

### SUMMARY OF SUBMISSIONS – TECHNICAL AND DRAFTING

This table is a summary of submissions on technical and drafting issues lodged for this award on or before 5.00pm on 22 February 2017.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1	ABI & NSWBC	Sub-18/01/17	1.2	Removal of ‘as varied’	Para 2.2	This issue will be determined by the Award Stage–Group 3 Full Bench and applied generally.
2	ABI & NSWBC	<a href="#">Sub-18/01/17</a>	2	<b>Definitions</b> <i>In response to question raised by Commission</i> Definitions should be deleted.	Para 9.1	
3	AWU	<a href="#">Sub-20/01/17</a>	5	<b>Effect of variations made by the Fair Work Commission</b> Clause should be moved under cl. 1-‘Title and Commencement’ and numbered as 1.2	Paras 3-5	Provision is contained as a discrete clause in all Group 4 EDs in accordance with plain language principles <a href="#">[2016] FWC 2924</a> , see para [4].
	ABI & NSWBC	Sub-18/01/17		Agrees with AWU’s submission.	Para 2.1	
4	AFEI	<a href="#">Sub-18/01/17</a>	7.2	<b>Facilitative provisions for flexible working practices</b> Clause 18.4(a) should be included in table.	Para 31	
5	ABI & NSWBC	<a href="#">Sub-18/01/17</a>	13.2(a)	<b>Spread of ordinary hours of work</b> Removal of ‘any or all day days’ and ‘inclusive’ makes clause less clear. Should be reinserted. Provides draft wording.	Para 9.2	
6	UV	<a href="#">Sub-16/12/16</a>	14.1	<b>Rest after early morning work</b> <i>In response to question raised by</i>	Para 4	

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				<i>Commission</i> May be paid or unpaid, depending on the employee's roster.		
	AFEI	<a href="#">Sub-18/01/17</a>		Unpaid except for pay for ordinary hours occurring during this period.	Para 33	
	AWU	<a href="#">Sub-20/01/17</a>		Paid break.	Para 7	
7	UV	<a href="#">Sub-16/12/16</a>	14.2	<b>Rest periods</b> <i>In response to question raised by Commission</i> This is a paid break.	Para 5	
	AFEI	<a href="#">Sub-18/01/17</a>		Rest periods are paid.	Para 33	
	ABI & NSWBC	<a href="#">Sub-18/01/17</a>		Rest periods are paid.	Para 9.3	
	AWU	<a href="#">Sub-20/01/17</a>		Paid break.	Para 7	
	AFEI	<a href="#">ReplySub-22/02/17</a>		Agrees with submissions by ABI & NSWBC and AWU.	Para 46	
8	UV	<a href="#">Sub-16/12/16</a>	14.3	<b>Meal break—other than shiftworkers</b> <i>In response to question raised by Commission</i> This is an unpaid break.	Para 6	
	AFEI	<a href="#">Sub-18/01/17</a>		14.3(a) provides for unpaid meal break.	Para 34	
	ABI & NSWBC	<a href="#">Sub-18/01/17</a>		Meal breaks are unpaid.	Para 9.3	
	AWU	<a href="#">Sub-20/01/17</a>		Unpaid break but if employee required to work during normal meal break then receive 150% all time worked during meal break.	Para 7	
	AFEI	<a href="#">ReplySub-</a>		Agrees with submissions by ABI &	Para 46	

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		<a href="#">22/02/17</a>		NSWBC and AWU.		
9	ABI & NSWBC	<a href="#">Sub-18/01/17</a>	15.6	<b>School-based apprentices</b> <i>In response to question raised by Commission</i> Schedule not required.	Para 9.4	
10	UV	<a href="#">Sub-16/12/16</a>	16.3(c)	<b>Uniform allowance</b> <i>In response to question raised by Commission</i> Clause applies to all employees. Refers to cl.10.2(c) ED.	Para 7	
	AFEI	<a href="#">Sub-18/01/17</a>		Applies only to full-time employees.	Para 35	
	ABI & NSWBC	<a href="#">Sub-18/01/17</a>		Applies only to full-time employees.	Para 9.5	
	AWU	<a href="#">Sub-20/01/17</a>		Applies to all employees. Term 'full-time' should be deleted from clause.	Para 8	
	UV	<a href="#">ReplySub- 22/02/17</a>		Disagrees with AFEI. Clause applies to all employees.	Paras 4-6	
	AFEI	<a href="#">ReplySub- 22/02/17</a>		Agrees with submission from ABI & NSWBC.	Para 47	
	AWU	<a href="#">ReplySub- 22/02/17</a>		Disagrees with AFEI. Allowance applies to all employees required to wear a uniform.	Paras 4-5	
11	AFEI	<a href="#">Sub-18/01/17</a>	18.4(c)	<b>Method of working shifts</b> Clause should be deleted. Reference to clause 27 unnecessary.	Para 32	
	UV	<a href="#">ReplySub- 22/02/17</a>		Opposes submissions.	Para 7	
	AWU	<a href="#">ReplySub- 22/02/17</a>		Disagrees with AFEI.	Para 6	

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12	UV	<a href="#">Sub-16/12/16</a>	18.6	<b>Overtime for shiftworkers</b> <i>In response to question raised by Commission</i> Use of 'applicable rate' suggests is variable rate. Use of different terminology suggests entitlements are different and overtime rates of shiftworkers are cumulative with shift rate.	Paras 8-9	
	AFEI	<a href="#">Sub-18/01/17</a>		Applies on the minimum hourly rate (not inclusive of shift loadings). It is paid for shiftworkers working ordinary hours within a defined shift.	Para 36	
	ABI & NSWBC	<a href="#">Sub-18/01/17</a>		150% loading is calculated on basis of the minimum hourly rate. Words 'applicable rate' should read 'applicable minimum hourly rate'.	Para 9.7	
	AWU	<a href="#">Sub-20/01/17</a>		'applicable rate' refers to the shift rate, including the shift penalty at cl.18.5.	Para 9	
	UV	<a href="#">ReplySub-22/02/17</a>		AFEI and ABI's submissions would be a substantial variation to the award. Terminology suggests entitlements for day workers and shift workers are different.	Paras 8-11	
	AFEI	<a href="#">ReplySub-22/02/17</a>		Agrees with ABI & NSWBC's submissions.	Para 48	
	AWU	<a href="#">ReplySub-22/02/17</a>		AFEI, ABI & NSWBC's proposals would amount to a substantive change.	Para 7	
	ABI & NSWBC	<a href="#">ReplySub-22/02/17</a>		Opposes submissions of AWU and UV.	Para 7.1	

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13	ABI & NSWBC	<a href="#">Sub-18/01/17</a>	18.6	<b>Overtime for shiftworkers</b> Word 'for' should be deleted before 'at 150%'.	Para 9.6	
14	AWU	<a href="#">Sub-20/01/17</a>	19.1(b)	<b>Payment for overtime—other than shiftworkers</b> Term 'appropriate' should be retained.	Para 11	Sub references 19.1(a), but the clause described is 19.1(b).
	ABI & NSWBC	<a href="#">ReplySub-22/02/17</a>		Opposes submissions of AWU.	Para 7.2	
15	ABI & NSWBC	<a href="#">Sub-18/01/17</a>	19.1(b)	<b>Payment for overtime—other than shiftworkers</b> <i>In response to question raised by Commission</i> Does not interact with minimum engagement clauses.	Para 9.8(a)	
	AWU	<a href="#">Sub-20/01/17</a>		Minimum engagement of 4 hours must apply as it is a second engagement.	Para 10	
	AFEI	<a href="#">ReplySub-22/02/17</a>		Does not support AWU's proposal.	Para 49	
16	ABI & NSWBC	<a href="#">Sub-18/01/17</a>	19.4(a), 19.4(b)	<b>Removals</b> These are intended to cover the field for this type of work.	Para 9.8(b)	
	AWU	ReplySub-22/02/17		Disagrees with ABI & NSWBC's submission. Removals by part-time and casual employees are subject to different minimum engagement.	Paras 8-10	

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17	UV	<a href="#">Sub-16/12/16</a>	20.1(a)(i) 20.1(b)	<b>Work on Saturday and Sunday</b> <i>In response to question raised by Commission</i> Any interpretation of provisions should consider that cl 20.1 is a penalty rate provision. Clauses apply to full-time employees who would not otherwise have a minimum engagement. More beneficial minimum engagements for part-time and casuals still apply on a Saturday.	Paras 10-14	
	ABI & NSWBC	<a href="#">Sub-18/01/17</a>		Both clauses are intended to cover the field for this type of work.	Para 9.9	
	AWU	<a href="#">Sub-20/01/17</a>		Minimum engagement of 4 hours must apply - it is a second engagement. This will ensure consistency with cl.10.5, 11.4.	Paras 10; 13	
	UV	<a href="#">ReplySub-22/02/17</a>		Opposes ABI&NSWBC's position. Reiterates previous submissions.	Para 12	
	AFEI	<a href="#">ReplySub-22/02/17</a>		Agrees with submissions by ABI & NSWBC.	Para 50	
	AWU	<a href="#">ReplySub-22/02/17</a>		Supports submissions of UV. Disagrees with submissions of ABI & NSWBC. Suggests drafting for cl 20.1.	Paras 11-13	
	ABI & NSWBC	<a href="#">ReplySub-22/02/17</a>		Oppose submissions of AWU and UV.	Para 7.3	
18	AWU	ReplySub-22/02/17	20.1(c)(ii)	Suggest minimum payment of two hours for time worked on public holidays.	Para 12	

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

ABI & NSWBC	Australian Business Industrial and NSW Business Chamber
AFEI	Australian Federation of Employers and Industries
AWU	The Australian Workers' Union
ED	Exposure Draft
UV	United Voice