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Subject: NECA SA MA000025 Exposure Draft Submissions in Reply
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Attachments: [image001.png](#)
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[image005.png](#)
[NECA SA MA000025 Submissions in Reply.pdf](#)

Good afternoon,

Please find attached submissions in reply in relation to the exposure draft for the ELECTRICAL, ELECTRONIC AND COMMUNICATIONS CONTRACTING AWARD 2016, filed for and on behalf of the National Electrical & Communications Association SA Chapter (NECA SA).

Kindest regards,

Danae Fleetwood *LLB, BMgmt (HRM)*
Workplace Relations Advisor

Please note: From 11 July 2016, Jessica Kamleh will be the primary Workplace Relations Advisor as I transition into maternity leave from 21 July 2016. I wish you all the best for the remainder of 2016 and looking forward to speaking again in 2017.



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FAIR WORK COMMISSION

Fair Work Act 2010

s.156 - 4 Yearly Review of Modern Awards

AM 2014/265.

Electrical, Electronic and Communications Contracting Award 2010
MA000025

**ELECTRICAL, ELECTRONIC AND
COMMUNICATIONS CONTRACTING AWARD
2016
EXPOSURE DRAFT**

SUBMISSION IN REPLY

**NATIONAL ELECTRICAL & COMMUNICATIONS
ASSOCIATION SA CHAPTER (NECA SA)**

1. NECA SA agrees generally with the submissions of each party, except as set out below.

Submissions by the CEPU - Electrical, Energy and Services Division

Paragraphs 8 – 16 of the Submission; Subclause 13.6 of the Exposure Draft

2. NECA SA disagrees with the CEPU's interpretation that subclause 13.6 is in breach of s 326 of the Fair Work Act 2009 ("the Act").
3. Subclause 13.6 of the Exposure Draft applies a consistent method to determine the payment of a late-comer, early-leaver or employee who works overtime, for reasonable time-keeping and administrative purposes.
4. Whilst the CEPU claims at paragraph 16 the use of such a method is unnecessary in today's technological age, to do so would unreasonable restrict the rights of an employer to manage their administrative duties in the way they deem most appropriate (which may not be the most technologically advanced).

Paragraph 27 of the Submission; Subclauses 16.4(a)(iii) and 16.4(a)(iv) of the Exposure Draft

5. NECA SA submits that, whilst the CEPU's interpretation of the interaction between subclauses 16.4(a)(iii) and 16.4(a)(iv) is correct, the Fair Work Commission would better achieve the Modern Award Objectives by re-wording such clauses as per paragraph 29 of the NECA SA Submission.

Submissions by the Fire Protection Association Australia (FPAA) and Master Electricians Australia (MEA)

Paragraph 16 of the FPAA Submission; Paragraphs 31-33 of the MEA Submission; Clause 13 of the Exposure Draft

6. Based on the submissions by all parties, there appears to be a common dissatisfaction with clause 13 of the Exposure Draft.
7. Concern has been raised around the confusion between day workers, and continuous v non-continuous shift workers. The 'Ordinary hours of work and rostering' for all three forms of employment are currently dealt with in clause 13 of the Exposure Draft.
8. NECA SA agrees with MEA whom in paragraphs 31-33 of their submission believe the shift work clauses should be separated to avoid confusion.
9. Whilst FPAA has a proposed method for resolving the above conditions in their paragraphs 16.1-16.3, their proposal contains its own inadequacies. For example, subclauses 13.1, 13.6 and 13.8 of the Exposure Draft would apply to not only day workers (as proposed by the FPAA) but also to shift workers.
10. NECA SA submits that further consultation in relation to the drafting of clause 13 of the Exposure Draft should be allowed to avoid confusion for Employees and Employers and to achieve the Modern Awards Objective.

Submissions by the Australian Industry Group (AIG)

Paragraphs 110-127 of the Submission; Schedule B of the Exposure Draft

11. NECA SA agrees with the submissions made by the AIG in relation to the confusion that may arise from the proposed drafting of Schedule B of the Exposure Draft.
12. NECA SA submits that further consultation in relation to the drafting of clause 13 of the Exposure Draft should be allowed to avoid confusion for Employees and Employers and to achieve the Modern Awards Objective.

NECA SA

21 July 2016