

SUMMARY OF SUBMISSIONS

This table is a summary of submissions lodged for this award on or before 5.00pm on 26 May 2016.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1.	USU	Sub-06/03/15		3	Definitions and Interpretations Insert new definitions: “competency based training”; “council”; “days”; “employer”; “hourly ordinary time rate”; “local government entity”; and “ordinary pay”	Para 1	
2.	USU	Sub-06/03/15		3	Definitions and Interpretations Delete definitions: “employer”; “full rate of pay”; “hourly ordinary time rate”; and “local government entity”	Para 2	
3.	LGA and ASU	Sub-02/03/15		3.1	Definitions and interpretation Amend definition of “recreation centres” to include golf courses.	Schedule 1, para 3	Substantive issue determined in – PR575440 . Clause amended in exposure draft–28/04/16 .
4.	AIG	Sub – 14/4/16	3.3(e)	4.3(e) [deleted]	Coverage Clause should be deleted.	P 77	Substantive issue determined in – PR575440 . Clause deleted in exposure draft–28/04/16 .
	LGA and ASU	Sub-02/03/15			Coverage Delete clause as the local government in Victoria provides education programs for four year old children in kindergartens.	Schedule 1, para 2	
5.	USU	Sub-06/03/15	3.3(d) and 3.3(e)	4.3	Coverage Clauses 4.3(d) and (e) should be deleted.	Para 5	
6.	USU	Sub-06/03/15	6	10	Employment categories Propose new clause ‘Employment categories’	Paras 10–11	Proposed wording is provided.

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7.	FWO	Corro-02/03/15	6.5(b); 13; 14	10.5(b); 10.5(c); 23; and 24.2	Employment categories; Penalty rates; Overtime Received enquiries in relation to whether casual loading is payable during overtime hours due to the interaction between clause 10.5(b) and 10.5(c)	Item 25	Clause amended in exposure draft – revised 26/05/16 to reflect parties' agreed changes in 18/05/16 conference.
8.	LGA	Sub – 14/04/16	6.5(c)(ii)	10.5(b)	Penalties and Overtime Example accurately represents method of calculating penalty rates for casual employees.	Para 5	Clause amended in exposure draft – revised 26/05/16 to reflect parties' agreed changes in 18/05/16 conference.
	AIG	Sub – 14/4/16			Final sentence of clause should be deleted as it deviates substantially from current position by requiring that the penalties referred to, including overtime, are paid in addition to the casual loading of 25%.	P 77	
	AIG	Sub – 26/04/16			Agree with LGA submission that example accurately represents method of calculating penalty rates for casual employees.	P 3	
	LGA	Sub-04/05/16			Clause does not accurately represent method of calculating casual loading and overtime for casual employees. Clause suggests a casual working overtime receives casual loading and overtime penalties but no award requirement that they be paid the casual loading.	P 1 – 2	
	AIG	Sub – 04/05/16			LGA amendment not opposed.	P 1	
9.	LGA	Sub-04/05/16	6.5(c)(ii)		Seeks removal of the reference to overtime.	P 2	
	AIG	Sub – 04/05/16			LGA amendment not opposed.	P 1	

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10.	LGA	Sub-04/05/16	6.5		Proposes title of clause 6.5(c) be changed to “Penalties” and that a new sub-clause “Ordinary hours and overtime” be inserted in clause 6.5 identifying when a casual employee is entitled to overtime payment. Suggests re-ordering of clause 6.5 if above amendments to clause accepted.	P 2	
	AIG	Sub – 04/05/16			LGA amendment not opposed.	P 1	
11.	USU	Sub-06/03/15	8	21	Ordinary hours of work and rostering Delete clause and replace with new text.	Paras 24–25	Proposed wording is provided.
12.	AIG	Sub – 14/04/16	8.1(a)		Ordinary hours Concern does not meet requirements FW Act s.147	P 77	Proposed wording is provided.
		Sub – 04/05/16			Will not press issue if LGA’s proposals in Sub-040516 accepted.	P 1	
	ASU	Sub – 04/05/16			No reply submission made as has not seen any further submissions by AIG.	P 1	
13.	AIG	Sub – 14/04/16	8.1(c)		Ordinary hours Delete “or a casual employee” as clause 6 does not deal with casual employees.	P 78	
		Sub – 04/05/16			Will not press issue if LGA’s proposals in Sub-040516 accepted.	P 1	
	ASU	Sub – 04/05/16			No reply submission made as has not seen any further submissions by AIG.	P 1	
14.	ASU	Sub-02/03/15	8.1(e)(vi)	21.2(b)(vii)	Ordinary hours Delete subclause “garbage, sanitary and sullage services”	Para 19	

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15.	ASU	Sub-02/03/15		21.2(b)(ix)	Days on which ordinary hours can be worked Delete subclause “libraries”.	Para 20	Subclause was not included in exposure draft.
16.	AIG	Sub – 14/4/16	8.1(g)	21.2(b)(vi)	Ordinary hours Change from “customer service centres” to “customer services” may impact its application. Retain existing award term.	P 78	Clause amended in exposure draft– 28/04/16 as agreed in conference on 26/04/16.
17.	ASU	Sub-02/03/15	8.1	21.2 and 21.3	Days on which ordinary hours can be worked; Span of ordinary hours Insert new subclause 21.2(d). Delete subclause 21.3 and replace with new text.	Paras 21–22	Proposed wording is provided.
18.	ASU	Sub-02/03/15	8.1(k)	21.5	Maximum ordinary hours in a day Delete current clause and insert new.	Para 23	Proposed wording is provided.
19.	USU	Sub-06/03/15	10	14	Minimum wages Delete and replace with new text.	Paras 16–17	Proposed wording is provided.
20.	AIG	Sub – 14/4/16	10.1		Minimum wages Preamble in clause not confined to full-time employees so a literal reading of the provision appears to require that the minimum weekly wage be paid to all adult employees, including part-time and casual. Suggest inclusion of “full-time employees” below “minimum weekly rate” in second column.	P 78	Clause amended in exposure draft– 28/04/16 as agreed in conference on 26/04/16.

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21.	AIG	Sub – 14/4/16	10.3(f)		Apprentices Clause 10.3(f) applies only in circumstances in 10.3(e), not to apprentices generally. Amalgamate clauses (e) and (f) per the current award.	P 79	Clause amended in exposure draft– 28/04/16 as agreed in conference on 26/04/16.
22.	USU	Sub-06/03/15	10.4	19	Payment of wages Delete clause and replace with new text.	Paras 22–23	Proposed wording is provided.
23.	AIG	Sub – 14/04/16	10.5(a)(i)		Annualised salaries Cross reference to clause 10.1 narrows scope of entitlements that may be compensated for by an annual salary. Change to clause 10.	P 79	Clause amended in exposure draft– 28/04/16 as agreed in conference on 26/04/16.
24.	LGA	Sub – 14/04/16	10.5(d)(ix)		Annualised salaries Delete reference to “accident make-up pay”.	Para 6	Clause amended in exposure draft– 28/04/16 as agreed in conference on 26/04/16.
	AIG	Sub – 14/4/16			Delete as clause 17 of current award deleted.	P 80	
	ASU	Sub – 14/04/16			Should not be deleted. Retain reference.	Paras 2-5	
	AIG	Sub – 26/04/16	10.5(d)(ix)		Agree with LGA – delete “accident...pay” .	P 3	
25.	USU	Sub-06/03/15	10.6	18	Higher duties Delete clause and replace with new text.	Paras 20–21	Proposed wording is provided.
26.	AIG	Sub – 14/4/16	10.6(a)		Higher duties “[A] position at a higher level” in third line is unnecessary and confusing. Retain current clause.	P 80	Clause amended in exposure draft– 28/04/16 as agreed in conference on 26/04/16.

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27.	LGA	Sub – 14/04/16	10.6(b)		<p>Higher duties <i>Parties are asked to clarify the rate of pay applicable on a public holiday for an employee extended on higher duties.</i> Would be entitled to payment at their base rate of pay rather than minimum hourly rate applicable to the higher level position.</p>	Para 7	
	AIG	Sub – 26/04/16				Agrees with LGA.	
28.	USU	Sub-06/03/15	11	15	<p>Allowances Delete clause and replace with new text.</p>	Paras 18–19	Proposed wording is provided.
29.	AIG	Sub – 14/04/16	11.2(c)(v)		<p>Adverse working conditions Cross reference to “clause (e)(iv)” should be replaced with “clause 11.2(c)(iv)”.</p>	P 80	Clause amended in exposure draft– 28/04/16 as per conference 26/04/16
30.	AIG	Sub – 14/04/16	11.2(d)(i)		<p>Camping allowance Due to reformatting clause does not properly reflect its current terms.</p>	P 80	Clause amended in exposure draft– 28/04/16 as agreed in conference on 26/04/16.
31.	ASU	Sub-02/03/15	11.2(e)	24.6(b)	<p>On call allowance Delete current clause and insert new.</p>	Para 27	Proposed wording is provided.
33.	AIG	Sub – 14/4/16	11.3(b)(i)		<p>Tool allowance Omission of “by the employer” means no longer clear that operation is limited to when requirement imposed by employer. Re-insert words.</p>	P 81	Clause amended in exposure draft– 28/04/16 as agreed in conference on 26/04/16.
32.	AIG	Sub – 14/04/16	11.3(b)(i)		<p>Tool allowance Cross reference to “clause (e)(iv)” should be replaced with “clause 11.2(c)(iv)”.</p>	P 81	Clause does not contain cross-reference.

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34.	LGA	Sub – 14/04/16	11.4(b)(ii)		Transfers, travelling and working away... <i>Parties are asked whether the “appropriate rate of pay” ... is their minimum rate or can it include penalties? LGA submits that the “appropriate rate of pay” can include penalties.</i>	Para 8	
	AIG	Sub – 26/04/16			Do not oppose LGA submission. Current terms are sufficiently clear as to the rate of pay that applies.	P 4	
35.	LGA and ASU	Sub-02/03/15	12.4(h)	20.4(h)	Superannuation “Local Super” has changed names and is now “Statewide Super” - vary.	Schedule 1, para 1	
36.	USU	Sub-06/03/15	13	23	Penalty rates Delete clause and replace with new text.	Paras 26–27	Proposed wording is provided.
37.	ASU	Sub-02/03/15	13.3	23.3	Weekend penalty rates for recreation centres and community services Delete current clause and insert new.	Para 24	Proposed wording is provided.
38.	USU	Sub-06/03/15	14	24	Overtime Delete clause and replace with new text.	Paras 28–29	Substantive issue determined in – PR575440 . Clause 14.2(b) amended in exposure draft– 28/04/16 .
39.	ASU	Sub-02/03/15	14.2(b)	24.2(b)	Payment for overtime Delete current clause and insert new text.	Para 25	
40.	ASU	Sub-04/05/16	14.2	24.4(c)	Payment for overtime Clause does not replicate current award clause.	P 1	
41.	ASU	Sub-02/03/15	14.3(b)	24.3(b)	Time off instead of payment for overtime Delete current clause and insert new.	Para 26	Proposed wording is provided. May be affected by AM2014/300 .

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42.	AIG	Sub – 14/4/16	14.4(a)		Length of the rest period New clause substitutes “wherever reasonably practicable” for “where possible”– has different meaning. Propose retention of current award language.	P 81	Clause amended in exposure draft– 28/04/16 as agreed in conference on 26/04/16.
43.	AIG	Sub – 14/4/16	14.4(b)(i)		Where the employee does not get a 10 hour rest The word “time” in the second bullet point should be deleted. Its inclusion is superfluous and confusing.	P 81	Clause amended in exposure draft– 28/04/16 as agreed in conference on 26/04/16.
44.	USU	Sub-06/03/15	15	25	Annual leave Delete clause and replace with new text.	Paras 30–31	Proposed wording is provided.
45.	USU	Sub-06/03/15	16	25A	Personal/carer’s leave and compassionate leave Delete clause and replace with new text.	Paras 32–33	Proposed wording is provided.
46.	USU	Sub-06/03/15	17	27	Parental leave Delete clause and replace with new text.	Paras 34–35	Proposed wording is provided.
47.	USU	Sub-06/03/15	18	28	Public holidays Propose deleting clause and replacing with new text.	Paras 36–37	Proposed wording is provided.
48.	LGA	Sub – 14/04/16	18.3		Submit that clause 18.3 has the ability to apply in each State and Territory, as the applicable public holiday legislation provides for the ability to declare additional public holidays.	Paras 9-11	Refers to and attaches applicable public holiday legislation.
	AIG	Sub – 26/04/16			Do not oppose LGA submission.	P 4	

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49.	LGA	Sub – 14/04/16	18.5 and 8.2(d)		<i>Parties are asked to clarify how clause 18.5 interacts with clause 8.2(d). No conflict between clauses - refer to different rostering systems. But for employees engaged on 7 day a week rotating roster on an accrued rostered day off system, if a public holiday fell on a day off, necessary to determine which clause applies.</i>	Para 12-13	
	AIG	Sub – 26/04/16			Do not oppose LGA submission.	P 4	
50.	USU	Sub-06/03/15	20	11	Termination of employment Propose deleting clause and replacing with new text.	Paras 12–13	Proposed wording is provided.
51.	USU	Sub-06/03/15	21	12	Redundancy Delete clause and replace with new text.	Paras 14–15	Proposed wording is provided.
52.	USU	Sub-06/03/15	22	8	Consultation regarding major workplace change Delete clause and replace with new text.	Paras 6–7	Proposed wording is provided.
53.	USU	Sub-06/03/15	23	9	Dispute resolution Propose variation to insert a new “Dispute Resolution Training” clause.	Paras 8–9	Substantive issue determined in – PR575440 . Clause amended exposure draft–28/04/16 .
	ASU	Sub-02/03/15			Insert “Dispute Resolution Training” clause.	Para 18	
54.	USU	Sub-06/03/15	Schedule A	Schedule B	Classifications Delete current award Schedule B and replace with new terms.	Paras 39-40 P 60-65	Proposed variation provided.
55.	AIG	Sub – 14/04/16	Schedule B		Summary of Hourly Rates of Pay Delete “other than shiftworkers” table heading as no separate entitlements apply to shiftworkers as distinct from other employees	P 82	Clause amended in exposure draft–28/04/16 per conference 26/04/16

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56.	USU	Sub-06/03/15	Schedule E	Schedule D	School-based Apprentices Delete current schedule D and replace with new terms 'junior and trainee employment'.	Paras 41-42 P 66-68	Proposed variation provided.
57.	AIG	Sub – 14/4/16	Schedule I		Definitions Insertion of "shiftworker" definition unnecessary as does not appear in body of award.		Clause amended in exposure draft– 28/04/16 as agreed in conference on 26/04/16.
58.	USU	Sub-06/03/15	Insert new		Propose variation to insert new Part 7 to the award titled 'Further Conditions of Employment'	Para 38	
59.	USU	Sub-06/03/15	Insert new		Propose variation to insert new Schedule F in relation to rates of pay	Para 43 P 69-70	
60.	USU	Sub-06/03/15			Proposed variation to insert new Schedule H – Minimum standards of Caravan accommodation to be provided to employees required to camp out	Para 45 P 71-72	
61.	LGA	Sub – 14/04/16			LGA notes that the exposure draft has not included any of the amendments in the determination of 23 December 2015 [PR575440].	Para 14	Exposure draft has been revised to incorporate determination PR575440 .

List of abbreviations (in alphabetical order)

AIG	Australian Industry Group
ASU	Australian Municipal, Administrative, Clerical and Services Union
LGA	Local Government Associations
USU	United Services Union