

### 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	<a href="#">Sub-18/1/17</a>	4.2	<b>Coverage</b> Clause should be amended to read ‘The coverage of this Award includes...’	Para 14.1	
	BusSA	<a href="#">ReplySub-22/02/17</a>		Agrees with ABI’s submission.	Para 6.1	
2	BusSA	<a href="#">Sub-18/1/17</a>	4.5, 4.6	<b>Coverage</b> Submits subclauses be moved and renumbered as clauses 4.3 and 4.4.	Para 6.1	
	UV	<a href="#">ReplySub-22/02/17</a>		Opposes BusSA’s proposal.	Para 3	
3	BusSA	<a href="#">Sub-18/1/17</a>	7	<b>Facilitative provisions</b> Insert cl 11.4 as between ‘an individual’.	Para 6.2(1)	
	ABI & NSWBC	<a href="#">ReplySub-22/02/17</a>		Agrees with BusSA’s submission.	Para 13.2	
4	BusSA	<a href="#">Sub-18/1/17</a>	7	<b>Facilitative provisions</b> Should clarify the agreement referred to at cl 15.6 is special provisions for maintenance and horticultural employees.	Para 6.2(2)	
	ABI & NSWBC	<a href="#">ReplySub-22/02/17</a>		Agrees with BusSA’s submission.	Para 13.2	
5	BusSA	<a href="#">Sub-18/1/17</a>	7	<b>Facilitative provisions</b> Insert cl 18.5(b) as between ‘an individual’.	Para 6.2(3)	
	ABI & NSWBC	<a href="#">ReplySub-22/02/17</a>		Agrees with BusSA’s submission.	Para 13.2	

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6	BusSA	<a href="#">Sub-18/1/17</a>	7	<b>Facilitative provisions</b> Insert cl 28.2 as between ‘the majority of employees’.	Para 6.2(4)	
	ABI & NSWBC	<a href="#">ReplySub-22/02/17</a>		Agrees with BusSA’s submission.	Para 13.2	
7	BusSA	<a href="#">Sub-18/1/17</a>	11.3	<b>Casual employees</b> Spelling mistake – ‘causal’ should be ‘casual’.	Para 6.3	AMOD: error-ED amended
	AWU	<a href="#">Sub-20/1/17</a>		Typographical error. ‘Causal’ should be ‘casual’.	Para 4	
	ABI & NSWBC	<a href="#">ReplySub-22/02/17</a>		Agrees with BusSA’s submission.	Para 13.3	
8	BusSA	<a href="#">Sub-18/1/17</a>	11.3	<b>Casual employees</b> <i>In response to question raised by Commission</i> Notes the award is silent in this regard. Appears the reasoning for lack of casual rates or the casual rates themselves were lost in the making of 2010 award.	Para 6.4	
	ABI & NSWBC	<a href="#">Sub-18/1/17</a>		A maintenance and horticultural employee may be engaged on a casual basis. Cl 24.2 would apply save for the fact Monday-Friday and Saturday before 12 noon would be paid at 125%.	Para 14.2	
	AWU	<a href="#">Sub-20/1/17</a>		There are no exclusions in the award that suggest maintenance and horticultural employees are not covered by the definition. Submits adding a row at cl 24.2 containing rates for casual maintenance and horticultural employees.	Paras 3-3.3	

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	UV	<a href="#">ReplySub-22/02/17</a>		BusSA is incorrect. Rates can be found at cl 24. Award less clear than it could be, should be varied so it is clear a casual maintenance and horticultural employee is paid 125% between Mon-Sat before noon.	Paras 4-5	
	BusSA	<a href="#">ReplySub-22/02/17</a>		Agrees with ABI's submission.	Para 6.2	
9	BusSA	<a href="#">Sub-18/1/17</a>	13.1	<b>Junior employees</b> <i>In response to question raised by Commission</i> Notes it is seeking member feedback regarding this matter.	Para 6.5	
	UV	<a href="#">Sub-20/1/17</a>		Provision applies to all employees who work where liquor is sold or served, but does not apply to the entire premises of a club that serves alcohol. Only applies to specific areas such as bars, dining rooms, bottle shops.	Paras 3-4	
	AWU	<a href="#">Sub-20/1/17</a>		Cl 13.1 makes no distinction between junior employees that handle liquor and those who don't. Clause applies to junior waiter/junior kitchen hand in ED example.	Para 5	
	ABI & NSWBC	<a href="#">ReplySub-22/02/17</a>		Prefers UV's submission over AWU's.	Para 13.4	
10	BusSA	<a href="#">Sub-18/1/17</a>	15.7	<b>Special provisions for accrued rostered days off</b> Current award cl 26.7(a) refers to 'overtime accrued rostered days off' while ED omits the word 'overtime'. Considered a substantive change.	Para 6.6	
	AWU	<a href="#">ReplySub-22/02/17</a>		Disagrees with BusSA's submission.	Para 6	

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11	UV	<a href="#">Sub-20/1/17</a>	15.8(e)(ii)	<b>Special provisions for accrued rostered days off—club managers</b> Clause (ii) should not be struck through.	Para 5	
	BusSA	<a href="#">ReplySub-22/02/17</a>		Agrees with UV's submission.	Para 6.3	
	ABI & NSWBC	<a href="#">ReplySub-22/02/17</a>		Agrees with UV's submission.	Para 13.5	
12	ABI & NSWBC	<a href="#">Sub-18/1/17</a>	15.8(g)	<b>Special provisions for accrued rostered days off</b> <i>In response to question raised by Commission</i> Clause should be removed.	Para 14.3	
	AWU	<a href="#">Sub-20/1/17</a>		Clause no longer required.	Para 6	
13	AWU	<a href="#">Sub-20/1/17</a>	18.2	<b>Minimum wages</b> <i>In response to question raised by Commission</i> Rates in cl 18.3 are not inclusive of first aid allowance. ED wording is problematic and may result in the first aid allowance not being paid on top of minimum rates. Seeks clause be redrafted. Provides proposed wording.	Paras 7-7.1	
	UV	<a href="#">Sub-20/1/17</a>		Minimum rates are not inclusive of first aid allowance. Clause should be amended to clarify cl 17.1 refers to calculation of ordinary rate of pay. Proposes 'ordinary' be inserted between 'employee's' and 'rate'.	Paras 6-9	
	AWU	<a href="#">ReplySub-22/02/17</a>		Taking into account UV submission, provides amended draft wording of clause to previous submission.	Paras 7-8	

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14	BusSA	<a href="#">Sub-18/1/17</a>	18.4	<b>Minimum wages – Casual fitness instructors</b> <i>In response to question raised by Commission</i> Rate does not seem to be excluded from penalties in clause 24.	Para 6.7	
	AWU	<a href="#">Sub-20/1/17</a>		Rate is subject to penalties in cl 24.1.	Para 8	
	ABI & NSWBC	<a href="#">ReplySub-22/02/17</a>		In response to AWU, notes applying loadings in cl.24.1 would result in an error.	Para 13.6	
15	BusSA	<a href="#">Sub-18/1/17</a>	19.3(c)(i)	<b>Expense-related allowances – Clothing, equipment and tools</b> <i>In response to question raised by Commission</i> Current provisions require employer to reimburse employee for tools purchased which is listed in cl 19.3(c)(ix) or tools purchased by a horticultural employee. Tool allowance must also be paid to a cook required to use their own tools.	Para 6.8	
	AWU	<a href="#">Sub-20/1/17</a>		Cl 19.3(c)(i) covers tool allowance and reimbursement for cooks and maintenance and horticultural employees. Cl 19.3(c)(ix) is for all classifications and outlines reimbursement process for situations that fall outside cl 19.3(c)(ix). Notes there may be ambiguity between the provisions.	Paras 9-10	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
16	BusSA	<a href="#">Sub-18/1/17</a>	24.4	<b>Penalty rates – Late and early work penalty</b> <i>In response to question raised by Commission</i> Submits the question arises because of changes made to this clause in ED. It is a pro-rata payment for actual time worked.	Para 6.9	
	UV	<a href="#">Sub-20/1/17</a>		Wording does not allow penalty to be paid on a pro-rata basis.	Paras 10-11	
	AWU	<a href="#">Sub-20/1/17</a>		The penalties are payable in units of whole hours only. In the example given by the Commission, employee would be entitled to 3 hours of penalty rate for working 2.5 hours into the penalty period.	Para 11	
	UV	<a href="#">ReplySub-22/02/17</a>		BusSA's submissions are incorrect. The penalties are not paid pro rata.	Paras 6-8	
	AWU	<a href="#">ReplySub-22/02/17</a>		Disagrees with BusSA's submission.	Paras 4-5	
17	CCMA	<a href="#">Sub-21/12/16</a>	25	<b>Annual leave</b> To improve clarity, replace “and includes a club manager” with new sentence “The additional leave shall also apply to a club manager as defined in this award”.	Pg 2	
	AWU	<a href="#">ReplySub-22/02/17</a>		Does not oppose changes proposed by CCMA.	Para 9	
	ABI & NSWBC	<a href="#">ReplySub-22/02/17</a>		Does not oppose proposal by CCMA.	Para 13.1	

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

ABI & NSWBC	Australian Business Industrial and the NSW Business Chamber Ltd
AWU	Australian Workers' Union
BusSA	Business SA
CCMA	Club Managers Association, Australia
ED	Exposure Draft
UV	United Voice