

29 July 2016

Dear AMOD,

Re: **Clerks – Private Sector Award Revised Exposure Draft**

Business SA has reviewed the updated summary of submissions document and revised *Clerks – Private Sector Award 2016* exposure draft. Parties were invited to comment on the accuracy of these documents. Business SA submits the updated summary of submissions and revised exposure draft accurately reflect the agreed changes and status of claims as at 15 July 2016, except in the following circumstances.

Clause 6.2(d) – Part-time employment

The revised exposure draft indicates clause 6.2(d) will be varied. Both the [current award](#) and [original exposure draft](#) read: “An employer is required to roster a part-time employee for a minimum of three consecutive hours on any shift.”¹ The revised exposure draft suggests this will be varied to “Casual employees are entitled to a minimum payment of three hours’ work for each engagement at the appropriate rate.” Business SA is unsure of the basis for this change. Clause 6.2 relates to part-time employment, whereas clause 6.3 relates to casual employment. Additionally, the proposed variation to clause 6.2(d) reflects the amendment to clause 6.3(d) as agreed at item 7 of the updated summary of submissions.

Business SA submits variation to clause 6.2(d) does not reflect the updated summary of submissions and that clause 6.2 remain as appears in the current award and original exposure draft.

Clause 14.5(b) – Overtime

Business SA acknowledges the proposed variation to clause 14.5(b), which reflects item 42 of the updated summary of submissions. This variation has deleted “Clause 13.5(c) – Time off instead of overtime” from clause 14.5(b) and inserted “Clause 13.6(a)”. This variation has made clause 14.5(b) accurately reflect clause 28.5 of the [current award](#). However, the variation has removed reference to ‘Time off instead of overtime’, the title of the cross-referenced clause.

Business SA submits the title of the cross-referenced clause be reinserted. Including the title of cross-referenced clauses aids award navigation; the reader is able to quickly decide whether they need to consult the cross-referenced clause for their present matter. Without titles a reader unfamiliar with the award will have to turn to the cross-reference to determine its applicability to their present purposes. With the move toward plain language drafting, making award navigation more cumbersome is a contrary step.

Business SA appreciates the opportunity to comment on the updated summary of submissions and revised exposure draft. For further information please contact Karen van Gorp, Senior Policy Adviser, or Chris Klepper, Policy Adviser, on karenv@business-sa.com / chrisk@business-sa.com.

Yours sincerely,

Chris Klepper
Policy Adviser

¹ [Clerks – Private Sector Award 2010](#) cl 11.5; [Clerks – Private Sector Award 2015 exposure draft](#) cl 6.2(d).



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