

SUMMARY OF SUBMISSIONS

Revised as at 14 October 2015 following hearing 7 October 2015

Status:	A = Agreed (changes will be made to Exposure draft)	C = referred to Common issue Full Bench	O = Outstanding technical/drafting issue
	R = Resolved by previous Full Bench decision	S = Substantive issue	W = Withdrawn/Not pressed

	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES	STATUS
1.	AMWU	Sub-28Jan15 ReplySub-15Jul15	3.2 and Sch F		Definitions - “waste management” - Definition of “waste management” in cl. 3.2 should not be repeated in Sched F but should simply refer to definition in 3.2.	Item 1 Paras 8-9		O
	BusSA	ReplySub-04Mar15			No objection to deletion of term ‘waste management’ in Sched F to be replaced with a reference to cl. 3.2, as proposed by AMWU.	Page 10		
	Ai Group	ReplySub-04Mar15 ReplySub-28Aug15			Ai Group haven’t identified any difficulty with the inclusion of the definition in cl. 3.2 and Sched F, do not oppose AMWU’s proposal.	Para 174 Para 643		
		ABI			ReplySub-28Aug15	Not opposed.		
2.	ABI	Sub-04Feb15	3.5(a)		Definitions - “Fair Work Act” - reference to ‘Fair Work Act 2009 (Cth)’ should be replaced by the defined term ‘Act’.	Item 33		A
	Ai Group	ReplySub-04Mar15			Ai Group doesn’t oppose ABI’s submission re cl. 3.5(a)	Para 144		
3.	ABI	Sub-04Feb15	5.2		Facilitative provisions - make-up time, cl.8.6 should be added to facilitative provisions table.	Item 34		A
	Ai Group	ReplySub-04Mar15			Ai Group doesn’t oppose variation proposed by ABI.	Para. 145		

	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES	STATUS	
3A	TWU	Sub-25Nov14	6.2	11.2	Types of employment – Insert requirement for employer to notify employee of their classification at the time of engagement.	Para 1		O	
		Sub-22Jul15				Paras 14-15			
	WCRA	ReplySub-28Aug15				Not opposed.			Para (a)
	ABI	ReplySub-28Aug15			Opposed to TWU proposal.	Paras 4.1-4.15			
4.	Ai Group	Sub-04Feb15	6.4(a)(ii)	13.6	Part-time employees - 6.4(a)(ii) deviates from current cl. 13.6 as not confined to ‘the terms of this award’, therefore extending to over-award pay and entitlements. Also, not clear what is meant by “same kind of work”. Unclear where p-t employees engaged to perform a kind of work not performed by any f-t employees.	Paras 11.1-11.3		O	
	AMWU	ReplySub-23Feb15				Suggested amendments not necessary. Re additional text to be added, submit that cl.1.4, as it relates to overaward pay and entitlements is widely understood and no risk of misinterpretation of current clause. Phrase ‘same kind of work’ is clear and helpful description. Current wording should be retained.			Items 5 & 6
	AWU	ReplySub-04Mar15				AWU is not opposed to retaining the wording of the current clause.			Item 2
5.	TWU	Sub-04Feb15	6.4(d)		Part-time employees - for clarity, proposed clause should be amended to read ‘The terms of the agreement <u>made pursuant to 6.4(c)</u> or any variation ...’.	Item 3		A	
	Ai Group	ReplySub-04Mar15				Ai Group doesn’t oppose amendment to 6.4(d) on basis it reflects current cl. 13.4. Also,			Para. 146-147

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					provision should be amended by inserting word 'agreed' before 'variation' the first time it's used in that provision to make clear agreement must be by consent.			
	ABI	ReplySub-05Mar15			ABI agree with TWU's submission.	Item 132		
6.	TWU	Sub-04Feb15	6.5(g)		Casual employees <i>Parties are asked to provide a list of provisions that do not apply to casual employees.</i> Provisions that do not apply are: annual leave, personal/carer's leave, community service leave, parental leave, paid public holidays, roster days off, notice of termination and redundancy.	Item 4	Full Bench decided to remove this sub-clause and the note from EDs in decision [2014] FWCFB 9412, see para [69].	R
	Ai Group	ReplySub-04Mar15			TWU has identified various clauses in response to proposed cl. 6.5(g). Pursuant to FWC's decision of 23/12/14, this clause should be deleted.	Para 148		
	AWU	Sub-04Feb15			This is new clause and should be deleted. States that casual loading paid instead of 'other entitlements of full-time or part-time employment'. May include any award entitlement that doesn't expressly refer to casuals.	Item 2		
7.	ABI	Sub-04Feb15	6.5(h)	14.5	Casual employees - overtime - formula for calculating overtime for casuals differs from current award. Clause should be amended to read '...an additional loading of 10% of the <u>minimum hourly rate</u> for the work performed'.	Item 35	<i>Need to clarify if this issue is withdrawn – see ABI sub ReplySub-28Aug15</i>	O/W

	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES	STATUS
	Ai Group	Sub-04Feb15 ReplySub-28Aug15			Unambiguous that casual loading not payable during overtime. Cl. 6.5(h) may give rise to confusion as to whether overtime rates and additional 10% are paid in addition to casual loading. Current award wording should be retained.	Paras 11.4-11.5 Para 631-632		
	AMWU	ReplySub-23Feb15			Given concerns of Ai Group and ABI, may be beneficial to add additional table (equivalent of A.2.3, but for casuals), to prevent any potential misunderstanding, before any decision made re changing text of clause.	Item 7		
	AMWU	ReplySub-15Jul15			Support reintroduction of language in current award and introduction of a table.	Para 10-11		
	AWU	ReplySub-04Mar15			Not opposed to retaining current wording per AIG submission. Opposes underlined words proposed by ABI, as it aims to alter clause substantively. Will only support ABI's proposed clause if underlined terms replaced with ' <i>of the ordinary time earnings</i> '.	Item 3 & 19-20		
	BusSA	ReplySub-04Mar15			Agree with wording proposed by ABI in order to retain the intentions of current award.	Page 9		
	ABI	ReplySub-05Mar15			Agree with Ai Group's submission that cl. 6.5(h) should be amended to make clear that casual loading not payable during overtime. Rely on primary submission.	Item 133		
	TWU	ReplySub-06Mar15			Agree with ABI that the clause should be amended but submit that 'minimum hourly rate' should be 'ordinary hourly rate' or 'ordinary	Page 1		

	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES	STATUS
					time earnings' as proposed by the AWU.			
	Ai Group	ReplySub-04Mar15			Concurs with concerns of ABI re 6.5(h). Also refer to Ai Group submissions of 4 February and submit that proposed variation there should be made.	Para. 149		
	WCRA	Sub-11May15			Clause should be amended to clarify that the 10% loading is paid to casual instead of the casual loading.	Page 1		
	ABI	ReplySub-28Aug15			Previous submission withdrawn, insofar as they sought to include a reference to the 'minimum hourly rate'. However, clause should be amended to make clear that casual loading is not payable during overtime.	Paras 2.4-2.5		
8.	Ai Group	Sub-04Feb15	6.6	15	Casual conversion - intend to make submissions to Full Bench.	Paras 11.6-11.7	Refer to Casual Full Bench	C
	AWU	ReplySub-04Mar15			This clause is subject to a common claim pursued by the ACTU.	Item 4		
	AMWU	ReplySub-15Jul15			Should be referred to Full Bench.	Para 12		
	ABI	ReplySub-28Aug15			Not opposed to matter being referred to Full Bench.	Para 2.6		
9.	BusSA	Sub-04Feb15	6.6(b)	15.5	Casual conversion - exposure draft has omitted provision in 15.5 ' <i>within 4 weeks of receiving such notice the employer must either consent to or refuse the election but must not unreasonably so refuse</i> '.	Item 5		A
	ABI	Sub-04Feb15			Wording ' <i>within 4 weeks of ...</i> ' hasn't been incorporated into 6.6(b)(iii) of ED. This element	Item 37		

	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES	STATUS
	BusSA	ReplySub-04Mar15			of current clause should be retained. Support ABI's proposition that current modern award wording in cl.15.5 be retained in 6.6(b) of ED.	Page 9		
	Ai Group	ReplySub-04Mar15			Don't oppose submissions of BusSA and ABI regarding absence of current clause 15.5 from exposure draft.	Para. 150		
10.	ABI	Sub-04Feb15	6.6(b)(iii)		Casual conversion – second dot point should be amended to read 'after the expiry of the time for giving notice under clause 6.6(b)(i)', in order to resolve any ambiguity between the 4 weeks' notice provided by the employee and the notice provided by the employer.	Item 36	Subject of Casual FB	C
	BusSA	ReplySub-04Mar15			Support a reference to cl. 6.6(b)(i) in 6.6(b)(iii).	Page 9		
	Ai Group	ReplySub-04Mar15			Don't oppose variation proposed by ABI to cl. 6.6(b)(iii).	Para 151		
	AWU	ReplySub-04Mar15			AWU submits that there is no ambiguity in the clause, hence, ABI's submission unfounded. Nonetheless, AWU notes that the clause is subject to a common claim by the ACTU.	Item 21		
11.	WCRA	Sub-05Feb15	7	Sched B	Classifications – Current classification structure does not provide for "Forklift Drivers". Recommend new dot point be added to Lvl 3 to address this anomaly.	Page 3	Claim withdrawn – see transcript 7/10/15 – [360]	W
11A	M. Goralski	Sub-10Jun15	8	27	Hours of work – party submits there is confusion in defining 'a shift'.	Page 1		

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12.	AWU	Sub-04Feb15	8.2	27.2	Hours of work - wording of current clause 27.2 should be maintained as simpler and easier to follow.	Item 3	AWU claim agreed	S
	WCRA	Sub-05Feb15 Sub-11May15			<ul style="list-style-type: none"> • Span of hours – propose an increase in span of ordinary hours from current ‘4am-5pm’ to ‘2am to 5pm’ on basis of improved safety and productivity. • Maximum hours per day – propose up to 10 ordinary hours/day; 40 ordinary hours/week, subject to written consent of parties • Ordinary hours weekend – propose that ordinary hours can be worked on a Saturday or Sunday, providing that 2 consecutive days off allowed elsewhere. • Ordinary hours – Shiftworkers – definition of ordinary hours for shiftworkers not clear. 	Page 2 Page 6	WCRA claims withdrawn – see transcript 7/10/15 – [362]	
	AMWU	ReplySub-23Feb15			Submit that WCRA’s submissions re hours of work should be rejected. Current award clear and reflects unique needs of industry. Not convincing argument for such significant substantive change.	Item 3		
	BusSA	ReplySub-04Mar15			BusSA supports the reworded cl.8.2(a) of ED as clarification of current award.	Page 10		
	Ai Group	ReplySub-04Mar15			Whilst haven’t identified any difficulty arising from cl. 8.2, do not oppose AWU’s submission that cl. 27.2 of current award should be reinstated.	Para 152		

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	AWU	ReplySub-21Aug15			AWU oppose WCRA submission.	Para 66		
	TWU	ReplySub-28Aug15			TWU oppose WCRA submission. Seek referral to specifically constituted Full Bench.	Para 12, 14		
	ABI	ReplySub-28Aug15			Not opposed.	Paras 5.1-5.2		
13.	WCRA	Sub-05Feb15 Sub-11May15	8.3(a)(ii)	27.3(a)(ii))	Rostered Days Off - Include provisions for RDOs to be cashed out at ordinary pay rates for any balance greater than 10 RDOs. Clause can be activated by either employer or employee.	Page 2 Page 6	WRCA claim withdrawn – see transcript 7/10/15 – [375]	W
	BusSA	ReplySub-15Jul15			Not opposed to proposed clause, but reserves rights re: wording.	Page 10		
	AWU	ReplySub-21Aug15			AWU oppose WCRA submission.	Para 67		
	TWU	ReplySub-28Aug15			TWU oppose WCRA submission. Seek referral to specifically constituted Full Bench.	Paras 12, 15		
	ABI	ReplySub-28Aug15			Not opposed.	Paras 5.1-5.2		
	Ai Group	ReplySub-28Aug15			Not opposed in principle, but requests an opportunity to comment on any terms of a draft clause.	Paras 645-646		
14.	TWU	Sub-25Nov14 Sub-22Jul15	9.2(a)	29.2(a)	Overtime meal breaks – Amend provision to allow for paid meal breaks when an employee is working overtime.	Para 6 Paras 18-20		O
	WCRA	ReplySub-09Jun15 ReplySub-28Aug15			Oppose TWU submission.	Para (a)(v) Para (b)		
	ABI	ReplySub-28Aug15			TWU proposal is opposed.	Paras 4.23-4.27		

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14A	TWU	Sub-04Feb15	9.2(e)	29.2(e)	Overtime meal breaks – object to proposed wording of clause. Current clause more easily understood.	Item 5	Withdrawn – see TWU sub Sub-22Jul15	W
	BusSA	ReplySub-04Mar15			Disagrees that current wording of 9.2(e) is ‘more easily understood’. Supports the rewording in 9.2(e) of ED and submit it provides improved clarity.	Page 10		
	Ai Group	ReplySub-04Mar15 ReplySub-28Aug15			Whilst haven’t identified any difficulty arising from cl. 9.2(e) of ED, not opposed to a reversion to current award clauses per TWU submission.	Para. 153 Para 633		
	ABI	ReplySub-05Mar15			Do not oppose TWU’s submission.	Item 134		
	TWU	Sub-22Jul15			TWU has no objections to drafting of subclause in ED.	Para 3		
	Ai Group	ReplySub-28Aug15			TWU proposal is opposed.	Paras 656-660		
	15.	ABI	Sub-04Feb15	10.1		Minimum wages - casual rates - rates appear to have been calculated by applying 25% loading to ‘already rounded’ ordinary hourly rate instead of to 1/38th of relevant weekly rates. The minor discrepancies should be remedied. Rounding rules should be included.		
16.	Ai Group	Sub-04Feb15	10.1		Minimum wages - adult rates - reference to “11.2(a)” should be substituted with “11.2(b)”.	Para 11.8		A
	AWU	ReplySub-04Mar15			Agree with correcting the drafting error.	Item 5		

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17.	BusSA	Sub-04Feb15	10.1		Minimum wages - adult rates - industry allowance - Wording of <u>19.1</u> (<i>seems to be typo, should be 10.1</i>) clearly states industry allowance is to be added, however, 10.1 implies it has already been added to the rates in the table.	Item 6		O
	Ai Group	ReplySub-04Mar15			Ai Group refer to Bus SA's submissions and submit that preamble in cl. 10.1 is appropriate as it reflects the inclusion of the 'ordinary hourly rate' and 'casual hourly rate' column, which incorporate the industry allowance.	Para 154		
18.	BusSA	Sub-04Feb15	10.2		Minimum wages - junior rates - wording changes do not recognise impact of changes to definitions	Item 4		O
	Ai Group	ReplySub-04Mar15			Submit that issue raised by BusSA may be resolved by substituting ' <i>relevant minimum wage</i> ' in table to ' <i>ordinary hourly rate</i> '. This ensures provision is updated in accordance with terminology used in ED.	Para 155		
19.	AWU	Sub-04Feb15	11.2(a)		Allowances - all purpose allowances - all employees are entitled to the all purpose allowance therefore reference to 'who is entitled to the allowance' should be removed.	Item 4		O
	ABI	ReplySub-05Mar15			AWU's submission is opposed. First sentence of cl.11.2(a) merely provides definition of 'all-purpose allowance'. It is not relevant that all employees are entitled to the allowance.	Item 135		
	BusSA	ReplySub-15Jul15			Opposed to AWU proposal.	Page 10		

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20.	BusSA	Sub-04Feb15	11.2		Allowances - industry allowance and leading hand allowance - % allowance changed to flat \$ figure. May lead to differing views on interpretation in future.	Item 3 & 7	% figure can be found in B.1 of exposure draft	
	Ai Group	ReplySub-04Mar15			Although agree with Bus SA's submission that formulae should be retained, haven't identified difficulty arising from retention of relevant percentage in Sched B, rather than body of award, consistent with other EDs.	Para 156		
21.	BusSA	Sub-04Feb15	9.2 & 11.3(a)(ii)		Allowance - expense related - meal allowance - moved 11.3(a)(ii) into 9.2 but have not removed it from 11.3 and by moving it adds an additional clause to be amended in event of allowance increase. Agree to the move but reference the amount back to 11.3.	Item 8		O
	Ai Group	ReplySub-04Mar15			Refer to BusSA's submissions and note that haven't identified any difficulty arising from approach taken in ED.	Para 157		
22.	TWU	Sub-25Nov14	12	23	Higher duties— delete clause 23.2 and replace with review and dispute resolution procedures.	Para 4	Claim withdrawn – see transcript 7/10/15 – [377]	W
	WCRA	ReplySub-09Jun15			Oppose TWU submission	Para (a)(iii)		
22A	WCRA	Sub-05Feb15 Sub-11May15	12	23	Higher duties— submit that provision be inserted that employee only entitled to higher rate where required to work more than 2 hours on that day at higher level.	Page 1 Page 5	Claim withdrawn – see transcript 7/10/15 – [375]	W
	AMWU	ReplySub-23Feb15			Submit that WCRA's suggested amendments be disregarded. Current clause reflects established industry practice and recognises contributions of	Item 2		

	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES	STATUS
					employees with diverse skills.			
	AWU	ReplySub-21Aug15			AWU oppose WCRA submission.	Paras 64-65		
	TWU	ReplySub-28Aug15			TWU oppose WCRA submission. Seek referral to specifically constituted Full Bench.	Paras 12-13.		
	ABI	ReplySub-28Aug15			WCRA proposal not opposed.	Paras 5.1-5.2		
	Ai Group	ReplySub-28Aug15			Proposal supported.	Para 644		
22B	TWU	Sub-22Jul15	13.4		Payment of wages – The words ‘at its discretion’ have been omitted and the wording is now grammatically incorrect.	Para 4		O
	Ai Group	ReplySub-28Aug15			Do not believe absence of words ‘at its discretion’ alter the substance of the clause. However, the word ‘at’ should be deleted.	Para 634		
22C	TWU	Sub-25Nov14	15	28	Crib time – Insert new crib time provision into award.	Para 5		O/S
	WCRA	ReplySub-09Jun15			Oppose TWU submission	Para (a)(iv)		
22D	TWU	Sub-22Jul15	15	28	Meal break for shiftworkers – Reinstate provision for paid meal break of 20 minutes for shiftworkers (from <i>Transport Workers’ (Refuse, Recycling and Waste Management) Award 2001</i>).	Paras 16-17		O/S
	WCRA	ReplySub-28Aug15			Opposed by WCRA.	Para (b)		
	ABI	ReplySub-28Aug15			Proposal of TWU is opposed.	Paras 4.16-4.22		
	Ai Group	ReplySub-28Aug15			TWU proposal is opposed.	Paras 647-655		
23.	Ai Group	Sub-04Feb15	16.3(a)		Overtime – 10 hour break - should be amended to make clear that the 10 hr break is to be taken between cessation of overtime and	Para 11.9		A

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					commencement of ordinary hours on next day. ED refers to commencement of “work” which would encompass overtime and is deviation from current award.			
	AWU	ReplySub-04Mar15			AWU not opposed to retaining wording of current clause.	Item 6		
	ABI	ReplySub-05Mar15			Agree with Ai Group’s submission that cl.16.3(a) should refer to ‘ <i>commencement of ordinary hours</i> ’ as opposed to ‘ <i>commencement of work</i> ’ in accordance with current clause.	Item 136		
23A	Ai Group	Sub-04Feb15 ReplySub-28Aug15	16.3(b)(i)	30.3(b)	Overtime – time from which rate payable - current clause requires payment at 200% from time employee resumes/continues work without 10 consecutive hours off until released from duty. Cl. 16.3(b)(i) ambiguous as to time from which 200% is payable. Current wording should be reinstated.	Para 11.10 Para 635		O
	AMWU	ReplySub-23Feb15 ReplySub-15Jul15			Clause 16.3(b)(i) is clear in its current phrasing, but if any changes are to be made, they should be accommodated within current presentation of clause, rather than reinsertion of clause from previous award.	Item 8 Para 13		
	AWU	ReplySub-04Mar15			AWU does not agree with AIG. AIG’s submission unfounded as draft clause is not ambiguous.	Item 7		
	BusSA	ReplySub-15Jul15			Support Ai Group submission.	Pages10-11		
	Ai Group	Sub-04Feb15				Para 11.11		
23B	Ai Group	Sub-04Feb15	16.3(b)(ii)	30.3(b)	Overtime – ‘during such absence’ - words “during such absence” should be reinstated to	Para 11.11		A

	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES	STATUS
					make clear that employee not to suffer loss of pay for ordinary hours occurring during the 10 consecutive hours off duty.			
	AWU	ReplySub-04Mar15			Agree with AIG that the terms “during such absence” should be reinstated.	Item 8		
	ABI	ReplySub-05Mar15			Do not oppose Ai Group’s submission			
24.	AWU	Sub-04Feb15	16.6		Overtime - ‘relevant minimum hourly wage’ - for consistency with rest of clause, ‘ <i>relevant minimum hourly wage</i> ’ should be replaced with ‘ <i>relevant ordinary hourly wage</i> ’.	Item 5	See also [2015] FWCFB 4658	O
	Ai Group	ReplySub-04Mar15	16.5		Do not in principle oppose AWU’s submission re ‘ <i>relevant ordinary hourly wage</i> ’, which is defined as including industry allowance. Aligns with definition for ‘ <i>ordinary hourly rate</i> ’. However, submit that should read ‘ <i>relevant ordinary hourly rate</i> ’ rather than ‘ <i>wage</i> ’.	Para 158-9		
25.	Ai Group	Sub-04Feb15	16.6 & 16.8	31	Overtime - Saturday and Sunday <i>Clauses 16.8 and 16.6 appeared under the heading ‘Saturday and Sunday Work in the 2010 Award’, parties are asked to clarify whether these provisions are limited to weekend work, or whether they have more general application.</i> Evident from current cl.31 that provision limited to Sat and Sun work. Sub-heading should be inserted above 16.6 to clarify this.	Para 11.12		O

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	AWU	Sub-04Feb15			Submit that clause 16.8 doesn't apply to work on Saturday and Sunday. Applies to any day where employees required to regularly hold themselves in readiness for call-back and for work after ordinary hours.	Item 8		
	ABI	Sub-04Feb15 ReplySub-28Aug15			The clauses are limited to Saturday and Sunday work. This is supported by placement of the clauses under 'Saturday and Sunday work' heading in current award. Requirement for after-hours transport primarily relevant on weekends. Requirement to be on-call for overtime call-back more relevant during weekend.	Item 39 Paras 2.8-2.16		
	TWU	Sub-04Feb15			Provision should be renamed 'on call' and should apply to all days/hours that employee required to hold themselves in readiness for call-back. In these circumstances the ordinary hourly rate should apply. Will be necessary to provide call-back provisions covering minimum call-back and applicable rate of pay.	Item 6		
	BusSA	ReplySub-04Mar15			Supports submissions of ABI re cl.16.6, where they note the exposure draft clauses 16.6 and 16.8 are under heading of Saturday and Sunday work, and that is the appropriate application. Reject proposition by TWU that should apply to all days of week as this is substantial change to award. Support retaining wording of cl.16.6 in ED as it derives from current award.	Page 10		
	AWU	ReplySub-04Mar15			After hours transport and employees being on	Items 22-24		

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					call are not limited to weekends. Nothing in clause suggests otherwise or limits the provision's general application to any day of week. ABI submission strongly opposed.			
	Ai Group	ReplySub-04Mar15 ReplySub-28Aug15			TWU seeks significant expansion to entitlement provided for in cl. 16.8 of ED. No reason or evidence put forward to satisfy ss.138 & 134. Change would significantly increase employment costs. Proposal shouldn't be adopted. AWU contends 16.8 not confined to Sat and Sun work without providing reasons to support this.	Para 164-165 Paras 636-638		
	Ai Group	ReplySub-04Mar15 ReplySub-28Aug15			Refer to previous submissions. Further, TWU submits that clause 16.6 'should' apply to all days of week without mounting case for why such variation necessary to ensure award achieving modern awards objective. TWU seek substantive change that is unwarranted.	Para 160-161 Paras 636-638		
	BusSA	ReplySub-04Mar15			BusSA rejects proposals by TWU and AWU to extend call back provisions for employees in cl.16.8 to all days of the week as a substantial change to award.	Page 10		
	AWU	ReplySub-04Mar15			Reject Ai Group's assertion and as per para 8 of AWU's submission of 4 February 2015, submit that the provision not limited to Saturday and Sundays.	Item 9		
	WCRA	Sub-11May15			Clauses only apply to Saturday and Sunday.	Pages 1-3		
	BusSA	ReplySub-15Jul15			Limited to Saturday and Sunday work. Support	Page 11		

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					retention of the wording “subject to any custom”.			
	TWU	Sub-22Jul15 ReplySub-28Aug15			Clauses have more general application, rather than simply Saturdays and Sundays.	Paras 5-9 Para 4		
26.	Ai Group	Sub-04Feb15	16.8	31.2	Overtime – call-back - rate of pay <i>Parties are asked to clarify the rate of pay for work under clause 16.8.</i> Rate of pay based upon time recalled. If recalled during overtime, overtime rates apply. If recalled on Sunday, rate under cl.16.5 applies.	Para 11.13		O
	AWU	Sub-04Feb15			Clause 16.8 clearly provides the rate of pay as ‘relevant ordinary hourly rate’. Assume there is typographical error and question on p.21 intends to refer to rate of pay at cl.16.7 and not 16.8. Clause 16.7 expressly states that work performed by employee recalled to work after leaving workplace is called overtime. Accordingly, hours worked after being recalled constitute overtime, thus payment at overtime rates.	Item 6 & 7		
	ABI	Sub-04Feb15			Rate payable is the ‘ordinary hourly rate’. Current award states the employee is to be paid the ‘relevant minimum wage’ which is equivalent to ‘ordinary hourly rate’ in exposure draft.	Item 42		

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27.	WCRA	Sub-05Feb15 Sub-11May15	16.8	31.2	Overtime – Call-back – expecting employer to pay employee ordinary pay for readiness on potential call back is entirely commercially unrealistic proposition. Recommend a daily on-call allowance of \$25/one hour at employee’s minimum wage. If called back to work, general award pay provisions will apply.	Page 2 Pages 6-7	WCRA claim withdrawn – see transcript 7/10/15 – [375]	W
	AWU	ReplySub-21Aug15			AWU oppose WCRA submission.	Paras 68-69		
	TWU	ReplySub-28Aug15			TWU oppose WCRA submission. Seeks referral to specifically constituted Full Bench.	Paras 12, 16		
	ABI	ReplySub-28Aug15			Not opposed.	Paras 5.1-5.2		
	Ai Group	ReplySub-28Aug15			Supported by Ai Group.	Para 661		
27A	ABI	Sub-04Feb15	16.7(b)	30.4(a)	Overtime - Call-back - current clause 30.4(a) has been broken into 3 subsections. To ensure clarity, 16.7(b) should be amended to read ‘the employee is not required to work the full minimum hours referred to in clause 16.7(a) if the job...’	Item 40		A
	AWU	ReplySub-04Mar15			Do not oppose clarifying the clause per ABI submission.	Item 25		
	Ai Group	ReplySub-04Mar15			Do not oppose amendment proposed by ABI to cl. 16.7(b)	Para 163		
28.	Ai Group	Sub-04Feb15	16.7(d)		Overtime – Call-back - reference to “cl.16.7(a)” in 16.7(d) should be substituted with “16.7(a) - (c)” to properly reflect current approach.	Para 11.14		A

	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES	STATUS
	AWU	ReplySub-04Mar15			Agree with amending references in clause 16.7(d) as it will properly reflect current approach in cl. 30.4(b).	Item 11		
29.	Ai Group	Sub-04Feb15	16.8 16.8		<p>Overtime – call-back - ‘subject to any custom...’</p> <p><i>Parties are asked to comment on whether ‘Subject to any custom now prevailing under which employees are required regularly to hold themselves in readiness for call-back’ is a necessary preface to clause 16.8 and does this clause only apply on Saturday and Sunday.</i></p> <p>The preface is essential. Many employers have longstanding alternative customs. Meaning of wording has been focus of various cases over the years.</p> <p>Clause only applies to Sat and Sunday work.</p>	Paras 11.15 - 11.16		O
	ABI	Sub-04Feb15			Submit text should be retained. Current award protects pre-existing systems relating to call-backs and this protection should not be compromised by substantive amendment to award.	Item 41		
	AWU	ReplySub-04Mar15			Rejects ABI submission and submits that the text is not necessary and should be deleted from draft clause.	Items 13 & 26		
	Ai Group	ReplySub-04Mar15			Agree with ABI’s submission that text should be retained.	Para 166		

	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES	STATUS
30.	Ai Group	Sub-04Feb15	16.9(c)	30.5(c)	Overtime – time off instead of payment for overtime - moving <i>'if requested by the employee'</i> to end of clause gives rise to potential anomaly associating the employee's request with the rate of payment.	Paras 11.17 - 11.18		O
	AWU	ReplySub-04Mar15			Do not agree with AIG. Oppose their assertion that the clause gives rise to any anomaly.	Item 14		
	Ai Group	ReplySub-15Jul15			Support Ai Group submission.	Page 11		
30A	TWU	Sub-25Nov14	17.1	33.1	Annual leave – insert new provisions relating to additional leave for shiftworkers.	Para 7		O
		Sub-22Jul15				Paras 21-23		
	WCRA	ReplySub-28Aug15			Opposed by WCRA.	Para (c)		
	ABI	ReplySub-28Aug15			Not opposed.	Para 4.28		
	Ai Group	ReplySub-28Aug15		Opposed by Ai Group.	Paras 662-665			
31.	Ai Group	Sub-04Feb15	20.5	36.3	Public holidays - substitution - submit that current clause contains typographical error by requiring agreement <i>'between employee or employees'</i> . Should be <i>'between employer and employee or employees'</i> . ED deviates from current award by requiring agreement <i>'between employer and majority of employees.'</i>	Paras 11.19 - 11.20		O
	ABI	Sub-04Feb15			Clause 20.5 doesn't reflect terms of current award. It requires agreement of <i>'a majority of employees in an enterprise'</i> while current 36.3 merely requires <i>'agreement between employee or employees'</i> . Current threshold for agreement should be reflected in ED.	Item 46		

	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES	STATUS
	AWU	ReplySub-04Mar15			Submit there is error at cl.36.3 of current award. 'Employee' in current award should state 'employer'. Submit that this error has been remedied in the ED.	Items 15-17		
	Ai Group	ReplySub-04Mar15			Note that concerns raised by ABI re cl. 20.5 are same as those canvassed by Ai Group in previous submissions.	Para 167		
	ABI	ReplySub-05Mar15			Agree with Ai Group's submission in so far as it identifies that current clause doesn't require agreement of a majority of employees.	Item 138		
32.	AMWU	Sub-28Jan15	20.6(a)		Public holiday work - weekly employee <i>The term 'weekly employee' is not defined in the award. Parties are asked to clarify its meaning.</i> "Weekly employee" should be interpreted to mean part-time or full-time employee, as it has been in Building and Construction Award 2010.	Item 2	Parties agree that 'weekly employee' means a full-time or part-time employee. Unclear if term should be replaced or defined.	O
	AMWU	ReplySub-15Jul15			'Weekly employee' should be defined as being a full-time or part-time employee, or replaced with 'full-time or part-time employees'.	Para 14		
	ABI	Sub-04Feb15			'Weekly employee' used in current award to designate full-time and part-time employees as opposed to casuals. For clarity, 'weekly employees' should be substituted with 'full-time and part-time employees'.	Item 43		
	AWU	Sub-04Feb15			'Weekly employee' constitutes all employees other than casual employees.	Item 9		

	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES	STATUS
	Ai Group	Sub-04Feb15			Reference to 'weekly employees' includes full-time and part-time employees, but not casuals.	Para 11.21		
	TWU	Sub-04Feb15			A 'weekly employee' has same meaning, for purpose of this clause, as a permanent employee.	Item 9		
	ABI	ReplySub-05Mar15 ReplySub-28Aug15			Agree with AMWU's submission that 'weekly employee' should be interpreted to mean a part-time or full-time employee.	Item 139 Para 2.17		
	BusSA	ReplySub-04Mar15			'Weekly employee' ambiguous and should be changed to be aligned with other sections in ED. Suggest replacing 'weekly employee' with 'full-time or part-time employee'.	Page 10		
	Ai Group	ReplySub-04Mar15 ReplySub-28Aug15			Concur with TWU, AMWU, AWU and ABI re meaning of 'weekly employee' and refer to previous submissions.	Para 168 Para 639		
	WCRA	Sub-11May15			'Weekly employee' means either a full-time or part-time employee.	Page 3		
32A	ABI	Sub-04Feb15	20.6		Public holidays - payment for work on public holiday <i>Parties should make submissions about whether the rates in the table are correct. The wages in clause 32.5 of the exposure draft do not exclude the operation of clause 32.4. If the rates are not in addition to the weekly wage it is unclear why the clause has been included because the rates would be the same for overtime hours and</i>	Items 44 & 45		O

	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES	STATUS
					<p><i>ordinary hours on a public holiday. Also, a similar provision appears in the Waste Management Award which includes these rates (400% and 350%). Parties should also make submissions about the rate for casual employees working outside ordinary hours on public holidays.</i></p> <p><i>Clause 32.6(a) of the current award (Waste Management Award 2010) refers to the ‘Christmas Day holiday’ (in contrast to clauses 32.3(a) and 32.5 of the current award which simply refer to ‘Christmas Day’). Parties are asked to comment on whether there is a difference between the two.</i></p> <p>Rates appear to be correct. Appears ‘Christmas Day Holiday’ may refer to the Christmas Day public holiday as opposed to Christmas Day itself. Not necessary to change current terms of exposure draft except that Table A.2.1 includes column headed ‘Good Friday and Christmas Day’ without differentiating between rates for work on a Christmas Day when it’s a nominated public holiday. Pay rate for Christmas Day falling on weekend should be reflected in Sched A.</p>			
	AMWU	Sub-28Jan15 ReplySub-15Jul15			Table at 20.6(b) appears to be correct as current award clearly delineates in cl. 32.3 and 32.5 between working on public holiday within and	Item 3 Paras 15-18		

	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES	STATUS
					outside ordinary hours, with additional pay for latter.			
	Ai Group	Sub-04Feb15 ReplySub-28Aug15	20.6(b)		Rates in 20.6(b) should be amended for consistency with current cl. 32.5. Current cl. 32.4 doesn't apply in the case of 20.6(b) rates. Casual rates at 32.6 of current award apply to 'all time worked' by casual employee on public holiday, thus including overtime. Column with casual rates should be added to table at 20.6(b).	Para 11.23 - 11.24 Para 640		
	TWU	Sub-04Feb15			Note refers to cl. 32.5 of exposure draft. No such clause in exposure draft so TWU reserves its position re this matter. Suggest discussion at conference in February. TWU submits there is a difference between 'Christmas Day' and 'Christmas Day Holiday'. 'Christmas Day Holiday' applies to a substituted public holiday where Christmas Day falls on weekend. 'Christmas Day' has ordinary meaning.	Items 10-12		
	Ai Group	ReplySub-04Mar15	20.6(a)		Cl. 20.6(a) of ED deviates significantly from current cl. 32. The redrafting of public holidays provision gives rise to concerns that are similar to those we have earlier raised regarding cl. 16.2(a) of Road Transport and Distribution Award 2014 - exposure draft.	Para 169		
	Ai Group	ReplySub-04Mar15	20.6(b)		Refer to question and not that under cl. 20.5 a public holiday can be substituted. 'Christmas	Para 170-171		

	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES	STATUS
					Day holiday' appears to refer to circumstances when 20.5 utilised. The necessary amendment should be made to cl. 20.6(a) and (b) such that they refer to 'Christmas Day holiday'.			
	Ai Group	ReplySub-04Mar15	20.6(b)		Do not agree with AMWU. Refer to our earlier submissions. Cl. 20.6(b) and the question contained in the exposure draft appear to reflect incorrect interpretation of current award. Cl. 32.5 currently operates on basis that employees receive a minimum weekly wage and prescribes different penalty rates that will apply during overtime hours worked on certain public holidays. The former provision should be reinstated. The new clause incorrectly expresses the entitlement as a simple percentage.	Para 172-173		
	WCRA	Sub-11May15	20.6(b)		Submit that the reference to 'an employee' should be amended to 'a weekly employee' or 'a full-time or part-time employee'.	Page 3		
	Bus SA	ReplySub-15Jul15	20.6(b)		Support Ai Group submissions.	Page 11		
	TWU	Sub-22Jul15	20.6(b)		Rates in the table are correct, but corresponding rates in A.2.3 are incorrect.	Paras 10-12		
	TWU	ReplySub-28Aug15	20.6(b)		Applicable rate for a casual employee on Good Friday or Christmas Day is 325% and 275% on any other public holiday. 25% loading applies for all hours on a public holiday.	Paras 5-6		
33.	AWU	Sub-04Feb15	20.6(c)		Public holidays - Work 'full-time' at cl. 20.6(c) should be replaced with 'weekly' to ensure consistency with cl. 6.4(a)(ii).	Items 10-12		

	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES	STATUS
34.	Ai Group	Sub-04Feb15	20.6(b)		Public holidays - drafting error - Submit that reference to clause 8 should be a reference to clause 16, consistent with current clause 32.5.	Para 11.22		
35.	Ai Group	Sub-04Feb15	20.6(d)		Public holidays - drafting error - reference in cl. 20.6(d) to cl. 20.6(a) should be 20.6(c)	Para 11.25		A
	AWU	ReplySub-04Mar15		AWU support correcting the drafting error identified by AIG.	Item 18			
35A	TWU	Sub-25Nov14	23	17.2	Transfer to lower paid duties — Delete existing clause 17.2 entirely.	Para 2	Claim withdrawn – see transcript 7/10/15 – [377]	W
	WCRA	ReplySub-09Jun15			Oppose TWU submission.	Para (a)(i)		
35B	TWU	Sub-25Nov14		22	Accident-pay – Retain (and amend) existing accident pay provisions.	Para 3		O
	WCRA	ReplySub-09Jun15			Oppose TWU submission	Paras 7-11 Para (a)(ii)		
35C	WCRA	Sub-11May15	A.2.1		Wage table – Should include a notation currently appearing at clause 10.1 of the exposure draft (to note that ordinary hourly rate includes all purpose industry allowance).	Page 4		O
	Ai Group	ReplySub-28Aug15			Proposed amendment is unnecessary.	Para 641		
35D	WCRA	Sub-11May15	Sched B		Classifications – Propose inserting ‘Forklift Drivers’ as Level 3	Page 7		S
	AWU	ReplySub-21Aug15			AWU oppose WCRA submission.	Para 70		
	TWU	ReplySub-28Aug15			Not opposed to including forklift drivers in classifications, but reserves position on whether Grade 3 is the appropriate level. Seeks referral to specifically constituted Full Bench.	Paras 17-18		
	ABI	ReplySub-28Aug15			Not opposed.	Paras 5.1-5.2		

	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES	STATUS
	Ai Group	ReplySub-28Aug15			Not convinced, at this stage, that proposed variations are necessary, and will not have unintended consequences.	Para 666		
35E	WCRA	Sub-11May15	Sched B		Classification – Propose amending Level 7 to read “Driver/instructor, all systems, <u>all vehicles and all items of plant</u> ”.	Page 7		S
	TWU	ReplySub-28Aug15			Opposed by TWU. Seeks referral to specifically constituted Full Bench.	Para 18		
	ABI	ReplySub-28Aug15			Not opposed.	5.1-5.2		
	Ai Group	ReplySub-28Aug15			Not convinced, that proposed variations are necessary, may have unintended consequences.	Para 666		
36.	TWU	Sub-04Feb15	D.3.3		Training packages - TWU makes no submission re this matter.	Item 13		
36A	WCRA	Sub-11May15	Sched E		Part-day public holidays – Schedule should be deleted and schedules and clauses renumbered.	Page 4	Being dealt with by Public holidays FB	C
	Ai Group	ReplySub-28Aug15			Oppose WCRA submission, as Ai Group understands the schedule will be updated such that it applies in 2015.	Para 642		
37.	BusSA	Sub-04Feb15	Sched F		Definitions - definition of ‘ <i>relevant minimum wage</i> ’ deleted; may lead to ambiguity re payment of industry allowance to juniors. Definition in current award includes industry allowance. New definition of ‘ <i>ordinary hourly rate</i> ’ does not assist in relation to juniors. All-purpose allowance definition refers to cl. 11.2(b) which does not exist. Intent of reference unclear.	Item 2		

List of abbreviations (in alphabetical order)

ABI	Australian Business Industrial and the NSW Business Chamber Ltd
Ai Group	Ai Group, Australian Industry Group
AMWU	Australian Manufacturing Workers Union
AWU	The Australian Workers' Union
BusSA	Business SA
Current award	<i>Waste Management Award 2010</i>
ED	Exposure draft
TWU	Transport Workers' Union
WCRA	Waste Contractors & Recyclers Association of N.S.W.