

22 December 2023

Fair Work Commission – Pay Equity and Awards Team

By e-mail: awards@fwc.gov.au

Dear Sir/Ma'am,

AWCC Submission – Making awards easier to use – part of the Modern Awards Review 2023-24

The Australian Workforce Compliance Council Ltd (AWCC) is Australia's first and only member owned peak body association which represents payroll professionals and employment technology providers (EmployTech). Membership divisions for Payroll and EmployTech are planned to launch in early 2024. AWCC was incorporated on the 27 October 2022 following three years of research into wage-theft and other payroll related non-compliance.

The creation of AWCC was a key outcome of this research which found that Australia had no member owned peak body association or "voice" to objectively represent and advocate for those who operationalise Australia's workforce and related labour legislation.

AWCC submits the following report compiled by AWCCs newly formed Modern Award Joint Advisory Committee (MAJAC) which consists of payroll professionals and related industries representatives, who work with modern awards on a daily basis. The committee examined all awards currently under review as part of the "making awards easier to use" which was initiated as a result of Minister Burkes request to the Fair Work Commission on the 12 September 2023.

Our contact for any queries is Ciaran Strachan CEO AWCC Ltd via ciaran.strachan@awcc.asn.au

Regards

Ivan Brewer
President
Australian Workforce Compliance Council Ltd

Ciaran Strachan
MD & Chief Executive Officer
Australian Workforce Compliance Council Ltd

Jen McKennariey
(Co-Chair)
Modern Awards Joint Advisory Committee
Acting President Payroll Professionals Australia
Australian Workforce Compliance Council Ltd

Julie McInnes
(Co-Chair)
Modern Awards Joint Advisory Committee
Australian Workforce Compliance Council Ltd

AWCC would like to acknowledge the following members for their contribution and hard work drafting this submission.

Ivan Brewer - Peiso

Andrea Chwalko - Payroll Advisory Co

Renaldo Figueiredo - Payroll Experts Australia

Jodie Lamour - Payroll Experts Australia

Lillian Marchand - AirTrunk

Julie McInnes - Payroll Experts Australia

Jen McKennariey - Payroll Experts Australia

Teneille Pasque - Payroll Advisory Co

Greg Sims - Payroll Experts Australia

Donna Vigorelli - Payroll Experts Australia

Deanne Windsor - AWCC Ltd

Vearney Frost- University of Southern Queensland



Australian Workforce
Compliance Council

AWCC Submission Making awards easier to use **- part of the Modern Awards Review 2023-24**



The Australian Workforce Compliance Council Ltd

Australian Company Number (ACN): 663 421 805

Australian Business Number (ABN): 1166 342 1805

A public company limited by guarantee

© Copyright 2023

Table of Contents

| | | |
|-----|---|----|
| 1. | About AWCC Ltd..... | 3 |
| 1.1 | Background on the creation of AWCC Ltd | 3 |
| 1.2 | The drivers to create AWCC and its relation to Wage-Theft | 3 |
| 1.3 | AWCCs purpose and strategic pillars: | 5 |
| 2. | Executive Summary | 6 |
| 2.1 | Purpose of the Submission | 6 |
| 2.2 | Methodology..... | 6 |
| 2.3 | Findings and Conclusions..... | 6 |
| 3. | Hospitality Industry (General) Award [MA000009] | 11 |
| 3.1 | Summary | 11 |
| 3.2 | Issues & Proposed Solutions..... | 12 |
| 4. | Fast Food Industry Award 2020 [MA000003] | 15 |
| 4.1 | Summary | 15 |
| 4.2 | Issues & Proposed Solutions..... | 15 |
| 5. | Restaurant Industry Award [MA000119] | 19 |
| 5.1 | Summary | 19 |
| 5.2 | Issues & Proposed Solutions..... | 19 |
| 6. | General Retail Industry Award [MA000004] | 25 |
| 6.1 | Summary | 25 |
| 6.2 | Issues & Proposed Solutions..... | 26 |
| 7. | Children's Services Award [MA000120] | 28 |
| 7.1 | Summary | 28 |
| 7.2 | Issues & Proposed Solutions..... | 28 |
| 8. | Social, Community, Home Care and Disability Services Industry Award 2010 [MA000100] | 34 |
| 8.1 | Summary | 34 |
| 8.2 | Issues & Proposed Solutions..... | 34 |
| 9. | Clerks Private Sector Award [MA000002]..... | 36 |
| 9.1 | Summary | 36 |
| 9.2 | Issues & Proposed Solutions..... | 36 |

1. About AWCC Ltd

1.1 Background on the creation of AWCC Ltd

- (a) AWCC Ltd was created following three years of research into wage-theft and other payroll related non-compliance.
- (b) The Australian Workforce Compliance Council Ltd (AWCC), Australia's first and only member owned peak body association which represents payroll professionals and employment technology providers (EmployTech). AWCC Ltd was incorporated on the 27 October 2022.

1.2 The drivers to create AWCC and its relation to Wage-Theft

- (a) The following drivers were identified as a result of research that originally began with an aim to develop a permanent wage-theft solution for Australia.
 - (i) Australia's Workplace Relations¹ System had no regulated operational workforce unlike the Department of the Treasury's Tax/BAS Agent² system.
 - (ii) Professions, Universities and Associations which claim to know and represent the National Workplace Relations system in an operational context, have insufficient knowledge, skills, education, training and/or capacity to comment on operational contributing factors pertaining to Workforce Compliance including wage-theft. Most of these institutions teach foreign methodologies impacting and somewhat watering down Workforce Compliance education in Australia. University and VET sector qualifications reviewed included: Human Resources, Industrial Relations, Accounting, Bookkeeping, Law including Tax and Employment Law Specialisations. This review included all major Accounting, Law, HR and related associations certifications and equivalent. The review also included a total of 22 Australian Universities degrees in these and related areas including both under and post graduate degrees, and some PhDs and recent academic journals pertaining to wage-theft.
 - (iii) During the past three years of research, a number of initiatives were identified as needed in order to address those best positioned to mitigate Workplace Relations non-compliance including wage-theft³. These initiatives are to be centred around payroll and payroll related digital service providers (Payroll Technology). Collectively this sector manages the countries entire payroll for its over 13.5 million workers.
 - (iv) Many current limitations exist that must be resolved to develop national capabilities able to mitigate and manage Workplace Relations and State/Territory related compliance risk. This risk ranges from wage-theft to income tax (Pay As You Go / Withholding), superannuation and taxation non-compliance.
 - (v) Limitations identified included no interest or limited understanding of the payroll function by Universities (22 were interviewed), nor was any interest expressed to

¹ <https://www.dewr.gov.au/australias-national-workplace-relations-system>

² <https://www.tpb.gov.au/tax-agent-services>

³ https://www.apf.gov.au/Parliamentary_Business/Committees/Senate/Education_and_Employment/ExploitationofCleaners/Report

conduct research into payroll by the same Universities. Thus, no appropriate AQF 7 or higher (bachelor's or above) degree exists for payroll.

- (vi) Current legislation misaligns the payroll profession to either Accounting or Bookkeeping via the Tax Agent Services Act 2009⁴, placing Tax/BAS Agents with inappropriate skills, education and training at the centre of Workplace Relations activities, including award interpretation. Specifically, this Act requires all who charge a fee for payroll and superannuation services to be an accountant. Thereby locking out the payroll profession from solely working on payroll related superannuation and taxation, and placing pressure on accountants and bookkeepers to work beyond their skills and education in the areas of Fair Work Act, Regulations, awards and state base instruments. However, many accountants surveyed stated they rely on the services of a Payroll professional to advise them on all aspects of not only the Workplace Relations system, including award interpretation, but the correct calculation with corresponding payroll related instruments including payroll taxation and superannuation.
- (vii) Payroll as a profession needs significant assistance to bring it up to speed with that of other regulated professions including Taxation and Business Activity Statement (BAS) Agents, and in addition to Professional Standards Scheme self-regulated professions such as Accountants who hold a certificate of practice and Lawyers regulated by their respective Law Society/Bar.
- (viii) Payroll lacks any dedicated degree from AQF 7 (Bachelor) or higher (Master) AQF 8-9. Such degrees exist in other OECD countries including the UK, whose Chartered Payroll Practitioners have access to advanced⁵, bachelor's and master's degrees⁶ in payroll.
- (ix) Until the creation of AWCC Ltd, Australia had no member-based association or "voice" to represent those who operationalise Australia's Workforce and related labour legislation. The total economic representation to the Federal, State and Territory Governments is in the order of roughly 1/3rd of the nation's GDP. This was noted in the 2019 Independent Review of the Tax Practitioners Board dated 2019⁷, by the peak bodies. Of particular interest in the report were the following statements in relation to payroll:

"payroll service providers and Digital service providers are what we (Peak Bodies) refer to as tax intermediaries.....and it is important any changes as part of this review are future proofed."

"payroll service providers....may have qualifications that do not necessarily fit within the structure as contained in the TASR."

"There were no submissions suggesting any changes to the current arrangements for payroll service providers."

⁴ <https://www.tpb.gov.au/legislation>

⁵ <https://www.cipp.org.uk/training-and-education/study/fdpayroll.html>

⁶ <https://www.cipp.org.uk/membership/chartered-membership/why-become-chartered-with-the-cipp.html>

⁷ <https://treasury.gov.au/review/review-tax-practitioners-board-final-report>

- (b) As the above demonstrates, to date, payroll and payroll service providers including EmployTech providers have had no representation to Government (both State and Federal), and it has been left to intermediaries to fill this void for them for representational purposes. These intermediaries (known as the peak bodies) consist of associations for bookkeepers, accountants, superannuation funds and in some cases, lawyers (Law Council of Australia).
- (c) The other sector which influences national policy in this space are politically affiliated groups such as Unions and Employer Groups. Both of which utilise experts that mostly consist of economists and lawyers. Each of which AWCC views as not having the appropriate level of skill and experience to understand and provide insight into operational aspects of Wage-Theft and related non-compliance.
- (d) AWCC also identified other wider issues that include a lack of a Standards framework, to the use of potentially right wing influenced post graduate degree education for Human Resources and Management, resulting in Governance and capability related issues for Workforce Compliance and Corporate Governance, including ESG (Environmental, Social and Governance) C-Suite risk frameworks.
- (e) At a more appropriate juncture, AWCC Ltd will put forward its full comprehensive Workforce Compliance solution (with a focus on prevention) to all nine Governments, including the Federal Government, and is Ministers for Workplace Relations and Treasury.

1.3 AWCCs purpose and strategic pillars:

- (a) In response to the drivers listed above, the Australian Workforce Compliance Council (AWCC Ltd) was formed on 27 October 2022, and work began to create the first membership-based association for payroll professionals and their EmployTech providers including payroll and industrial relations technology.
- (b) AWCCs Purpose is defined in its Constitution as follows:
 - (i) Provide a voice for the payroll practitioners and employment technology providers who operationalise Australia's labour and related legislation.
 - (ii) Endeavour to increase the public standing, credibility and capability of its payroll practitioners and employment technology providers.
 - (iii) Advocate on behalf of our members to all governments on matters of national policy in relation to the operational application of labour and related legislation.
 - (iv) Conduct and publish research to support our industry.

2. Executive Summary

2.1 Purpose of the Submission

- (a) The purpose of this submission is to provide feedback to seven awards listed by the Fair Work Commission as part of its public consultation with the intent of making awards easier to use as requested by the Minister for Employment and Workplace Relations.
- (b) This submission outlines our recommended approach to making awards easier to use and addresses the challenges identified in operationalising these awards, emphasising the need for key changes that enable greater clarity with the added benefit of increasing the likelihood of compliance with each modern award.

2.2 Methodology

- (a) AWCC's Modern Award Joint Advisory Committee (MAJAC) conducted a comprehensive review of seven modern awards, gathering insights from its 11 members spanning six companies and seven industry participants with operational expertise in home care, aged care, social work, childcare, hospitality, fast food, and clerical services to understand the true operational impacts facing employers and employees.
- (b) AWCCs (MAJAC) found the exercise of identifying issues to be improved upon in various awards to be one of the most intensive and challenging tasks undertaken. Initially, this consisted of individuals analysing each award separately and identifying two types of themes per award, these were:
 - (i) Specific issues in each award.
 - (ii) Common issues spanning all awards.
- (c) Wider issues which impact awards were also identified and included in each awards recommendation, these were:
 - (i) Misalignment of classifications against the corresponding ANZSCO (⁸Australian and New Zealand Standard Classification of Occupations).
 - (ii) Unclear jurisdictional requirements.
 - (iii) Inconsistent definitions.
 - (iv) Lack of tailoring to commonly used industry language and audience literacy.
 - (v) Consumer Price Index referencing which impact modern award rate and allowance calculations, offering detailed insights and proposed solutions for each issue.

2.3 Findings and Conclusions

- (a) The challenges and clarifications essential for the compliant implementation of the modern awards under review go beyond amendments to individual clauses. To ensure comprehension by diverse audiences with varying education levels and linguistic

⁸ <https://www.abs.gov.au/statistics/classifications/anzsco-australian-and-new-zealand-standard-classification-occupations/latest-release>

backgrounds, it is imperative to incorporate key principles into the modern awards. This approach aims to uphold compliance with award provisions.

- (b) The principles guiding our recommendations are illustrated using a singular Modern Award as a referenced example, with the acknowledgment that the same applies in many instances to the other six awards (and others outside of the 7 reviewed in this submission) with similar if not identical clauses. While specific solutions are provided where context allows, some, due to their nature, necessitate the exploration of multiple scenarios. Detailed solution points are attached in an appendix for cross-referencing and additional consultation on solution design.
- (c) To facilitate an effective and impactful review, we propose the establishment of a working group comprising industry representatives. This group will collaboratively outline the necessary wording and amendments to systematically address each issue within the existing award structure. Striking the right balance of information in awards is crucial, particularly in addressing the following considerations:
 - (vi) Simplification and Oversimplification: The recommendation for simplification must avoid potential conflicts and non-compliance arising from oversimplification, which may result in the loss of crucial details. Oversimplification could lead to misinterpretation, especially in complex scenarios with overlapping coverage.
 - (vii) Over-complication with Clarification: While additional clarification is proposed, providing too many examples might create confusion. It is essential to strike a balance between clarity and conciseness.
 - (viii) Conflict with Nuanced Legal Requirements: Adding guidance on communication should not conflict with existing legal requirements. It is crucial to consider and balance legal requirements that may influence award provisions, ensuring that examples and guidance do not lead to conflicts with nuanced legal interpretations at the Federal or state level or due to business type.
- (d) To achieve this balance, further consultation and clarification are necessary to propose clear wording and structural changes that enable consistent compliance and effective communication of award provisions.
- (e) **Summary of Systemic Modern Award Issues**: Navigating the intricacies of modern employment awards presents a multifaceted landscape fraught with challenges. From the ambiguity in business classification and award application to the misalignment of classifications with professional skill frameworks, and the unclear jurisdictional requirements within awards, employers grapple with a fundamental lack of clarity. Furthermore, inconsistencies in definitions, particularly concerning meal breaks, and the overarching failure to tailor awards to industry language and audience literacy create additional layers of complexity. These challenges not only complicate the selection and application of appropriate awards but also introduce the risk of unintentional misinterpretation and non-compliance, necessitating a thorough examination of each issue to pave the way for effective solutions.
- (f) **Challenge 1: Ambiguity in Business Classification and Award Application**: Upon reviewing various awards, a prevalent issue emerges where businesses exhibit a significant degree of discretion in selecting their dominant business type to determine the applicable modern award. The decision-making process for award selection appears discretionary, with businesses aligning their dominant service or line of business to a specific award based on factors like revenue, employee work hours, and floor space. Unfortunately, there is a lack of

clear guidance and consistency in determining the suitable award within a business, leading to limited context regarding the impact on employees and their roles.

The absence of compelling incentives for employers to select the correct award, especially when multiple awards could apply, contributes to this challenge. To streamline time and attendance, as well as payroll processes, employers are inclined to minimise the number of awards applied, thereby reducing the complexity associated with compliance. Illustrative examples involve companies with multiple trading entities or those operating across various industries, where selecting the correct award becomes a complex task.

- (g) **Challenge 2: Misalignment of Award Classifications with ANZSCO Framework:** A second critical issue arises from the misalignment and lack of updates in the classifications provided within modern awards concerning the ANZSCO professional skill level classifications. The positions outlined in modern awards fail to align with the ANZSCO framework, creating ambiguity in definitions and their currency, ultimately falling short of meeting professional standards. While some alignment may be more proactive where professional standards exist, a comprehensive review of awards reveals a lack of effective benchmarks for individuals within the award classifications.
- (h) **Challenge 3: Unclear Jurisdictional Requirements in Awards:** Adding to the complexity, certain awards remain silent on jurisdiction-based requirements, leaving employers uncertain about the implications of state-based legal provisions. While some awards acknowledge jurisdictional requirements relevant to specific clauses, this practice is neither comprehensive nor consistent across awards and clause types. National businesses and those operating across multiple states face the challenge of managing compliance with decentralised state legislation alongside modern award requirements, further underscoring the need for a consolidated point of reference via the awards.
- (i) **Challenge 4: Inconsistent Definitions Across Legislation:** The fourth challenge revolves around the inconsistency of definitions, particularly in relation to meal breaks, when compared to other legislation such as liquor licensing acts. The absence of a clear definition of terms like "meal breaks" within awards, especially concerning shift hours worked, poses challenges for workers seeking to understand their rights. This lack of clarity contrasts starkly with liquor licensing legislation and regulations surrounding the retail of alcohol, where the definition of a meal is well-established and aligns between state and federal laws.
- (j) **Challenge 5: Lack of Tailoring to Industry Language and Audience Literacy:** A fifth challenge stems from the one-size-fits-all approach in drafting awards, irrespective of industry, skill level, or qualification requirements. This approach poses a risk of unintentional misinterpretation and misapplication of awards and their intended conditions. Additionally, the use of subjective and discretionary language within clauses, such as the term "reasonably," introduces scope for misinterpretation and potential abuse of award clauses. Moreover, the awards' failure to tailor language to industry audiences and consider varying literacy levels creates challenges for employers and employees, particularly those from non-English speaking backgrounds. The need for accessible language, contextual guidance, and visual aids in awards becomes crucial to avoid misapplication and non-compliance, especially when dealing with diverse demographics, including minors and individuals from different linguistic backgrounds.
- (k) **Challenge 6: Consumer Price Index (CPI) Reference Impacting Modern Award Rate and Allowance Calculations:** The challenge of referencing factors affected by the Consumer Price Index (CPI), including expense allowances, becomes pronounced due to insufficient explanation on how these elements are varied in line with the CPI. The lack of specific

guidance for Modern Awards, in contrast to the available information from the Australian Bureau of Statistics (ABS), hampers users' ability to accurately calculate the timing and amount of variations. This deficiency leads to incorrect calculations being applied to rates and allowances within Modern Awards, posing a substantial impact on the correct interpretation of these crucial components. For a more detailed understanding, the internal note directs users to the ABS guidance page, yet the absence of tailored information for Modern Awards exacerbates the challenge and necessitates a focused resolution to ensure precision and compliance in rate and allowance calculations.

- (l) From employer and employee experiences in the operationalisation of the modern awards reviewed, there are common themes that were evident across all 7 awards that create systemic issues:
- (i) Lack of Clear Definitions: The awards lack concise and clear definitions for critical terms like "junior employee," "junior office employee," "casual employee," and "apprentice," leading to potential confusion in classification.
 - (ii) Complex Rate Calculation: The method for calculating rates, especially for junior employees and apprentices, is intricate and involves references to multiple tables, posing challenges for accurate payment determination.
 - (iii) Frequency of Variations: Frequent references to variations without providing the updated text create ambiguity. Access to the latest version of these variations is essential for accurate interpretation but is currently challenging.
 - (iv) Table References: The use of tables without explicit inclusion in the document makes cross-referencing difficult. The absence of the actual tables within the document further complicates understanding.
 - (v) Individual Flexibility Arrangements: Individual Flexibility Arrangements permit the bundling of disparate payments that have different treatments for the tax and super obligations, thus further complicating compliance.
 - (vi) Unclear Application of Allowances: The application of allowances, such as the fork-lift driver allowance in hospitality, lacks consistent explanation. Clarity on when and how these allowances apply is necessary to prevent misinterpretation. Additionally, the classification of allowances that are intended to compensate for an annual licence or registration fee is silent about the treatment of reduced or no pay, as the annual licence/registration fee is fixed.
 - (vii) Uncertain Application of Annualised Wage Arrangements: The application of annualised wage arrangements is outlined but lacks specificity, particularly regarding the outer limit of ordinary and overtime hours. This ambiguity hinders correct implementation.
 - (viii) Unclear Reimbursement Policies: Mention of reimbursement policies without clear guidelines on approved expenses creates uncertainty for employees, impacting their understanding of eligible expenses.
 - (ix) Termination Procedures: Termination procedures for agreements, such as annualised wage arrangements, are not detailed, leading to a lack of clarity on steps and responsibilities during termination and potential disputes.
 - (x) Record-Keeping Requirements: While there are references to record-keeping requirements, specific details on the format and content of records are not outlined, creating challenges for compliance.

- (xi) Inconsistencies in Formatting: Inconsistent formatting of clauses, notes, and tables may hinder readability and referencing, making it difficult for users to locate and understand specific information.

Addressing these systemic issues requires comprehensive efforts, including simplifying definitions, standardising formatting, providing explicit details, and reducing reliance on external references for a more accessible and user-friendly modern award system.

- (m) In summary, the following award review summaries outline the specific overarching issues to be considered in the revision of each specific award, along with relevant clauses and the key issues and proposed solutions for each. Detailed clause-specific proposed changes and solutions along with access to analysis is available with further consultation.

3. Hospitality Industry (General) Award [MA000009]

3.1 Summary

- (a) The evaluation of the Hospitality Award has unveiled overarching themes and categories of challenges, impacting the overall clarity, communication, and practical implementation of key provisions. These themes highlight areas where improvements are crucial for the benefit of both employers and employees.
- (i) Operational Complexity: Multiple variations in the title and commencement since 2010 have introduced operational complexity, necessitating simplification for enhanced clarity.
 - (ii) Definition Challenges: The extensive list of definitions throughout the award poses a potential challenge, calling for simplification and clearer distinctions to improve user comprehension.
 - (iii) NES Linkage Ambiguity: Cross-referencing to the National Employment Standards (NES) introduces ambiguity, emphasising the need for clear communication regarding the relationship between NES and the award.
 - (iii) Coverage Simplification: The exhaustive list of covered establishments may benefit from simplification to improve understanding among stakeholders.
 - (iv) Flexibility Arrangements: Lack of specific examples or guidelines for individual flexibility arrangements calls for a more detailed and transparent process to enhance flexibility for both employers and employees.
 - (v) Flexible Working Requests Clarity: Ambiguity in handling requests for flexible working arrangements, particularly in the context of NES, underscores the need for clear and accessible information.
 - (vi) Employee Classification Process: The process and criteria for employee classification lack explicit guidance, necessitating the introduction of an overview or accessible links to relevant sections for clarity.
 - (vii) Work-Life Balance Emphasis: While outlining ordinary hours and rostering arrangements, there is a need for a more explicit emphasis on work-life balance, flexibility, and considerations for remote locations.
 - (viii) Breaks and Compliance: The definition of meal and rest breaks lacks emphasis on the employer's responsibility to ensure breaks are evenly spread, requiring clarification and enforcement details.
 - (ix) Wage Arrangements Clarity: Various clauses under minimum rates, including adult rates, managerial staff, casino gaming classifications, and junior rates, require clarification to ensure accurate and fair wage arrangements.
 - (x) Language Appropriate for Dominant Employee Demographic: The hospitality award deals in complex language and terminology paired with the combination of highly variable operating environments, low qualification and skill-level entry requirements. This means that the award in its complexity is being presented to an audience that is not sufficiently supported with education or tools to comprehend and apply it correctly in all relevant business contexts in its current form. There is a need to holistically revise the approach to the hospitality award and other awards that attract juniors and people of non-English speaking backgrounds who are likely to obtain

employment and build skills within the hospitality sector due to the lack of entry-level skill requirements. Legislation must have an Explanatory Memorandum to provide a plain English explanation of the legislation or enable adequate access to such support. The equivalent of an explanatory memorandum with a plain English explanation is what is lacking for Modern Awards. There is currently no such guidance to assist the audience.

- (b) These identified themes collectively represent key areas for improvement within the Hospitality Award, aiming to streamline operations, enhance communication, and create a more equitable and understandable framework for all parties involved.

3.2 Issues & Proposed Solutions

- (a) This comprehensive list outlines the identified issues and proposed solutions within each specified clause of the Hospitality Award, serving as a foundation for a targeted and strategic approach to highlighting and addressing these challenges.
 - (i) Title and Commencement (Clause 1.2):
Issue: Multiple variations since 2010 may create complexity.
Solution: Simplify or consolidate variations for clarity.
 - (ii) Definitions (Clause 2):
Issue: An extensive list of definitions may overwhelm users.
Solution: Simplify or group related terms; provide clearer distinctions/examples.
 - (iii) The National Employment Standards and this award (Clause 3):
Issue: Cross-referencing to NES creates ambiguity.
Solution: Clearly communicate the link between NES and the award.
 - (iv) Coverage (Clause 4):
Issue: The extensive list of covered establishments may be simplified.
Solution: Simplify the list for better comprehension.
 - (v) Individual Flexibility Arrangements (Clause 5):
Issue: Lack of specific examples or guidelines.
Solution: Provide specific examples and clarify the process.
 - (vi) Requests for Flexible Working Arrangements (Clause 6):
Issue: Cross-referencing to NES creates ambiguity.
Solution: Provide clear information within the context of the NES.
 - (vii) Facilitative Provisions (Clause 7):
Issue: Facilitative provisions need clearer understanding.
Solution: Simplify Table 1 for better accessibility.
 - (viii) Types of Employment (Clause 8):
Issue: Lack of clarity on benefits, rights, and obligations.
Solution: Simplify language; provide links to relevant sections.
 - (ix) Terms of Engagement (Clause 8.2):

Issue: The consequences of not informing about terms need clarification.

Solution: Clarify the consequences.

(x) Full-time Employees (Clause 9):

Issue: Lack of information on flexible work arrangements.

Solution: Explain options; provide a link to relevant clauses.

(xi) Part-time Employees (Clauses 10.1 - 10.6):

Issue: Language should be simplified; clear communication on guaranteed hours.

Solution: Simplify language; emphasise clear communication.

(xii) Casual Employees (Clause 11):

Issue: Lack of information on rights and entitlements.

Solution: Provide a brief summary; link to relevant clauses.

(xiii) Apprentices (Clause 12):

Issue: Lack of explicit information on apprentices' rights.

Solution: Elaborate on training, reimbursement, and conditions.

(xiv) Junior Employees (Clause 13):

Issue: Limited information on junior employees' rights.

Solution: Expand on pay rates, working hours, and restrictions.

(xv) Classifications (Clause 14):

Issue: No guidance on the process and criteria for classification.

Solution: Introduce an overview or link to relevant sections.

(xvi) Ordinary Hours of Work and Rostering Arrangements (Clause 15):

Issue: Lack of emphasis on work-life balance and flexibility along with definition of "remote location".

Solution: Include a brief section; link to relevant clauses and provide definition of a remote work location with examples.

(xvii) Breaks (Clause 16):

Issue: No emphasis on the employer's responsibility for evenly spreading breaks.

Solution: Emphasise the employer's responsibility; provide details.

(xviii) Work Organisation (Clause 17):

Issue: Lack of specificity in competency determination.

Solution: Specify competency process; provide task allocation guidelines.

(xix) Minimum Rates (Clause 18):

Issue: Clarification needed for adult rates, managerial staff, casino gaming classifications, and junior rates.

Solution: Clarify conditions affecting each category.

(xx) Apprentice Rates (Clause 19):

Issue: Guidance needed on apprenticeship progression.

Solution: Keep tables updated; provide guidance.

(xxi) Supported Wage System and National Training Wage (Clauses 20 and 21):

Issue: Ensure accessibility, clarity, and timely updates.

Solution: Ensure accessibility; reflect changes appropriately.

(xxii) Higher Duties (Clause 22):

Issue: Lack of clarity in higher duties determination.

Solution: Clarify the process; provide transparency.

(xxiii) Payment of Wages (Clause 23):

Issue: Lack of clarity on pay records and payslip content.

Solution: Clearly outline the process.

(xxiv) Annualised Wage Arrangements (Clause 24):

Issue: Lack of clarity in terms and review process.

Solution: Clearly communicate terms; specify the review process.

4. Fast Food Industry Award 2020 [MA000003]

4.1 Summary

- (a) The assessment of the Restaurant Industry Award 2020 has revealed several prominent themes and categories of concerns that warrant careful attention and refinement. The identified issues can be broadly categorised into the following key areas:
- (i) References and Incorporation: The award's references to the Miscellaneous Award and the incorporation of external terms have led to confusion, highlighting the need for a streamlined approach.
 - (ii) Definitions and Clarity: Ambiguous definitions, especially regarding terms like "reasonable overtime" and "appropriate level of training," require precision for consistent interpretation.
 - (iii) Working Hours and Breaks: Issues related to working hours, breaks, and penalty rates, including the clarity of overtime and meal break calculations, need careful examination.
 - (iv) Payment and Allowances: Concerns about penalty rates, meal allowances, and the treatment of tips call for explicit guidelines and uniformity in the award.
 - (v) Coverage and Classification: Ambiguities in coverage, classification criteria, and the exclusion list necessitate clear and concise definitions for better understanding.
 - (vi) Flexibility and Dispute Resolution: Provisions related to individual flexibility arrangements and dispute resolution require simplification and clearer guidelines for effective implementation.
 - (vii) Apprenticeships and Training: Clarity on apprenticeship laws, training provisions, and classifications must be enhanced to foster consistency and compliance.
 - (viii) General Language and Presentation: Ambiguities in language, the presentation of tables, and the lack of specificity regarding variations to the award need refinement for overall clarity.
- (b) This review summary offers a high-level overview of the multifaceted issues within the Fast Food Award. Addressing these concerns through amendments and clarifications will contribute to a more transparent, fair, and effective regulatory framework for the fast-food industry, benefiting both employers and employees.

4.2 Issues & Proposed Solutions

- (a) The review of the Restaurant Industry Award 2020 has revealed several prominent themes and categories of concerns that warrant careful attention and refinement. The identified issues can be broadly categorised into the following key areas:
- (i) Full-time Employees (Clause 9):
Issue: Definition of 4 weeks lacks clarity.
Solution: Specify the averaging period (rolling or calendar month) and provide an example roster for better comprehension.
 - (ii) Fast Food Employee Level 1 (Clause 12.4(a)(ii)):
Issue: Ambiguity in measuring competence uniformly.

Solution: Define "competence" consistently across related awards, ensuring clarity and uniformity.

(iii) Part-time Employees (Clause 10.1):

Issues:

- (a) Clarity needed on the maximum and minimum weekly hours.
- (b) Lack of clarity on the meaning of "reasonably predictable hours."

Solution:

- (a) Clearly define the maximum and minimum weekly hours.
- (b) Define "reasonably predictable hours" for better understanding.

(iv) Breaks (Clause 14.1):

Issue: Lack of guidance on tracking paid breaks.

Proposed: Provide guidance on acceptable proof from employers for tracking paid breaks.

(v) National Training Wage (Clause 15.4):

Issue: Unnecessary clause about the reference to Miscellaneous Award 2020.

Solution: Remove the clause for clarity.

(vi) Meal Allowance (Clause 17.4):

Issues:

- (a) Lack of clarity on what constitutes a provided meal.
- (b) No guidance if overtime with conditions is cancelled.

Proposed Solution:

- (a) Clearly define what constitutes a provided meal.
- (b) Provide guidance on cancelled overtime with originally specified conditions.

(vii) Traveling Time Reimbursement (Clause 17.6):

Issue: Clause is confusing and needs simplification.

Solution: Rewrite the clause for better clarity.

(viii) Excluded Payments (Clause 18.2(b)):

Issue: Lack of clarity on "other similar payments."

Solution: Provide clarity on what constitutes "other similar payments."

(ix) Reasonable Overtime (Clause 20.1):

Issues:

- (a) Lack of definition for "reasonable."
- (b) No clear definition of "unreasonable."

Proposed Solution:

- (a) Define "reasonable" considering various factors.
- (b) Clearly define what is considered "unreasonable."

(x) Payment of Overtime for Full-time Employees (Clause 20.2):

Issue: Lack of clarification for non-shift workers.

Solution: Add a reference to shift workers for better understanding.

(xi) Time Off Instead of Payment for Overtime (Clause 20.7):

- Issue: Random note about change in working arrangements.
Solution: Remove the random note for clarity.
- (xii) Consultation about Major Workplace Change (Clause 28):
Issue: Lack of clarity on the notice period for major changes.
Solution: Specify the time frame for notice of major changes.
- (xiii) Title and Commencement (Clause 1):
Issue: Lack of reference to major variations.
Solution: Include a summary or reference to major variations for better understanding.
- (xiv) Definitions (Clause 2):
Issue: Definitions could be more concise.
Solution: Group related terms for better clarity.
- (xv) The National Employment Standards and This Award (Clause 3):
Issue: Some terms referred to without explanation.
Solution: Clarify terms without explanation for better understanding.
- (xvi) Coverage (Clause 4):
Issue: Definition of the fast food industry could be simplified.
Solution: Simplify the definition for better clarity.
- (xvii) Individual Flexibility Arrangements (Clause 5):
Issue: Language could be simplified.
Solution: Simplify language for better understanding.
- (xviii) Requests for Flexible Working Arrangements (Clause 6):
Issue: Note about disputes and references not prominently displayed.
Solution: Highlight the note about disputes and references for easy reference.
- (xix) Facilitative Provisions (Clause 7):
Issue: Explanation of facilitative provisions could be more explicit.
Solution: Provide a clearer explanation of what facilitative provisions entail.
- (xx) Full-time Employees (Clause 9.1):
Issue: Brief explanation of ordinary hours and rostering terms needed.
Solution: Include a brief explanation of ordinary hours and rostering terms for better clarity.
- (xxi) Part-time Employees (Clause 10.5 and 10.7):
Issue: Language in clauses regarding variations could be simplified.
Solution: Simplify language in clauses regarding variations for better understanding.
- (xxii) Classification Definitions (Clause 12.4):
Issues:
(a) Level 1 is clear but may benefit from conciseness.
(b) Level 2 is clear but could be more succinct.

(c) Level 3 is clear but could be more succinct.

Proposed Solution:

- (a) Maintain clarity while making Level 1 more concise.
- (b) Maintain clarity while making Level 2 more succinct.
- (c) Maintain clarity while making Level 3 more succinct.

5. Restaurant Industry Award [MA000119]

5.1 Summary

- (a) The review of the Restaurant Industry Award 2020 has revealed several prominent themes and categories of concerns that warrant careful attention and refinement. The identified issues can be broadly categorised into the following key areas:
- (i) References and Incorporation: The award's references to the Miscellaneous Award and the incorporation of external terms have led to confusion, highlighting the need for a streamlined approach.
 - (ii) Definitions and Clarity: Ambiguous definitions, especially regarding terms like "reasonable overtime" and "appropriate level of training," require precision for consistent interpretation.
 - (iii) Working Hours and Breaks: Issues related to working hours, breaks, and penalty rates, including the clarity of overtime and meal break calculations, need careful examination.
 - (iv) Payment and Allowances: Concerns about penalty rates, meal allowances, and the treatment of tips call for explicit guidelines and uniformity in the award.
 - (v) Coverage and Classification: Ambiguities in coverage, classification criteria, and the exclusion list necessitate clear and concise definitions for better understanding.
 - (vi) Flexibility and Dispute Resolution: Provisions related to individual flexibility arrangements and dispute resolution require simplification and clearer guidelines for effective implementation.
 - (vii) Apprenticeships and Training: Clarity on apprenticeship laws, training provisions, and classifications must be enhanced to foster consistency and compliance.
 - (viii) General Language and Presentation: Ambiguities in language, the presentation of tables, and the lack of specificity regarding variations to the award need refinement for overall clarity.

5.2 Issues & Proposed Solutions

- (a) In the review of the Restaurant Industry Award 2020, critical clauses and issues have been identified, necessitating a meticulous examination and proposed solutions for enhanced clarity, fairness, and compliance. From references to other awards and the definition of key terms to nuanced provisions affecting working hours, penalty rates, and the treatment of tips, each aspect demands careful consideration and refinement. This detailed analysis aims to provide a clear overview of the identified issues within the award, accompanied by proposed solutions to address these concerns. It is essential to ensure that the Restaurant Industry Award 2020 reflects precise language, eliminates ambiguity, and aligns with industry standards to create a fair and comprehensible framework for both employers and employees in the restaurant sector.
- (i) Reference to Miscellaneous Award (Clause 2)

Issue: Incorporation of terms from the Miscellaneous Award 2020.

Solution: Include referenced terms directly in the Restaurant Industry Award 2020 for clarity.

- (ii) Where the wording is "agreement by majority of employees" (Clause 6)
 Issue: Lack of clarity on what constitutes a majority.
 Solution: Define the threshold for a majority to ensure clear understanding.
- (iii) What is the definition of "reasonable overtime" (Clause 18.3)
 Issue: Lack of definition for "reasonable overtime."
 Solution: Provide a clear definition of "reasonable overtime" to avoid ambiguity.
- (iv) Appropriate level of training (Definitions)
 Issue: Lack of clarity on the definition of "appropriate level of training."
 Solution: Clearly define and specify who determines the appropriate level of training.
- (v) Full-time Employees: When does a 4-week period start and end? (Clause 15)
 Issue: Ambiguity regarding the start and end of a 4-week period for full-time employees.
 Solution: Clarify the time frame for a 4-week period for full-time employees.
- (vi) Clause 13.3 & 13.4: Working hours for employees under 18 years (Clause 13.3 & 13.4)
 Issue: Lack of clarity on working hours for employees under 18 years, especially 19/20-year-olds.
 Solution: Clearly specify the working hours for employees under 18, addressing any age-related distinctions.
- (vii) Meal Break Penalty: Clarification of 50% extra pay (Clause 16.5 & 16.5)
 Issue: Ambiguity regarding whether the 50% extra pay is a penalty or overtime.
 Solution: Clearly state whether the 50% extra pay is a penalty or overtime and explain the implications.
- (viii) Additional Rest Break After Overtime: Clarity on 20-minute paid break (Clause 16.8(b))
 Issue: Lack of clarity on whether the additional 20-minute paid rest break is at the overtime rate and when it should be taken.
 Solution: Clearly specify the rate and timing of the additional 20-minute paid rest break after overtime.
- (ix) Annualised Wage: Clarification to avoid employee disadvantage (Clause 20.2)
 Issue: Lack of clarity on annualised wage not disadvantaging employees.
 Solution: Rename as "BOOT" and provide a clear explanation to avoid employee disadvantage.
- (x) Meal Allowance Definition: Equivalent to a meal at home (Clause 21.2(a))
 Issue: Lack of clarity on what constitutes a meal for the purpose of meal allowance.
 Solution: Specify that the meal should be equivalent to what the employee would have at home.
- (xi) Split Shift Allowance: Clarification on the gap between shifts (Clause 21.3)
 Issue: Lack of clarity on the gap between shifts that qualifies as a split shift.
 Solution: Define the specific gap between shifts that constitutes a split shift.

- (xii) Penalty Rates Table: Clarification of Penalty Rates (Clause 24.2)
Issue: Complex presentation with a percentage and dollar amount.
Solution: Align with other awards by using only a penalty percentage, providing clarity.
- (xiii) Provisions Related to Tips and Service Charges (Various Clauses)
Issue: Lack of guidance on handling tips and service charges, especially regarding reporting requirements.
Solution: Introduce a clause providing guidance on tip handling, reporting, and distribution.
- (xiv) Public Holiday Remuneration Disparity (Clause 24.4(d) and 30.3)
Issue: Financial disparity for employees working on public holidays.
Solution: Address the financial disparity issue for employees working on public holidays.
- (xv) Junior Apprentice Rates Table Clarity (Clause 18.3(ii))
Issue: Lack of clarity in the Junior Apprentice Rates Table, specifically Column 4.
Solution: Clearly indicate that Column 4 is for part-time employees in the Junior Apprentice Rates Table.
- (xvi) Proficiency Payments: Definition of Proficiency (Clause 18.4)
Issue: Lack of definition for "proficiency" payments.
Solution: Provide a clear definition of "proficiency" in the context of payments.
- (xvii) Recognition of QSR (Quick Service Restaurant) in Classifications (Various Clauses)
Issue: Lack of recognition for QSR in classifications.
Solution: Explicitly recognise QSR as a designation in the classifications.
- (xviii) Reasonable Requirements for Training and Online Delivery (Various Clauses)
Issue: Staff being forced to do training online in their own time.
Solution: Establish reasonable requirements for training, especially when delivered online.
- (xix) Award Variations Clarity (Part 1—Application and Operation of this Award)
Issue: Ambiguity in the language regarding award variations since January 1, 2010.
Solution: Provide specific details on the nature and extent of variations made since 1 January 2010 for clarity.
- (xx) Clarification of Adult Apprentice Definition (Definitions)
Issue: Lack of clarity in the definition of "adult apprentice."
Solution: Clarify the types of apprenticeships covered by specifying relevant industries or qualifications for better understanding.
- (xxi) Clarification of Casual Employee Definition (Definitions)
Issue: Reference to section 15A of the Act may create uncertainty.
Solution: Include a specific reference or provide the relevant content from section 15A to avoid potential discrepancies.

(xxii) Liquor Service Employee Definition Clarity (Definitions)

Issue: Lack of clarity on whether it includes employees involved in the sale or service of liquor within a restaurant.

Solution: Clearly define the scope of duties for a "liquor service employee" to avoid misinterpretation.

(xxiii) Accessible Electronic Means Definition (Clause 3.3)

Issue: Lack of guidance on what constitutes "accessible electronic means."

Solution: Define what qualifies as "accessible electronic means" to ensure compliance and understanding.

(xxiv) Coverage Description Clarity (Clause 4.1)

Issue: Lack of clarity on whether it covers all employees within the restaurant industry or only those with specified classifications.

Solution: Clearly specify the scope of coverage to avoid confusion.

(xxv) Simplification of Restaurant Industry Definition (Clause 4.2)

Issue: Complex definition of the "restaurant industry."

Solution: Simplify and reorganise the definition for enhanced clarity and readability.

(xxvi) Exclusion List Clarification (Clause 4.2)

Issue: Complex exclusion list may require additional clarification.

Solution: Provide more detailed explanations or examples to clarify the exclusions.

(xxvii) On-Hire Employees Classification Definition (Clause 4.3)

Issue: Lack of specificity regarding the types of classifications covered for on-hire employees.

Solution: Clearly define the classifications of on-hire employees covered by the award.

(xxviii) Apprentices or Trainees Coverage Specifics (Clause 4.3)

Issue: Lack of specificity about the types of apprenticeships or traineeships covered.

Solution: Provide details on the specific types of apprenticeships or traineeships covered.

(xxix) Better Off Overall Criteria Definition (Clause 5.5)

Issue: Subjective nature of the "better off overall" criteria.

Solution: Define criteria or benchmarks to objectively assess whether an employee is better off overall.

(xxx) Simplified Termination Process (Clause 5.11)

Issue: Complex termination process that may be difficult to enforce.

Solution: Simplify the termination process and provide clear steps for both parties.

(xxxi) Dispute Resolution Process for Flexible Working Arrangements (Clause 6)

Issue: Lack of specification on the resolution process for disputes about flexible working arrangements.

Solution: Clearly outline the process for resolving disputes related to flexible working arrangements.

(xxxii) Facilitative Provisions Definition (Clause 7.1)

Issue: Broad and potentially not immediately understood term "Facilitative provisions."

Solution: Provide a concise definition or explanation of "Facilitative provisions" for better understanding.

(xxxiii) Facilitative Provisions Application Clarity (Clause 7.2)

Issue: Lack of context for the facilitative provisions in Table 1, making practical application challenging to understand.

Solution: Provide additional context or examples to illustrate the application of facilitative provisions in Table 1.

(xxxiv) Expanded Types of Employment (Clause 8.1 & 8.2)

Issue: Lack of provisions for other types of employment arrangements.

Solution: Consider expanding the types of employment to include fixed-term contracts, temporary positions, or other emerging employment arrangements.

(xxxv) Daily or Hourly Limits for Full-Time Employees (Full-time Employees)

Issue: Lack of mention of daily or hourly limits for full-time employees.

Solution: Include provisions specifying daily or hourly limits for full-time employees to prevent potential exploitation or overworking.

(xxxvi) Part-Time Employees Classifications (Clause 10.1)

Issue: No clear indication of classifications available for part-time employees.

Solution: Define and outline the classifications available for part-time employees, ensuring clarity and transparency.

(xxxvii) Part-Time Employee Definition Clarity (Clause 10.2)

Issue: Lack of details about the structure of working hours for part-time employees.

Solution: Specify whether part-time employees can work flexible hours or if there are specific hours and days during which they should be available.

(xxxviii) Proportionate Basis for Part-Time Employees (Clause 10.3)

Issue: Lack of guidance on how the proportionate basis for part-time employees should be calculated.

Solution: Clarify the method for calculating the proportionate entitlements of part-time employees to ensure a fair and consistent application of pay and conditions.

(xxxix) Changes to Guaranteed Hours Process (Clause 10.4)

Issue: Lack of detail on how changes to guaranteed hours and availability agreements for part-time employees should be managed or documented.

Solution: Specify the process for making changes to the guaranteed hours and availability of part-time employees, ensuring that any changes are agreed upon in writing and documented appropriately.

(xl) Assessment of Increased Guaranteed Hours Requests (Clause 10.8)

Issue: No guidance on how employers should assess or respond to requests for an increase in guaranteed hours by part-time employees.

Solution: Provide clear criteria and procedures for employers to assess and respond to requests for an increase in guaranteed hours by part-time employees.

(xli) Purpose of 25% Loading for Casual Employees (Clause 11.1)

Issue: Lack of clarity on the purpose of the 25% loading for casual employees.

Solution: Clearly outline the purpose of the 25% loading for casual employees and specify whether it includes compensation for leave entitlements or other benefits.

(xlii) Predictable or Guaranteed Hours for Casual Employees (Clause 11.2)

Issue: No provision for predictable or guaranteed hours for casual employees.

Solution: Consider including provisions that address the predictability and guarantee of hours for casual employees, offering them more stability in their work arrangements.

(xliii) Minimum Engagement Period for Casual Employees (Clause 11.3)

Issue: Requirement for a minimum engagement of 2 consecutive hours may not be suitable for all industries or roles.

Solution: Provide flexibility for employers and casual employees to negotiate and agree on suitable minimum engagement periods based on the nature of the work.

(xliv) Offers and Requests for Casual Conversion Process (Clause 11.6)

Issue: Lack of detailed process for how offers and requests for casual conversion should be managed.

Solution: Establish a clear process for both employers and casual employees to initiate and respond to offers and requests for casual conversion, in line with the National Employment Standards.

(xlv) Apprenticeship Engagement Compliance (Clause 12.2)

Issue: Mention of compliance with the law without details on specific laws or regulations governing apprenticeships.

Solution: Specify the relevant laws or regulations governing apprenticeships to ensure clarity and compliance in the engagement of apprentices.

(xlvi) Training Provisions for Apprentices (Clause 12.7)

Issue: Lack of specificity regarding the release of apprentices for training, reimbursement of fees, and the timeline for reimbursements.

Solution: Provide detailed guidelines on the release of apprentices for training, reimbursement of fees, and the specific timeline for fulfilling reimbursement obligations, ensuring clarity for both employers and apprentices.

(xlvii) Classification Guidelines for Employers (Classifications)

Issue: Lack of information on how employers should classify employees.

Solution: Provide clear guidelines and criteria for employers to classify employees according to the Classification Structure and Definitions outlined in Schedule A, ensuring consistency and fairness in the classification process.

6. General Retail Industry Award [MA000004]

6.1 Summary

- (a) The General Retail Industry Award (GRIA) exhibits a series of challenges rooted in its clauses, which can be grouped into distinct themes demanding attention for improved interpretation and application.
- (i) **Coverage and Classification:** Ambiguities arise from the award's references to external schedules and varied links, potentially leading to misinterpretations. To mitigate this, it is recommended to incorporate a clear classification table within Clause 4, eliminating reliance on external references and ensuring precise industry coverage.
 - (ii) **Termination and Notice Periods:** Clarity is lacking in termination clauses, particularly concerning notice periods post-amendment. A straightforward solution involves simplifying and updating termination clauses to explicitly state the reduced notice period, streamlining the understanding for both employers and employees.
 - (iii) **Work Pattern Alterations:** Uncertainties surround the understanding of implications related to altering regular work patterns, fostering potential misunderstandings. To address this, Clause 10.6 requires enhancement for clarity, explicitly articulating that the employee understands that any alterations result in ordinary pay, not overtime, and they understand and agree without coercion.
 - (iv) **Leave and Time-Off Management:** A lack of clarity persists regarding the treatment of unused Rostered Days Off (RDOs) and confusion in compensating public holiday work. Resolving these issues involves specifying the handling of unused RDOs and providing transparent guidelines on public holiday compensation in relevant clauses.
 - (v) **Penalty Rates and Allowances:** Inconsistencies and a lack of flexibility in penalty rate arrangements, intricate leave loading calculations, and confusing naming conventions for allowances pose challenges. Solutions include introducing flexibility in penalty rate negotiations, simplifying leave loading calculations, and ensuring consistent naming conventions for allowances.
 - (vi) **Hours of Work and Breaks:** Misinterpretations of trading hour extensions, confusion in break payment components, and unclear provisions for consecutive workdays complicate matters. Clearing these concerns involves clarifying trading hour extension entitlements, specifying payment components for breaks, and offering guidance on consecutive workdays.
 - (vii) **Wage Structure and Definitions:** Complex structures for apprentice rates, inadequate definitions for higher duties, and cold work allowances contribute to challenges. Streamlining apprentice rate clauses, adding specificity to higher duties conditions, and clarifying cold work allowance triggers are recommended solutions.
 - (viii) **Overtime and Shiftwork:** Lack of clarity in assessing overtime reasonableness, complexity in overtime payment clauses, and vague shiftwork definitions present challenges. Defining clear criteria for overtime reasonableness, simplifying language in overtime payment clauses, and providing explicit shiftwork definitions are proposed solutions.

- (b) By addressing these thematic concerns, the GRIA award can achieve enhanced clarity, consistency, and applicability, fostering a more efficient and equitable framework for both employers and employees in the retail industry.

6.2 Issues & Proposed Solutions

- (a) The General Retail Industry Award (GRIA) is a pivotal framework governing employment conditions within the retail sector. However, a thorough examination of its clauses has revealed several intricacies and ambiguities that warrant careful consideration and refinement. This detailed list of issues provides a granular exploration of specific challenges within the award, each accompanied by a reference to the pertinent clause. Addressing these issues comprehensively is crucial for fostering a more transparent, equitable, and user-friendly regulatory environment for employers and employees alike. The proposed solutions aim to enhance clarity, streamline processes, and establish a solid foundation for effective implementation, ultimately contributing to a more robust and accessible GRIA framework.
 - (i) Coverage (Clause 4):

Issue: References to Schedules and varied by links can lead to incorrect interpretations.

Solution: Create a classification table within the clause, listing industries without references to external schedules.
 - (ii) Coverage (Clause 4.5):

Issue: Lack of clarity on "most appropriate" classification determination.

Solution: Clearly define "most appropriate" and provide guidelines for determination.
 - (iii) Agreement Termination (Clause 5.11):

Issue: Clause can be simplified post-2013 amendment.

Solution: Update to state a 4-week written notice for agreement termination.
 - (iv) Changes to Regular Pattern of Work (Clause 10.6):

Issue: Lack of clarity regarding understanding regular pattern changes.

Solution: Add clarity that altering the regular pattern means ordinary pay, not overtime.
 - (v) Banking of RDOs (Clause 15.6(m)):

Issue: Lack of clarity on actions if RDOs aren't taken in the year.

Solution: Clarify what happens with unused RDOs at the year-end threshold.
 - (vi) Trading Hours Extension (Clause 15.2):

Issue: Misinterpretation leading to omitted entitlements.

Solution: Clarify that the extension doesn't remove entitlement to After 6pm penalty.
 - (vii) Breaks Between Work Periods (Clause 16.6(b)):

Issue: Lack of clarity on the 200% payment components.

Solution: Specify if the 200% is a penalty or overtime until a 12-hour break is taken.
 - (viii) Apprentice Rates (Clause 17.3):

Issue: Confusing distinction between pre and post-2014 apprentices.

Solution: Streamline the clause and create a pay rate table for clarity.

(ix) Recall Allowance (Clause 19.11):

Issue: Naming inconsistency (Call back or Call in allowance).

Solution: Use consistent naming conventions across all awards.

(x) Public Holiday Work (Clause 22.2(b)):

Issue: Lack of clarity on the time addition to leave.

Solution: Specify whether time is added to annual leave or TOIL and clarify time limits.

(xi) Leave Loading Calculation (Clause 28.3):

Issue: Confusing title; clarity needed in payment options.

Solution: Rename to "Leave Loading" and simplify payment options.

7. Children's Services Award [MA000120]

7.1 Summary

- (a) Upon thorough examination, the Children's Award exhibits overarching challenges that impact the overall clarity, communication, and practical implementation of its crucial provisions. These identified themes signify areas demanding improvement for the mutual benefit of employers and employees.
 - (i) Definition and Interpretation Challenges: One significant challenge arises from the lack of clarity in defining key terms such as "childcare" and "regular casual employee." To address this, there is a proposed solution to introduce precise definitions and immediate clarifications, ensuring a more nuanced and understandable interpretation.
 - (ii) Industry Scope Concerns: The industry's scope within the Children's Services and Early Childhood Education sector faces challenges due to inadequate demarcation. To remedy this, there is a proposal to offer an expanded definition, providing a clearer understanding of the covered services and fostering improved comprehension.
 - (iii) Exclusions and Coverage Ambiguity: Uncertainty surrounds the definition and rationale for exclusions within the award, resulting in ambiguity. A proposed solution suggests clarifying these exclusions and providing illustrative examples to enhance stakeholders' understanding.
 - (iv) Award Accessibility Challenges: Issues regarding the accessibility of the award, particularly through electronic means, coupled with a lack of employee awareness of entitlement to a copy, pose challenges. The proposed solution involves specifying details on electronic access and ensuring employees are informed about their entitlement to a copy.
 - (v) Operational Complexity: Operational complexity emerges from the absence of immediate clarification or reference for terms like "regular casual employee." The proposed solution advocates for providing immediate clarification or reference within the relevant clause to alleviate this challenge.
- (b) These themes collectively underscore the pivotal areas necessitating enhancement within the Children's Award, aiming to streamline operations, improve communication, and establish a more equitable and understandable framework for all stakeholders involved.

7.2 Issues & Proposed Solutions

- (a) The comprehensive analysis of the Children's Award has uncovered a series of nuanced challenges spanning various clauses, each representing a distinct facet of the regulatory framework within the childcare sector. This detailed list encapsulates the key systemic issues identified, providing a granular examination of specific clauses where clarity, definition, and operational procedures require refinement. The forthcoming sections delve into each issue, offering a meticulous exploration of the challenges at hand, accompanied by proposed solutions aimed at fostering an improved and more comprehensible regulatory environment for both employers and employees.
 - (i) "Childcare" Definition - Definitions and Interpretation (Clause 3)
Issue: Lack of concise definition or clarification for "childcare."

Solution: Add a concise definition or clarification for "childcare" for better understanding.

(ii) "Children's Services and Early Childhood Education Industry Definition" - Definitions and Interpretation (Clause 3)

Issue: Insufficient clarity on the industry scope.

Solution: Elaborate on the scope of the industry to provide clarity on covered services.

(iii) "Regular Casual Employee" - Definitions and Interpretation (Clause 3)

Issue: Lack of immediate clarification or reference for the term "regular casual employee."

Solution: Provide immediate clarification or reference for the term "*regular casual employee*" within clause 3.

(iv) Exclusion Clarifications (Coverage - Clauses 4.1 to 4.7)

Issue: Unclear definition of exclusions and the rationale behind them.

Solution: Clarify exclusions and provide examples for better understanding.

(v) Multiple Awards Coverage:

Issue: Lack of guidance on determining the most appropriate award classification when covered by more than one award.

Solution: Offer guidance on determining the most appropriate award classification when an employer is covered by more than one award.

(vi) Access to the Award:

Issue: Lack of specification on electronic means of access and employee awareness of entitlement to a copy.

Solution: Specify details on electronic means of access and ensure employees are aware of their entitlement to a copy.

(vii) Accessibility Requirements (National Employment Standards - Clauses 5 and 6)

Issue: Unclear timeframe for making copies of the award and NES available, especially with electronic means.

Solution: Specify the timeframe for making copies of the award and NES available to employees, especially when using electronic means.

(viii) Minimum Conditions:

Issue: Need to emphasise that the NES and the award set the minimum employment conditions.

Solution: Emphasise that the NES and the award set the minimum employment conditions, and employers may provide better conditions if desired.

(ix) Definitions and requirements related to age groups and educational qualifications for employees in different roles (Age Groups and Educational Qualifications Definitions)

Issue: Ambiguities or lack of clarity in job classifications leading to disputes or misunderstandings.

Solution: Review changes that impact classifications in alignment with ABS/ANZSCO changes to skill levels.

(x) Working Hours: Flexibility for Split Shifts (Working Hours)

Issue: Lack of explicit clarification on the rules and conditions for split shifts.

Solution: Clarification on working hours, breaks, and overtime for employees involved in childcare services.

(xi) Breaks: Meal Break Interruptions:

Issue: Need for additional context, including example scenarios for guidance.

Solution: Additional context, including example scenarios, should be provided for guidance.

(xii) Breaks: Paid Meal Breaks on Premises:

Issue: Lack of clarity on situations necessitating paid meal breaks on premises.

Solution: Clarify what constitutes a meal as part of the definition.

(xiii) Breaks: Rest Pauses:

Issue: Mention of paid rest periods without specifying situations.

Solution: Provide scenarios that offer clear context examples for rest pauses in a childcare setting.

(xiv) Emergency Overtime Definition (Overtime and Penalty Rates):

Issue: Lack of explicit definition for "emergency" concerning overtime.

Solution: Define what constitutes an emergency and set boundaries for reasonable employer requests and employee responses for emergency overtime.

(xv) Time Off Instead of Payment for Overtime:

Issue: Lack of standard form or template for agreements on time off instead of payment for overtime.

Solution: Provide a standardised form or template for Time Off Instead of Payment for Overtime agreements.

(xvi) Shiftwork:

Issue: Lack of clarification on how shiftwork arrangements are made, especially in the childcare sector.

Solution: Clarify reasonability boundaries regarding how shiftwork arrangements are made, especially in a sector like childcare with flexible working hours.

(xvii) Weekend and Public Holiday Work:

Issue: Rules for weekend and public holiday work lack sufficient context for practical guidance.

Solution: Include examples or scenarios to illustrate how these provisions apply in practice.

(xviii) Provisions related to the safety and well-being of children and staff: References to National Employment Standards (NES) - (Flexible Working Arrangements)

Issue: Mention of NES provisions without a brief summary or reference for clarity.

Solution: Instead of a reference, provide a brief summary or reference to the specific NES provisions for clarity.

- (xix) Agreement Scope: Variation Options (Individual Flexibility Arrangements - Clauses 7.1 to 7.13)
Issue: Lack of clear boundaries for what individual flexibility arrangements cannot vary.
Solution: Create clear boundaries of what individual flexibility arrangements cannot vary.
- (xx) 7.2 Agreement Integrity: Genuine Agreement:
Issue: Need to emphasise that agreements must be genuinely made without coercion or duress.
Solution: Emphasise that agreements must be genuinely made without coercion or duress. Provide clear context of what coercion or duress would look like.
- (xxi) 7.3 Agreement Timing: Commencement:
Issue: Unclear timing for making agreements after the individual employee has commenced employment.
Solution: Specify that agreements may only be made after the individual employee has commenced employment. A decision tree/question set to determine whether criteria have been met would be helpful in guiding employers.
- (xxii) 7.4 Agreement Initiation: Employee Proposal:
Issue: Lack of clarification that the employer initiating the agreement must provide a written proposal to the employee.
Solution: Clarify that the employer initiating the agreement must provide a written proposal to the employee.
- (xxiii) Language Consideration:
Issue: Emphasise the need for language accessibility, especially for employees with limited understanding of written English.
Solution: Use plain English language and provide interpretations for minors and non-English speaking backgrounds.
- (xxiv) 7.5 Better Off Requirement: Overall Benefit:
Issue: Lack of emphasis on the requirement that the agreement must result in the employee being better off overall at the time of making the agreement.
Solution: Highlight that the agreement must result in the employee being better off overall at the time of making the agreement.
- (xxv) 7.6 Agreement Contents: Mandatory Inclusions:
Issue: Lack of clarity on mandatory inclusions that provide required context.
Solution: Specify the required elements of the agreement, including the names of the parties, the award terms being varied, details of variations, and the commencement date.
- (xxvi) 7.7 Agreement Form (written and signed) requirements:
Issue: Lack of clarity, particularly for minors, on the expected level of comprehension.

Solution: Clearly state that agreements must be in writing, signed by both parties and, if applicable, by the parent or guardian if the employee is under 18.

(xxvii) 7.8 Approval and Consent: Limitations:

Issue: Unclear limitations on approval or consent requirements, especially for employees under age 18.

Solution: Clarify that an agreement must not require approval or consent from a third party, except for the signatures of the parties involved. Clarify how this would apply to employees under age 18.

(xxviii) 7.9 Record Keeping: Employer's Responsibility:

Issue: Lack of emphasis on the employer's responsibility to maintain the agreement as a time and wages record and provide a copy to the employee.

Solution: Highlight that the employer must maintain the agreement as a time and wages record and provide a copy to the employee.

(xxix) 7.10 Genuine Agreement: Free from Duress:

Issue: Lack of emphasis on the requirement that both parties must genuinely agree without duress or coercion.

Solution: Reinforce that both parties must genuinely agree without duress or coercion to any variation.

(xxx) 7.11 Agreement Termination: Mutual Termination:

Issue: Lack of clarification that agreements can be terminated by mutual agreement or with notice.

Solution: Clarify that agreements can be terminated by mutual agreement or with notice.

(xxxi) Notice Periods:

Issue: Lack of clarity on notice periods for termination and any reduction based on the agreement's commencement date.

Solution: Clearly state the notice periods for termination and any reduction based on the agreement's commencement date.

(xxxii) 7.12 Termination Effect: Ceasing of Effect:

Issue: Lack of explanation that a terminated agreement ceases to have effect at the end of the specified notice period.

Solution: Explain that a terminated agreement ceases to have effect at the end of the specified notice period.

(xxxiii) 7.13 Additional Right: Non-Impact on Other Terms:

Issue: Lack of clarification that the right to make an agreement under Clause 7 is additional and does not affect other terms of the award.

Solution: Clarify that the right to make an agreement under Clause 7 is additional and does not affect other terms of the award related to agreements between employers and individual employees.

(xxxiv) 34. Consultation about Major Workplace Change (Clauses 8.1 to 8.6):

Issue: Lack of guidance on discussion topics during major workplace changes.

Solution: Guidance on discussion topics: Discuss changes, their likely effects, and measures to mitigate adverse impacts as soon as practicable.

(xxxv) Consultation about Major Workplace Change (Clauses 8.1 to 8.6):

Issue: Unclear requirements for providing written information during major workplace changes.

Solution: Provide clear guidance on written information to be provided to employees about workplace changes, including timelines for transparency.

(xxxvi) Consultation about Major Workplace Change (Clauses 8.1 to 8.6):

Issue: Lack of context on when employers are not required to disclose confidential information during major workplace changes.

Solution: Context example should be provided on when it is acceptable not to disclose on the basis of interests and what constitutes inappropriate non-disclosure/refusal.

(xxxvii) Consultation about Major Workplace Change (Clauses 8.1 to 8.6):

Issue: Lack of emphasis on promptly considering and addressing matters raised by employees during discussions.

Solution: Employers must promptly consider and address matters raised by employees or their representatives during discussions.

(xxxviii) Consultation about Major Workplace Change (Clauses 8.1 to 8.6):

Issue: Undefined terms related to significant effects of major workplace changes.

Solution: Define "significant effects" to include termination, workforce changes, job opportunities, job tenure, altered work hours, retraining, and job restructuring.

(xxxix) Consultation about Major Workplace Change (Clauses 8.1 to 8.6):

Issue: Lack of clarification that alterations covered by the award do not have a "significant effect."

Solution: Clarify that alterations covered by the award do not have a "significant effect."

(xl) Consultation about Changes to Rosters or Hours of Work (Clauses 8A.1 to 8A.5):

Issue: Lack of clarity on scope, applying when changing regular rosters or ordinary hours.

Solution: Scope: This applies when changing regular rosters or ordinary hours, excluding irregular, sporadic, or unpredictable work.

(xli) Consultation about Changes to Rosters or Hours of Work (Clauses 8A.1 to 8A.5):

Issue: Lack of guidance on mandatory consultation requirements.

Solution: Employers must consult with affected employees and their representatives.

8. Social, Community, Home Care and Disability Services Industry Award 2010 [MA000100]

8.1 Summary

- (a) This summary provides a comprehensive overview of the identified issues within the Social, Community, Home Care, and Disability Services Industry Award 2010 (SCHADS Award). The analysis categorises the issues into key themes, encompassing language clarity, definitions, operational complexities, and transitional arrangements.
- (b) Notable concerns include the need for improved inclusivity in award titles, enhanced readability of transitional arrangements, and clearer definitions, especially regarding the social and community services sector. Additionally, the review highlights challenges in the application of individual flexibility arrangements, consultation processes, and dispute resolution mechanisms.
- (c) The summary further underscores the importance of providing explicit guidance on employment types, termination procedures, and minimum wage classifications. As part of the broader initiative initiated by the Minister for Employment and Workplace Relations, the outlined themes serve as a foundation for targeted improvements to ensure the SCHADS Award remains a robust and accessible framework for the evolving dynamics within the social and community services sector.

8.2 Issues & Proposed Solutions

- (a) In the process of reviewing the Social, Community, Home Care, and Disability Services Industry Award 2010 (SCHADS Award), key complexities have been identified within various clauses. This comprehensive analysis aims to highlight specific issues within the award's language, definitions, and operational aspects. The identified concerns range from clarity in terminology to the usability of transitional arrangements. By delving into each section, from application and operation to leave and public holidays, this examination provides a nuanced understanding of the challenges present in the award. The subsequent recommendations propose targeted solutions to address these issues, ensuring that the SCHADS Award aligns with the Minister for Employment and Workplace Relations' call for a review and maintains its effectiveness in governing employment relations within the social and community services sector.
 - (i) Title - Part 1—Application and Operation (Clause 1)
Issue: The title is clear but could be more inclusive.
Solution: Use language that reflects the diverse nature of the industry, ensuring it encompasses all sectors within its scope.
 - (ii) Commencement and Transitional - Part 1—Application and Operation (Clause 2)
Issue: Transitional arrangements are comprehensive but may benefit from simplification for readability.
Solution: Simplify the language to enhance readability for both employers and employees.
 - (iii) Casual employee definition - Part 1—Application and Operation (Clause 3)

Issue: Casual employee definition is not clear.

Solution: Provide additional clarification or examples to avoid potential disputes over the classification of employees.

(iv) Agreement requirements (Clause 7.6) - Part 1—Application and Operation (Clause 7.6)

Issue: Detailed but could be simplified for better understanding.

Solution: Simplify requirements and include examples or templates for assistance.

(v) Clarity in language (Clause 7.1) - Part 2—7. Individual flexibility arrangements (Clause 7.1)

Issue: Language could be simplified.

Solution: Simplify language for better understanding.

(vi) Initiation process (Clause 7.4) - Part 2—7. Individual flexibility arrangements (Clause 7.4)

Issue: Process outlined, but guidance on clear communication, especially regarding language barriers, could be beneficial.

Solution: Provide additional guidance on facilitating clear communication.

(vii) Definition of 'social and community services sector' - Part 3—Definitions (Clause 3)

Issue: Consider further clarification or examples for clear understanding.

Solution: Provide additional examples or clarification.

(viii) Simplification (Clause 4.8) - Part 4—Coverage (Clause 4.8)

Issue: Language could be simplified.

Solution: Simplify language for easier comprehension.

(ix) Clarity in language (Clause 5) - Part 5—Access to the award and the National Employment Standards (Clause 5)

Issue: Requirement for employers to make the award and NES available could be communicated more clearly.

Solution: Communicate requirements more clearly, possibly with specific guidelines.

(x) Integration of standards (Clause 6) - Part 6—The National Employment Standards and this award (Clause 6)

Issue: Consider providing examples or specific guidance on how NES and the award interact.

Solution: Provide examples or guidance for a better understanding of the interaction.

(xi) Clarity of Language (8.1) - Part 2—Consultation and Dispute Resolution - 8. Consultation about major workplace change (Clause 8.1)

Issue: Language is comprehensive, but potential improvement in clarity.

Solution: Simplify the wording without losing legal precision.

9. Clerks Private Sector Award [MA000002]

9.1 Summary

- (a) The Clerks Award, a pivotal instrument shaping employment relations in the clerical sector, reveals multiple notable challenges that demand attention for clarity, transparency, and practicality. This executive summary provides an insightful overview of the issues identified within the award, categorising them into key themes.
- (i) Clarity and Definitions: One of the fundamental concerns pertains to the clarity and definitions embedded within the award. Definitions, such as those outlining employment types and conditions, lack the necessary precision and alignment with industry standards. The potential for ambiguity raises the need for a comprehensive review and refinement to ensure clarity and a shared understanding.
 - (ii) Transparency and Explanation: The Title and Commencement clause presents challenges related to transparency. There is a recognised lack of clarity regarding variations made since the award's commencement in 2010. To address this, a more detailed explanation or reference to the nature of variations is essential, promoting transparency in the application of the award.
 - (iii) Format and Accessibility: Accessibility and format concerns are highlighted in clauses referencing the National Employment Standards (NES) and the award. The absence of guidance on the format and accessibility of electronic copies for employees calls for explicit clarification. Establishing a clear framework will ensure ease of reference and understanding for all stakeholders.
 - (iv) Readability and Guidance: Several clauses, notably those regarding Individual Flexibility Arrangements and Requests for Flexible Working Arrangements, exhibit language complexity. Simplification of language is imperative for improved readability. Additionally, explicit guidance on critical aspects, such as assessing whether an employee is "better off overall," is necessary for comprehensive application.
 - (v) Illustration and Scenarios: The award lacks practical illustrations and scenarios, particularly evident in Facilitative Provisions. Examples are essential to illustrate the application of facilitative provisions, providing tangible guidance for employers and employees alike.
 - (vi) Process Clarification: Certain clauses, such as those delineating part-time and full-time employment conditions, require detailed process clarification. Practical illustrations are necessary to elucidate conditions and expectations, ensuring a smoother implementation process.

9.2 Issues & Proposed Solutions

- (a) This comprehensive list outlines the identified issues and proposed solutions within each specified clause of the Clerks Award, serving as a foundation for a targeted and strategic approach to highlighting and addressing these challenges.
- (i) Title and Commencement (Clause 1):
Issue: Lack of transparency regarding variations made since 2010.

Solution: Provide a detailed explanation or reference to variations for enhanced transparency.

(ii) Definitions (Clause 2):

Issue: Lack of precision and alignment with industry standards.

Solution: Review and refine definitions to ensure clarity and industry alignment.

(iii) The National Employment Standards and this Award (Clause 3):

Issue: Lack of guidance on the format and accessibility of electronic copies.

Solution: Explicitly outline the format and accessibility of electronic copies for ease of reference.

(iv) Coverage (Clause 4):

Issue: Lack of clarity on exclusions and rationale behind them.

Solution: Clarify exclusions and provide examples for better understanding.

(v) Individual Flexibility Arrangements (Clause 5):

Issue: Complex language and insufficient guidance on assessing employee benefit.

Solution: Simplify language and offer additional guidance on assessing employee benefit.

(vi) Facilitative Provisions (Clause 7):

Issue: Lack of examples or scenarios for the application of facilitative provisions.

Solution: Provide illustrative examples to enhance understanding.

(vii) Requests for Flexible Working Arrangements (Clause 6):

Issue: Lack of clarification on dispute resolution for flexible working arrangements.

Solution: Clarify dispute resolution procedures for flexible working arrangements.

(viii) Types of Employment (Clause 8):

Issue: Need for maintaining clarity in language and providing practical examples.

Solution: Ensure clarity and offer examples or scenarios to aid understanding.

(ix) Full-time Employees (Clause 9):

Issue: Lack of practical illustrations to clarify conditions.

Solution: Provide examples or practical illustrations to clarify full-time employment conditions.

(x) Part-time Employees (Clause 10):

Issue: Need for clarification on handling changes to working hours and days.

Solution: Clarify the process for handling changes to working hours and days.

(xi) Casual Employees (Clause 11):

Issue: Lack of clarity in the process for offers and requests for casual conversion.

Solution: Clarify the process for offers and requests for casual conversion.

(xii) Classifications (Clause 12):

Issue: Lack of guidance on factors for classifying employees.

Solution: Provide guidance on factors to consider when classifying employees.

(xiii) Ordinary Hours of Work (Clause 13):

Issue: Need for examples or scenarios to illustrate the application of ordinary hours.

Solution: Include examples or scenarios to illustrate the application of ordinary hours.

(xiv) Breaks (Clause 15):

Issue: Lack of a clear definition of "ordinary hours" leading to potential confusion.

Solution: Define "ordinary hours" and clarify when rest breaks should be taken.

(xv) Wages and Allowances (Clause 16):

Issue: Need for examples or scenarios to clarify the application of minimum rates.

Solution: Provide examples or scenarios to clarify the application of minimum rates.

(xvi) Payment of Wages (Clause 17):

Issue: Lack of a definition for "ordinary time of ending work."

Solution: Include a definition for "ordinary time of ending work."

(xvii) Annualised Wage Arrangements (Clause 18):

Issue: Lack of clarity on the definition of "reasonable overtime."

Solution: Define "reasonable overtime" for better understanding.

(xviii) Allowances (Clause 19):

Issue: Lack of specific examples illustrating when allowances are applicable.

Solution: Include examples or scenarios illustrating when allowances are applicable.

(xix) Overtime and Penalty Rates (Clause 21):

Issue: Clarity concerns in defining conditions triggering overtime pay.

Solution: Clarify conditions triggering overtime pay, providing clear definitions.

(xx) Time Off Instead of Payment for Overtime (Clause 23):

Issue: Lack of clarity in the process and requirements for time off instead of payment.

Solution: Clearly outline the process and requirements for time off instead of payment.

(xxi) Shiftwork (Clause 25):

Issue: Lack of clarity regarding the applicability of different shift types.

Solution: Specify the types of employees and industries to which each shift type applies.

(xxii) Breaks for Shiftwork (Clause 27):

Issue: Need for clear definition of when paid rest breaks should be taken and tracked.

Solution: Clearly define when paid rest breaks should be taken and guide employers on what should be expected to maintain as proof of breaks taken.

(xxiii) Overtime for Shiftwork (Clause 28):

Issue: Lack of clarity on circumstances triggering the provision of a minimum of 4 hours at the overtime rate.

Solution: Define specific situations triggering the requirement for a minimum of 4 hours at the overtime rate.

(xxiv) Time Off Instead of Payment for Overtime for Shiftwork (Clause 29):

Issue: Lack of guidance on the agreement process for time off instead of payment.

Solution: Clearly outline the process and requirements for the agreement on time off instead of payment.

(xxv) Annual Leave (Clause 32):

Issue: Complexity in the formula for calculating annual leave loading.

Solution: Revise the wording to provide a clearer explanation of the formula with examples.

(xxvi) Direction to Take Annual Leave During Shutdown (Clause 32.5):

Issue: Lack of details on what constitutes a "reasonable" direction.

Solution: Define criteria for a "reasonable" direction and provide examples.

(xxvii) Excessive Leave Accruals (Clauses 32.6-32.8):

Issue: Complexity in requirements and conditions for addressing excessive leave accruals.

Solution: Provide a simplified summary or flowchart outlining the steps and conditions.

(xxviii) Cashing Out of Annual Leave (Clause 32.9):

Issue: Lack of guidance on the frequency and conditions for cashing out annual leave.

Solution: Clearly outline the conditions and limits for cashing out annual leave with examples.

(xxix) Personal/Carer's Leave and Compassionate Leave (Clause 33):

Issue: Lack of clarity on the process for obtaining longer leave periods with employer agreement.

Solution: Specify the process and conditions for casual employees to obtain longer leave periods.

(xxx) Parental Leave and Related Entitlements (Clause 34):

Issue: Lack of context provided, leaving uncertainty about parental leave and related entitlements.

Solution: Include relevant NES context in Clause 34 or provide a cross-reference.

(xxxi) Family and Domestic Violence Leave (Clause 36):

Issue: Lack of clarity on proof requirements and the accrual and utilisation of family and domestic violence leave.

Solution: Clearly define the proof requirements, accrual and utilisation process for family and domestic violence leave.

(xxxii) Notice of Termination and Redundancy (Clause 36):

Issue: Need for clarification on notice periods for termination and redundancy.

Solution: Clearly define notice periods for termination and redundancy with practical examples.

(xxxiii) Consultation and Dispute Resolution (Clause 37):

Issue: Lack of details on dispute resolution processes for specific scenarios.

Solution: Specify dispute resolution processes for various scenarios, ensuring comprehensive coverage.

(xxxiv) Superannuation (Clause 38):

Issue: Lack of clarity on superannuation contributions for annual leave loading.

Solution: Clarify superannuation contribution requirements for annual leave loading.

(xxxv) Area, Incidence, and Duration (Clause 39):

Issue: Lack of explicit details on the application and duration of the award.

Solution: Provide clearer details on the application and duration of the award for better understanding.

(xxxvi) Facilitative Provisions (Clause 40):

Issue: Need for examples or scenarios illustrating the application of facilitative provisions.

Solution: Provide illustrative examples to enhance understanding of facilitative provisions.