverage</b> New criteria should be developed to define employers covered by award.</del>	Page 2	REFERRED  Substantive issue – <a href="#">Transcript</a> of 15/12/16 at [PN62-85] ; confirmed in <a href="#">Statement</a> of 20/12/16
10	ABI&	<a href="#">Sub – 01/07/16</a>	5	<b>Effect of variations made by the Fair Work</b>	Para 2.1; page	RESOLVED

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	NSWBC			<b>Commission</b> Clause more appropriately located as a sub-clause of 'Title and Commencement' clause after cl. 1.2 rather than as a standalone clause.	4	See: <a href="#">[2017] FWCFCB 3433</a> at [321]  No change – <a href="#">Transcript</a> of 15/12/16 at [PN85]
11	AWU	<a href="#">Sub – 6/07/16</a>	11.1	<b>Casual Employment</b> Clause is in conflict with minimum engagement requirement in cl. 11.6 as describes a casual employee as an employee engaged on an hourly basis. Reference to maximum hours per week is suggested and proposed wording to replace cl.11.1 provided.	Pages 1 - 2	RESOLVED]  No change – <a href="#">Transcript</a> of 15/12/16 at [PN86]
	ABI& NSWBC	<a href="#">Reply sub – 22/07/16</a>		Oppose AWU's submission, seeks to introduce new definition of "casual employee".	Para 6.2; page 4	
12	AWU	<a href="#">Sub – 6/07/16</a>	11.2 & 11.4	<b>Casual Employment</b> Swap locations of cl. 11.3 and 11.4 due to close conceptual relationship between them.	Page 1	RESOLVED  Order of clauses changed – <a href="#">Transcript</a> of 15/12/16 at [PN87-89]
13	HSU	<a href="#">Sub – 30/06/16</a>	12	<b>Classifications</b> Clause may be better located at cl 15— Minimum wages.	Para 5; page 3	RESOLVED  No change – <a href="#">Transcript</a> of 15/12/16 at [PN91-94]
14	HSU	<a href="#">Sub – 30/06/16</a>	15.2	<b>Minimum wages</b> Clause 15.2 cross references application of minimum rate of pay according to grades in table, with clauses 15.3, 15.5 and 16. Only	Para 19; page 5	RESOLVED  Cross reference amended as reference to 15.3

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				cl.16 (Wage assessment—employees with a disability) relevant to minimum rates.		changed to 15.4 – <a href="#">Transcript</a> of 15/12/16 at [PN95]
15	ABI& NSWBC	<a href="#">Sub – 01/07/16</a>	15.3 (d) and (e)	<b>Payment of wages</b> These clauses should be joined together as per current award. Their separation produces an apparent inconsistency between clauses 15.3(b) and 15.3(e).	Para 8.1; page 7	REFERRED  See: <a href="#">AM2016/8</a> -Payment of wages  To be determined after Full Bench have determined AM2016/8 – <a href="#">Transcript</a> of 15/12/16 at [PN97]
16	NDS	<a href="#">Sub – 18/07/16</a>	16.2	<b>Wage assessment—employees with a disability</b> Remove wage assessment tool, no longer used (at least seven identified). Use wording like that in cl.16.2(b) to show deletion.	Page 1	RESOLVED  7 identified obsolete assessment tools removed 8 – <a href="#">Transcript</a> of 15/12/16 at [PN99-104]
	ABI& NSWBC	<a href="#">Reply sub – 22/07/16</a>		Do not oppose submission of NDS.	Para 6.3; page 4	
17	ABI& NSWBC	<a href="#">Sub – 01/07/16</a>	16.4	<b>Wage assessment—employees with a disability</b> Clause should read “Wage assessment tools referred to at clauses 16.2(a) to (v)” in order for it to make sense.	Para 8.2; page 7	RESOLVED  ED updated in accordance with submission – <a href="#">Transcript</a> of 15/12/16 at [PN105-108]
18	ABI& NSWBC	<a href="#">Sub – 01/07/16</a>	16.5	<b>Wage assessment—employees with a disability</b>	Para 8.3; page 7	RESOLVED

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				Clause should read “Wage assessment tools referred to at clauses 16.2(w) to (dd)” in order for it to make sense. The words “Analysis of Wage Assessment Tools used by Business Services” should be italicised to ensure consistency with the formatting in cl.16.4.		ED updated in accordance with submission – <a href="#">Transcript</a> of 15/12/16 at [PN109-110]
19	HSU	<a href="#">Sub – 30/06/16</a>	16.9	<b>Wage assessment—employees with a disability Transitional arrangement</b> Clause can be removed, transitional provision, timeframes have passed.	Para 20; page 5	RESOLVED  Transitional provisions deleted – <a href="#">Transcript</a> of 15/12/16 at [PN111-112]
	ABI&NSWBC	<a href="#">Sub – 01/07/16</a>		Agrees with HSU.	Para 8.4; page 7	
	NDS	<a href="#">Sub – 18/07/16</a>		Agrees with HSU	Page 1	
20	ABI&NSWBC	<a href="#">Sub – 01/07/16</a>	17.1	<b>Allowances</b> New provision should be deleted, may be an additional legally enforceable term. Where an employer fails to pay an allowance they would be exposed to penalties for breaches of two separate award terms and commit two contraventions of the award.	Paras 2.3 -2.6; page 4	RESOLVED  No change – <a href="#">Transcript</a> of 15/12/16 at [PN113]
21	HSU	<a href="#">Sub – 30/06/16</a>	18.5	<b>Employees with disabilities</b> – <i>Response to question raised by Commission</i> Matter should be considered as part of award phase and there should be no changes at this time.	Para 15; page 4	OUTSTANDING  Parties to give further consideration to issue. Issue may form part of UV substantive claim – <a href="#">Transcript</a> of 15/12/16 at [PN120-141]
	AWU	<a href="#">Sub – 6/07/16</a>		Clause should not be changed at this time.	Page 2	
	NDS	<a href="#">Sub – 18/07/16</a>		NDS would support change to superannuation clause only if such change would not impose additional cost or administrative burden on	Page 1	

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				Australian Disability Enterprises (ADEs) and would not disadvantage employees with disability		Refer to separate Full Bench
22	HSU	<a href="#">Sub – 30/06/16</a>	24.2	<b>Public holidays</b> Clause should cross reference applicable part of penalty rates clause, referring to cl. 20.4.	Para 13; page 4	RESOLVED  No change – <a href="#">Transcript</a> of 15/12/16 at [PN120-141]  Cross reference amended <a href="#">Transcript</a> of 15/12/16 at [PN141]
23	HSU	<a href="#">Sub – 30/06/16</a>	Various	All wages and allowance tables in ED Percentages and dollar signs should be used for each individual figure, in addition to relevant sign at top of the column.	Paras 9-11; pages 3-4	RESOLVED  \$ and % symbols inserted into tables – <a href="#">Transcript</a> of 15/12/16 at [PN141-143]
24	AWU	<a href="#">Sub – 6/07/16</a>	Sched B	<b>Casual employees</b> Delete the word “casual” from row 3 of Table B.2.2 and row 2 of B.2.3 given that “ordinary hourly rate” would be the applicable defined term at clause 2 under earlier submission (Item 3).	Page 1	RESOLVED  No change – <a href="#">Transcript</a> of 15/12/16 at [PN143-148]

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

ABI&NSWBC	Australian Business Industrial and the New South Wales Business Chamber Ltd
AIG	Australian Industry Group
AWU	The Australian Workers' Union
ED	Exposure Draft
HSU	Health Services Union
NDS	National Disability Services