

SUMMARY OF SUBMISSIONS

Revised as at 25 September 2015 following conference on 2 September 2015

Status:	A = Agreed (changes will be made to Exposure draft)	C = referred to Common issue Full Bench	O = Outstanding technical/drafting issue
	R = Resolved by previous Full Bench decision	S = Substantive issue	W = Withdrawn/Not pressed

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
General issues								
1	PGA	Sub-28Jan15			New draft award Engaging services of Plain English Drafting Association to provide plain English draft of award. Will be ready by end of March.	Page 1	Plain English award to be further considered by Commission	O
		Reply-sub-4Mar15			First set of recommendations will be circulated shortly. Review by Plain English Foundation is not inconsistent with the Exposure Draft review process.	Page 4-5		
		Sub-31Mar15			Submission of plain-English draft of award.	Attachment A		
	Business SA	Reply-sub-28Aug15			Cautious of proposal and cannot support it at this stage.	Para 21	Parties submit that, if the draft is not withdrawn as a submission, it should be referred to a separately constituted Full Bench.	
	APESMA	Reply-sub-17Feb15			Strongly opposes PGA proposal. Will result in serious issues and delay process of finalising new award.	Paras 4-12		
		Reply-sub-1Apr15				Page 1		
		Reply-sub-20Aug15			Paras 10-14			

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
	SDA	Reply-sub-18Feb15			Opposes PGA proposal. Greatly concerned about appropriateness.	Paras 6-20		
		Reply-sub-1Apr15				Pages 1-2		
		Reply-sub-21Aug15				Paras 5–11		
	HSU	Reply-sub-1Apr15			Opposes plain-English draft.	Page 1-2		
		Sub-16Jul-15				Paras 10-11		
2	APESMA	Sub-28Jan15			Submission only addresses matters affecting employee pharmacists. Supports SDA submission in relation to interests of employees, other than pharmacists, covered by award.	Para 3		W
3	APESMA	Sub-28Jan15			Generally notes 23 December 2014 Full Bench decision [[2014] FWCFB 9412] and requests changes referred to in Decision also be incorporated into exposure draft (ED).	Para 45	See Full Bench decision [2014] FWCFB 9412 23 December 2014 para [29]	R
		HSU	Sub-28Jan15		Supports submissions made by APESMA and SDA.	Para 38		
4	APESMA	Sub-28Jan15			NES summaries – Supports inclusion of explanations/ NES summaries; recommends wording be developed and agreed with relevant industry parties prior to inclusion in award.	Paras 6; 40–41; 44	Issue may have been dealt with by [2014] FWCFB 9412	R

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
	SDA	Sub-28Jan15			Supports approach set out in Full Bench decision, but urges cautious and consultative approach to drafting annotated versions of each modern award; summaries must not be seen as substitute for referencing NES.	Paras 31–32		
	HSU	Sub-28Jan15			Welcomes inclusion of NES summaries and examples in annotated versions of awards; willing to work with parties to determine appropriate examples.	Paras 7; 10–11		
	PGA	Sub-28Jan15			Supports inclusion of summaries; more generally wherever there is reference to legislation, PGA supports inclusion of a notation that provides a general understanding of the relevant provision.	Page 1		
5	PGA	Sub-28Jan15			Illustrative examples – Marked-up ED attached to submission indicates where several illustrative examples are proposed to be inserted, to illustrate operation of certain clauses.	Page 2 and attachment A	Issue may have been dealt with by [2014] FWCFB 9412	R
	APESMA	Reply-sub-17Feb15			Opposes PGA proposal. Does not support use of examples in legal award, would support use of examples in annotated version.	Paras 13-15		
	SDA	Reply-sub-18Feb15			Opposed to use of illustrative examples as set out through PGA submission. Recommends cautious approach.	Paras 21-23		
	PGA	Reply-sub-4Mar15			Submits that employers and employees in the community pharmacy sector would benefit from examples. Will circulate proposed examples for comments.	Page 5		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
6	APESMA	Sub-28Jan15			Payslips provision – Strongly supports inclusion of payslips provision; recommends wording be developed and agreed with relevant industry parties prior to inclusion in award.	Paras 40–41; 44	Issue may have been dealt with by [2014] FWCFB 9412	R
	SDA	Sub-28Jan15			Strongly supports inclusion in annotated version	Paras 41–44		
	HSU	Sub-28Jan15			Welcomes additional payslip provision; reference to legislation and regulations particularly welcome.	Para 9		
	PGA	Reply-sub-4Mar15			Submits that this issue has been dealt with by Commission	Page 3		
	PGA	Reply-sub-4Mar15			Support SDA submissions	Page 4		
7	APESMA	Sub-28Jan15	Pay rates		Expression of pay rates – Supports inclusion of pay rates expressed as hourly and weekly amounts, and for there to be tables showing pay rates inclusive of casual loadings, penalty rates and overtime	Para 7	<i>See item 61</i>	O
	HSU	Sub-28Jan15			Notes Commission’s preference for using term “minimum hourly rate” instead of “ordinary hourly rate” where award does not provide for allowances and loadings to be paid for all purposes; submits when awards do not include all-purpose allowances or loadings, ED should use same language throughout; notes some EDs mix the terms.	Para 12		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
	PGA	Sub-28Jan15			PGA would like to discuss formatting of pay rate information in conference.	Page 3		
	Business SA	Reply-sub-4Mar15			Submits that there is apparent confusion about the use of term 'minimum hourly rates' and 'ordinary hourly rates', refer to FWCFB 9412, submits that a general review would be useful to ensure consistency	Page 4		
8	HSU	Sub-28Jan15	1.2		Supersession – Wording sits comfortably with HSU; though not considered necessary, HSU do not oppose PHIEA proposal (submitted in relation to other awards) that clause should reference award review process.	Para 6	Determined in Full Bench Decision [2014] FWCFB 9412 at paras [9]-[10]	R
9	APESMA	Sub-28Jan15		2.4	Take-home pay provisions – Believes not appropriate to remove current take home pay provisions.	Paras 8–9	<i>Being dealt with in accordance with [2015] FWBFB 4658</i>	R
	PGA	Reply-sub-4Mar15			Oppose APESMA submission as submission is obsolete and unnecessary	Page 2		
10	APESMA	Sub-28Jan15	2.3	5 and 6	Provision of copies of award and NES – Believes current requirements for copies of award to be made available should be retained; submitted wording from Full Bench decision appropriate.	Paras 10–13	See SDA sub-15Jul15	A
	SDA	Sub-28Jan15			Submits combining current award clauses 5 and 6 and removing word 'access' from clause title changes substantive provisions in clause 5; change appears to remove	Paras 7–13	See also Full Bench decision [2014] FWCFB 9412 23 December 2014 para [29]	

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					necessity to provide physical copy; believes reference to use of noticeboards should remain. Supports wording adopted by Full bench preference to wording proposed in ED.			
	HSU	Sub-28Jan15			Submits unclear how copies of award will be made available to employees or how employees can ask for copies of award and NES.	Para 7		
	PGA	Reply-sub-4Mar15			Submits words in Exposure Draft should be adopted as most community pharmacies are small businesses who don't have notice boards	Page 2 and 3		
11	APESMA	Sub-28Jan15	5		Facilitative provision – Agrees with ACTU submission that facilitative provision contained in Manufacturing Award (and related ED) be adopted as appropriate facilitative provision.	Paras 14–16		A
	SDA	Sub-28Jan15			Does not object to inclusion of facilitative provision; supports ACTU submission as model for all awards. Supports use of clause 8.1 from Manufacturing Award as introductory paragraph as clearer than that used in ED; supports use of clause 8.2 and 8.3 from Manufacturing Award.	Paras 14–20		
	HSU	Sub-28Jan15			Adopts ACTU submissions in relation to general issues concerning facilitative provisions.	Para 8		
	PGA	Reply-sub-4Mar15			Oppose use of term “facilitative provisions” as term is not likely to be understood by small businesses, and	Page 2 and 3		

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					community pharmacies will not look for the term to find out how application of award can be altered.			
	ABI & NSWBC	Reply-sub-5Mar15			Disagree with the submissions of SDA at [17]-[20] and APESMA at [14]-[16]. Submits that the provision in the Exposure Draft is sufficiently clear to identify the facilitative provisions in the Award.	Para 75		
12	HSU	Sub-28Jan15	6.5		Casual employment – not convinced necessary to insert standardised clause purporting to identify entitlements covered, or not, by casual loading in modern awards in order to achieve modern awards objective; supports position of ACTU and AMWU that any consideration to include such standard clause should not be considered without rigorous examination and if considered during this review process, should be dealt with as part of casual/part-time common issue proceedings.	Paras 15–23	Proposal that matter that may potentially be dealt with as part of casual and part-time common issue proceedings - AM2014/197–Casual Employment	C
13	APESMA	Sub-28Jan15	Schedule B		Summary wages tables – Supports inclusion of summary tables to clarify minimum pay entitlements and application of overtime and penalty rates, but agrees with SDA submission that tables require notes explaining application and referring to relevant award clauses for explanation of when various forms of rates apply.	Para 38	<i>Awards to contain wages tables in accordance with [2015] FWCFB 4658</i>	R

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	HSU	Sub-28Jan15			Adopts submissions of ACTU in relation to Group 1 EDs on this issue; notes award rates are minimum wage rates only and that employees may be entitled to higher rates as part of a contract of employment.	Paras 13–14		
	PGA	Reply-sub-28Aug15			Supports inclusion of summary tables, but has concerns about the use of the term ‘minimum hourly rate’.	Page 1	<i>See also item 61</i>	
14	APESMA	Sub-28Jan15	Schedule G	3.1	Definitions – Submits would be more appropriate for definitions to remain at start of award	Para 39	<i>Commission determined that Definitions to be final schedule in all EDs</i>	R
	SDA	Sub-28Jan15			Submits necessary to have definitions at beginning of award; should remain at clause 3 and preceded substantive award provisions. Submits would be more logical and user friendly.	Paras 3–5	Withdrawn – sub-15Jul15 – para 9	
	PGA	Reply-sub-4Mar15			Disagree with APESMA and SDA, submits that definitions should be at the end of document, as it is more common for definitions to be at the end of a document.	Page 3		

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Award specific issues								
15	SDA	Sub-25Nov14 Sub-15Jul15	6.3	11	Full-time employment – Seeks to vary clause to include requirement for agreement in writing at time of engagement on regular pattern of work.	Paras 4–6 Paras 52–54	ABI&NSWBC submits this should be determined by a separately constituted Full Bench.	S
	Business SA	Reply-sub-28Aug15			Oppose claim.	Paras 17–18		
16	SDA	Sub-25Nov14 Sub-15Jul15	6.3	11	Full-time employment – Seeks to vary award to include minimum shift of 4 hours for full-time employees.	Paras 7–9 Para 55–59	Not agreed	S
	PGA	Reply-sub-28Aug15			Oppose SDA claim.	Pages 3–4		
	Business SA	Reply-sub-28Aug15			Oppose SDA claim	Paras 17–18		
17	PGA	Sub-25Nov14	6.3	11	Full-time employment – Requires full-time definition.	Item d	Not pressed – see PGA sub 15/7	W
18	PGA	Sub-25Nov14	6.4	12	Part-time employment – Review clause to provide more flexible work practices.	Item 3	Referred to Casual/Part-time Full Bench	C
19	APESMA	Sub-28Jan15	6.4(a)(i)	12.1	Part-time employment – Requests word “and” be added after semicolon at end of clause 6.4(a)(i).	Paras 17–20	“and” will be inserted in ED	A
	SDA	Sub-28Jan15			Submits removal of word “and” substantively changes part-time definition and clause should not refer to 6.5(d), but rather 10.1.	Paras 45–47		

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	PGA	Reply-sub-4Mar15			Submits removal of word “and” does not vary clause, but is not opposed to its retention	Page 2		
	PGA	Reply-sub-4Mar15			Supports SDA submission	Page 4		
	Business SA	Reply-sub-4Mar15			Does not object to retaining ‘and’ between provisions	Page 10		
	ABI & NSWBC	Reply-sub-5Mar15			Disagree with the submissions of SDA at [45]-[47] and APESMA at [17]- [20], that the removal of the word 'and' changes the definition of 'part-time employee.'	Para 76		
20	SDA	Sub-28Jan15	6.4(d)		Part-time rate of pay – Cross-reference to clause 6.5(d) incorrect should refer to clause 10.1	Paras 48; 96–97	Cross reference will be changed to 10.1 in ED	A
	PGA	Reply-sub-4Mar15			Supports SDA submission	Page 4		
	ABI & NSWBC	Reply-sub-5Mar15			SDA submissions at [48] are correct and should be accepted.	Para 77		
21	PGA	Sub-28Jan15	6.4(d)		Part-time rate of pay – Propose to remove words “no less than”, which are not in existing award, so no argument is created about current over-award amounts becoming award rate.	Page 2 and attachment A	Words “no less than” to be deleted in ED	A
	APESMA	Sub-28Jan15			Oppose PGA proposal. No need to delete words. Such variation could lead to disputes in relation to overaward payments.	Paras 16-19		
	SDA	Reply-sub-18Feb15			Does not support PGA proposed amendment.	Para 28.		

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	Business SA	Reply-sub-4Mar15			Supports PGA submission	Page 10		
	ABI & NSWBC	Reply-sub-5Mar15			Support the submissions of the PGA in respect of deleting the words 'no less than' in clause 6.4(d).	Para 78		
22	APESMA	Sub-28Jan15	6.4(f)(i)	12.8(a)	Part-time rosters – Request to retain existing requirement to give 48 hours' <u>written</u> notice for roster change in case of an emergency.	Paras 21–23	“written” to be inserted in ED	A
	SDA	Sub-28Jan15				Paras 50–54		
	PGA	Reply-sub-4Mar15				Page 2 and page 4		
	Business SA	Reply-sub-4Mar15				Page 10		
	ABI & NSWBC	Reply-sub-5Mar15				Para 80		
23	PGA	Sub-28Jan15	6.4(f)		Part-time rosters – Propose to reinstate existing provisions that roster can be altered by <u>employer</u> giving notice to <u>employee</u> (and not the reverse).	Page 2 and attachment A	“employer” and “employee” to be inserted in ED	A
	APESMA	Sub-28Jan15				Paras 20-21		
	SDA	Reply-sub-18Feb15				Para 30		
	ABI & NSWBC	Reply-sub-5Mar15				Para 78		

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24	SDA	Sub-28Jan15 Sub-15Jul15	6.5(c)(i)		Casual loading – change in use of term “actual” to “minimum” provides different entitlement, particularly where hours worked attract penalty; submits clause should reflect existing terminology and entitlements in current award.	Paras 55–60 Paras 19-27	See also [2015] FWCFB 4658	O	
	PGA	Reply-sub-4Mar15 Reply-28Aug15				Oppose SDA submission			Page 4 Page 2
	Business SA	Reply-sub-4Mar15 Reply-sub-28Aug15				Submits that the entitlement to penalty rates for casuals is not altered by the propose changed of wording.			Page 10
	ABI & NSWBC	Reply-sub-5Mar15 Sub-21Aug15				Submission by SDA is opposed.			Para 13
						Disagree with SDA submission and consider that the language used in the Exposure Draft has the same meaning and effect as the current Award provisions			Para 81 Para 2.9
25	SDA	Sub-28Jan15	6.5(c)(ii) and (iii)		Casual employment – <i>Parties were asked to provide a list of provisions that do not apply to casual employees</i> SDA does not support inclusion of model award provision of nature prescribed in these clauses; issue of what does and does not apply to casuals should continue to be specified within award. SDA supports submissions of ACTU on issue and submits conclusion reached in paras [68]–[69] of Decision be applied to ED	Paras 61–69	Agreement to delete 6.5(c)(ii) & (iii) See also Full Bench decided to remove sub-clause and the note from EDs in Decision [2014] FWCFB 9412 , see para [69].	A	

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	PGA	Reply-sub-4Mar15			PGA understands that the Commission has dealt with this issue	Page 4		
	ABI & NSWBC	Reply-sub-5Mar15			disagree with the SDA submissions and contend that there is merit in identifying the purpose of casual loadings	Para 82		
26	PGA	Sub-28Jan15	6.5(c)(ii)		Proposes to delete “paid personal leave”	Attachment A	Agreement to delete 6.5(c)(ii) See also [2014] FWCFB 9412	A
	ABI & NSWBC	Sub-2Feb15			Proposes to delete “paid personal leave” as already included in “paid personal/carer’s leave”.	Para 58		
	APESMA	Reply-sub-17Feb15			Generally agrees with ABI&NSWBC submission	Para 31		
	SDA	Reply-sub-18Feb15			Does not oppose deletion.	Para 49		
	PGA	Reply-sub-4Mar15			Support ABI&NSWBC submission	Page 1		
27	PGA	Sub-25Nov14	8	25	Hours of work – Proposes two hour minimum engagement for school students	Item 4	Referred to the full-time/part-time Full Bench	C
	PGA	Sub-15Jul15			Hours of work – Propose daily minimum engagement for secondary students of 90 mins, subject to certain circumstances.	Paras 18–24		
	HSU	Reply-sub-21Aug15			Opposes PGA proposal.	Paras 4–5, 11–12		
	SDA	Reply-sub-21Aug15			Opposes PGA proposal.	Paras 33–35		
	APESMA	Reply-sub-20Aug15			Opposes PGA proposal.	Para 7		
28	PGA	Sub-25Nov14	8.1(a) and (b)	25.4(a)(i v)	Rostering—Permanent employees – Seeks definition of “regularly works Sundays”	Item c	Reword as agreed by parties – see SDA sub-15Jul15	A

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29	PGA	Sub-25Nov14	8.2(d)-(f)	25.3	Hours of work – Seeks to address FWO interpretation issue.	Item a	<i>PGA to provide clarification of issue</i>	O	
30	ABI & NSWBC	Sub-2Feb15	8.2(f)		Hours of work – Submits subclause has tendency to suggest other provisions of clause 8.2 do not apply to part-time and casual employees; should consider whether to retain or re-draft	Para 59	<i>Parties agree there is an issue; need to propose alternative wording</i>	O	
	APESMA	Reply-sub-17Feb15				Both agree with ABI & NSWBC submission.			Para 31
	SDA	Reply-sub-18Feb15							Para 50
	PGA	Reply-sub-4Mar15				Support ABI & NSWBC submission.			Page 1
	Business SA	Reply-sub-4Mar15				Support redrafting of clause to remove any ambiguity			Page 11
31	ABI & NSWBC	Sub-2Feb15	8.3(a)	25.4(a)	Rostering—Permanent employees – Submits formatting, particularly of subclauses (iii) and (iv) creates unnecessary ambiguity; wording of clause 25.4(a)(iii) of current award should be retained.	Para 60	<i>Parties (apart from PGA) agree there is an issue; need to propose alternative wording</i>	O	
	APESMA	Reply-sub-17Feb15				Agree with ABI & NSWBC submission.			Para 31
	SDA	Reply-sub-18Feb15							Para 51
	PGA	Reply-sub-4Mar15				Oppose ABI & NSWBC submission as clause is not ambiguous			Page 1
	Business SA	Reply-sub-4Mar15				Support redrafting of clause to remove potential confusion			Page 11

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32	PGA	Sub-28Jan15	9.3		Breaks – Proposes to insert table identifying break/s employees are entitled to for various hours worked.	Attachment A	Reword as agreed by parties – see SDA sub-15Jul15	A
	APESMA	Reply-sub-17Feb15			Generally agree with PGA proposal to include a number of tables. Particularly in relation to 9.3. However, note some inaccuracies in their proposed tables.	Para 30		
	SDA	Reply-sub-18Feb15			Not opposed, however second line of table needs to be amended, should read as ‘More than 5 up to less than 7.6’.	Paras 37-38		
33	SDA	Sub-15Jul15	10; 14		Wage tables – while some agreement has been reached regarding inclusion of these tables, the award would benefit from a definition of ‘minimum hourly rate’ and ‘ordinary hours’.	Paras 12–22	Reword as agreed by parties – see SDA sub-15Jul15	A
	Business SA	Reply-sub-28Aug15			SDA proposal is not supported.	Para 12.		
	ABI&NSWBC	Sub-21Aug15			Do not oppose SDA submission in respect of proposed clause 14.1(b), but oppose inclusion of definitions.	Paras 2.5–2.8		
34	APESMA	Sub-25Nov14 Sub-15Jul15	10.1	17	Minimum wages – Seeks to have rates for Pharmacists and Pharmacy students increased.	Page 2 Para 16.1	Has held discussions with other parties and they agreed this should be dealt with by a separate Full Bench.	S
	Business SA	Reply-sub-28Aug15			Oppose claim.	Paras 15–16		
35	PGA	Sub-25Nov14	10.1	17	Minimum wages – Seeks specification as to when a pharmacy student moves up to next pay point.	Item b	<i>See item 33</i>	A

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36	Business SA	Reply-sub-4Mar15	10.1	17	Minimum wages – proposes the inclusion of specific clause regarding the calculation of hourly rates, which defines method of calculating hourly rates	Page 4		W	
37	SDA	Sub-25Nov14 Sub-15Jul15	10.2	18	Junior employees – Seeks to vary clause to provide for payment of junior rates to Level 1 employees only.	Paras 10–12 Paras 60–63	ABI&NSWBC submits this should be determined by a separately constituted Full Bench.	S	
	PGA	Reply-sub-28Aug15				Oppose claim.			Page 4
	Business SA	Reply-sub-28Aug15				Oppose claim.			Para 19
38	PGA	Sub-28Jan15	10.2	18	Junior employees – Propose to include following note after rates table: “Note: Junior employees will move to next pay point on their birthday.”	Attachment A		W	
39	SDA	Proposed variation-25Nov14	10.3	22	Payment of wages – Seeks to vary clause so that all wages shall be paid on regular pay day within 4 days of end of pay period.	Paras 13–19	Reword as agreed by parties – see SDA sub-15Jul15	A	
40	PGA	Proposed variation-25Nov14 and Sub-28Jan15	10.3		Hours of work – Seeks conference to discuss potential ambiguity created by operation and interaction of award clauses providing averaging hours over two weeks and payment on weekly or fortnightly basis.	Item A and; Page 2 and attachment A	Not pressed – see PGA sub 15/7	W	

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41	APESMA	Sub-28Jan15	10.4(a) and (b)	27.1 and 27.2	Annualised salary (pharmacists only) – Proposes current annualised salary provisions for pharmacists should be retained. Make it clear that employee’s annualised salary agreement must provide compensation for all provisions they have agreed to annualise; ED wording may be interpreted differently. Notes current provision has been in operation since 1998.	Paras 24–28	Withdrawn – sub-15Jul15 – para 9	W
	SDA	Sub-28Jan15			Change to wording substantively changes current provision; annual salary must be in satisfaction of <u>all</u> of provisions, not <u>any</u> . SDA does not oppose change in format of clause but strongly opposes changes to wording provided in current award; strongly argues existing provisions should be retained to provide more appropriate safety net.	Paras 77–85		
	HSU	Sub-28Jan15			Supports retention of annualised salary provisions contained in current award and not those in ED.	Para 39		
	PGA	Reply-sub-4Mar15			Oppose APESMA, SDA and HSU, submit that annualised salary clause in Exposure Draft doesn’t alter meaning of current clause.	Page 2,3 and 4		
	Business SA	Reply-sub-4Mar15			Propose to retain current clause, with the addition of ‘applicable provisions’ i.e. ‘the annual salary may be in satisfaction of the applicable provision of the award’	Page 11		

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	ABI & NSWBC	Reply-sub-5Mar15			Disagree that the Exposure Draft has changed the entitlement to and rules surrounding the use of an annualised salary. Oppose SDA at [80]-[85] and APESMA at [24]-[28]. The format and wording of the Exposure Draft at clause 10.4 is much clearer and simpler than clause 27 of the current Award.	Para 83		
42	PGA	Sub-25Nov14 Sub-28Jan15 Sub-15Jul15	10.4		Annualised salary – propose to delete “(Pharmacists only)” from clause title; seeks annualised salary for pharmacy assistants.	Item 2 Attach A Paras 14–17	No agreement	S
	Business SA	Reply-sub-28Aug15			Support proposal.	Para 23		
	SDA	Reply-sub-18Feb15 Reply-sub-21Aug15			Strongly opposes PGA proposal. Substantial change. Issue should be addressed at conference and hearing, not in relation to ED.	Paras 41-45 Paras 12–13, 29–32		
	HSU	Reply-sub-21Aug15			Oppose PGA proposal.	Paras 4–5, 9–10		
	APESMA	Reply-sub-20Aug15			Oppose PGA proposal.	Para 7		
43	ABI & NSWBC	Sub-2Feb15	10.5		Supported wage system – Propose to delete words “because of the effects of a disability” to avoid leading employers into error in relation to eligibility for supported wage; if additional words are considered necessary, it should be done in annotated version of award.	Para 61	<i>While parties have agreed to change wording, this wording is standard to all EDs</i>	O

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	APESMA	Reply-sub-17Feb15			Generally agrees with ABI & NSWBC submission.	Para 31		
	PGA	Reply-sub-4Mar15			Support ABI & NSWBC submission.	Page 1		
44	APESMA	Sub-28Jan15	11.2(a) (iii)	19.1(b)	Meal allowance – <i>Parties were asked to clarify whether clause 11.2(a)(iii) applies to both clause 11.2(a)(i) and 11.2(a)(ii) or just 11.2(a)(i)</i> APESMA and SDA submit clause 11.2(a)(iii) applies to both 11.2(a)(i) and 11.2(a)(ii).	Para 30	Reword as agreed by parties – see SDA sub-15Jul15	A
	SDA	Sub-28Jan15				Paras 87–89		
	HSU	Sub-28Jan15				Para 40		
	PGA	Sub-28Jan15				Attachment A		
	APESMA	Reply-sub-17Feb15				Paras 23, 29		
	SDA	Reply-sub-18Feb15				Para 47		
	ABI & NSWBC	Sub-2Feb15				Para 62		
					Clear from current award exclusion clause is meant to apply to both meal allowances; if Commission considers formatting of ED makes clause unclear, proposes following amendment: <i>“The meal allowances in this provision will not apply when the employer has advised the employee of the requirement to work overtime on the previous day.”</i>			

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
	SDA	Reply-sub-18Feb15			Does not oppose wording provided by ABI & NSWBC.	Para 52		
	PGA	Reply-sub-4Mar15			Support ABI & NSWBC submission.	Page 1		
	PGA	Reply-sub-4Mar15			Support APESMA submission	Page 3		
	Business SA	Reply-sub-4Mar15			Supports the submission of ABI and NSWBC that the permanent change to part-time roster creates new ordinary hours for the employee.	Page 11		
	ABI & NSWBC	Reply-sub-5Mar15			agree the submissions made by SDA, APESMA and the PGA in relation to the questions asked by the Commission in clause 11.2 of the Exposure Draft	Para 84		
45	APESMA	Sub-28Jan15	11.2(a)(v)		<p>Meal allowance – <i>Parties were advised that clause 6.4(c) permits a permanent change to a part-time employee's regular hours, and asked how clause 11.2(a)(v) interacts with clause 6.4(b)(vi)</i> APESMA submits clause 11.2(a)(v) has no relationship with clauses 6.4(b)(vi) or 6.4(c) because clause 11.2(a)(v) is meant to cover situations where employee has been asked to perform additional hours without notice.</p>	Para 31	<i>Agreed that there will be no change to wording</i>	A
	SDA	Sub-28Jan15			Submits there is no interaction between clause 11.2(a)(v) and 6.4(b)(vi).	Paras 90–95		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
	HSU	Sub-28Jan15			Supports submissions of SDA and APESMA.	Para 40		
	ABI & NSWBC	Sub-2Feb15			Submits there is no ambiguity in this clause; no change necessary.	Para 63		
	APESMA	Reply-sub-17Feb15			Generally agrees with ABI & NSWBC submission.	Para 31		
	PGA	Reply-sub-4Mar15			Support SDA, HSU and ABI & NSWBC submission.	Page 1 and 4		
46	PGA	Sub-25Nov14	11.2(c)(ii)	19.3(b)	Special clothing allowance – Seeks review of allowance so it applies fairly, having regard to number of days an employee works.	Item 5	Not pressed	W
47	PGA	Sub-28Jan15	12		Superannuation – Proposes to include annotation in clause 12.1 that notes clause refers to what is commonly known as compulsory superannuation contributions and that it applies regardless of whether employer is small or large business; also proposes to include note that describes who gets superannuation at end of clause 12.	Attachment A		W
47A	SDA	Sub-15Jul15	13.2	26.2	Overtime – Exposure draft fails to reference all of the clauses in 8.2 which are currently included in the award.	Paras 28–35	Cross references to be updated in accordance with SDA sub-15Jul15	A
	ABI&NSWBC	Sub-21Aug15			Agree with SDA	Para 2.10		
	PGA	Reply-sub-28Aug15			Not opposed to SDA submission	Page 2		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
48	FWO	Corr-24Nov14	13.1(a)	26.1(a); 26.1(a)(ii) i)	Overtime – Unclear whether casual employees are able to work overtime and whether they are entitled to overtime rates for this work.	Item 18	To be dealt with by Casual employment Full Bench	C
49	SDA	Sub-28Jan15	13.2	26(2)(a)	Overtime for casuals – <i>Parties were asked whether the award should state when a casual is entitled to overtime</i> SDA strongly submits that the award needs to state that casual is entitled to overtime. Overtime in award applies to all employees performing work beyond times and patterns considered ‘ordinary’, including casuals, and as such strongly opposes change in definition of overtime included in ED.	Paras 70–76	SDA submits issue of overtime may be more appropriately dealt with as part of the common issues dealing with casual and part-time employment (para 76).	C
	APESMA	Sub-28Jan15			Supports inclusion of provision clarifying casual employees are entitled to receive overtime; requests ED be varied to reflect provisions in existing award.	Paras 32–34		
	HSU	Sub-28Jan15			Supports making it clear that casuals are entitled to overtime.	Para 41		
	ABI & NSWBC	Sub-2Feb15			Clause 13.2, in combination with clause 13.1(a), indicates casual employees are not entitled to overtime payments.	Para 64		
	APESMA	Reply-sub-17Feb15			Disagree with ABI & NSWBC submission.	Paras 32-33		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
	PGA	Reply-sub-4Mar15			Oppose ABI & NSWBC and SDA submission, submits casual employees only entitled to overtime if they work outside the spread of hours or more than 12 hours per day (refer to clause 25.2)	Page 1 and 4		
		Reply-sub-28Aug15				Page 3		
	PGA	Reply-sub-4Mar15			APEMSA submits current award provides overtime for casuals if they work more than daily hour in clause 25.2 only	Page 3		
	PGA	Reply-sub-4Mar15			Supports HSU submission	Page 4		
	Business SA	Reply-sub-4Mar15			Supports the view that any change to wording would change the current entitlements of the award and will have a significant effect on the industry	Page 11		
	ABI & NSWBC	Reply-sub-5Mar15			Support PGA submission	Para 85		
	SDA	Sub-15Jul15	13.2(a)	26.2	Overtime – Payment for overtime should also occur when an employee works out “ordinary” hours.	Paras 36–39		
	ABI&NSWBC	Sub-21Aug15			Opposed SDA submission.	Para 2.11		
	PGA	Reply-sub-28Aug15			Oppose SDA submission	Pages 2–3		
	SDA	Reply-sub-18Feb15			Strongly opposes ABI & NSWBC submission. Rely on submission 28 January 2015.	Paras 53-54	See Sub-28Jan15 .	
50	PGA	Sub-28Jan15	13.2		Overtime – Proposes to make clear overtime is only payable when worked at <u>direction</u> (replacing “discretion”) of employer; this has same meaning as current award which provides overtime is payable on <u>authorised</u> additional hours.	Page 2 and attachment A		A

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
	APESMA	Reply-sub-17Feb15			Agrees with PGA submission.	Para 24		
	SDA	Reply-sub-18Feb15			Does not oppose PGA submission.	Paras 31-32.		
51	PGA	Sub-25Nov14	13.3; 14.1	26.2; 31.3	Overtime and penalty rates – seeks reduction to weekend and public holiday penalty rates.	Item 1	Refer to Penalty Rates Full Bench	C
52	SDA	Sub-25Nov14 Sub-15Jul15	13.3(a)	26.2(a)(i)	Payment for overtime – Seeks to vary clause to ensure no ambiguity as to payment of overtime for all permanent and casual employees performing work.	Para 3 Paras 40–51	Parties suggest this be dealt with as part of casual and part-time Full Bench proceedings.	C
	ABI&NSWBC	Sub-21Aug15			Do not agree that any changes have been made to substantive entitlements.	Paras 2.12-2.13		
	PGA	Reply-sub-28Aug15			Disagree that an ambiguity exists, and oppose claim.	Page 3		
	Business SA	Reply-sub-28Aug15			Oppose SDA claim.	Para 14		
53	PGA	Sub-28Jan15	13.4(d)		Time off instead of overtime payment – Proposes to remove entitlement being “for each hour worked”, to avoid argument overtime is not payable for less than an hour’s work; proposes to insert note indicating an employee cannot be forced to take time off in lieu of payment at overtime rates and that time off in lieu applies to overtime but not other penalties.	Page 2 and attachment A	<i>Being dealt with by Award flexibility Full Bench – see [2015] FWCFB 4466</i>	R
	APESMA	Reply-sub-17Feb15	13.4(d)		Does not support PGA submission. Believes wording necessary to describe rate at will employee will receive time off.	Paras 25-28		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
					Essential to retain option for employees to elect to take time off instead of being paid for overtime. Removal of words remove decision to elect from employee to employer, not consistent with the current award.			
	SDA	Reply-sub-18Feb15			Opposes PGA proposal to remove words 'for each hour worked'. Wording necessary to describe rate at which they will receive time off. Also oppose removal of wording 'elects to'	Para 33-36		
54	PGA	Sub-28Jan15	14.2		Meal break – propose to delete clause as already dealt with in clause 11.2(b).	Page 2 and attachment A	Clause to be deleted in ED	A
55	SDA	Sub-28Jan15	18		Public holidays – Summary is an oversimplification of NES provision and does not provide sufficient information	Paras 35–40	See [2014] FWCFB 9412	R
56	PGA	Sub-28Jan15	20.2		Notice of termination – Proposes to include table setting out relevant notice periods.	Attachment A	Reword as agreed by parties – see SDA sub-15Jul15	A
	APESMA	Reply-sub-17Feb15			Generally agree with PGA proposal to include a number of tables. Particularly in relation to 20.2. However, note some inaccuracies in their proposed tables.	Para 30		
	SDA	Reply-sub-18Feb15			Not opposed to inclusion of table.	Para 40.		
57	SDA	Sub-28Jan15	21.2		Redundancy – Proposed definition of 'small business employer' is unnecessary as is already contained in definitions clause.	Para 34	Reword as agreed by parties – see SDA sub-15Jul15	A

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
	PGA	Reply-sub-4Mar15	21.2		Support SDA submission, however 'small business' should be bolded and hyperlinked to definition.	Page 4-5		
58	HSU	Sub-25Nov14	Schedule A	Schedule B	Classification definitions – Seeks to amend definitions of Pharmacists and Pharmacy Intern.	Para 26		W
59	PGA	Sub-25Nov14	Schedule A	Schedule B	Classification definitions – Seeks review of classification descriptions, payment for offsite training and replace out of date terminology.	Item e	Training packages alignment – Employer directed training paid by employer	W
60	APESMA	Sub-28Jan15	Schedule A	14; Schedule B	Classification definitions – Requests ED be varied to reflect current classification structure sequential order, specifically in relation to student and intern pharmacists.	Paras 35–37	Reword as agreed by parties – see SDA sub-15Jul15	A
	ABI & NSWBC	Reply-sub-5Mar15			Do not oppose APESMA submissions	Para 86		
61	APESMA	Sub-28Jan15	Schedule B		Summary wages tables – Supports inclusion of summary tables to clarify minimum pay entitlements and application of overtime and penalty rates, but agrees with SDA submission that tables require notes explaining application and referring to relevant award clauses for explanation of when various forms of rates apply.	Para 38	See also [2015] FWCFB 4658	O
	HSU	Sub-28Jan15			Adopts submissions of ACTU in relation to Group 1 EDs on this issue; notes award rates are minimum wage rates only and that employees may be entitled to higher rates as part of a contract of employment.	Paras 13–14		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
	PGA	Reply-sub-28Aug15			Supports inclusion of summary tables, but has concerns about the use of the term 'minimum hourly rate'.	Page 1		
	SDA	Sub-28Jan15	Schedule B		Summary wages tables – Tables not consistent with use of term 'minimum hourly rate' and 'ordinary hours'; submits heading in column 2 of tables B.1.1 and B.2.1 should read "Ordinary hours worked where the minimum hourly rate applies" to be consistent with use of "% of minimum hourly rate" used below in same tables.	Paras 28–30		
	APESMA	Sub-28Jan15			Disclaimer at start of wages tables should be included advising readers to refer to relevant award clauses	Para 38		
	PGA	Reply-sub-4Mar15			Disagree with APESMA, hourly rates tables assist in payment of correct wages, and they are available from PGA and FWO	Page 3		
62	SDA	Sub-28Jan15	Schedule G	3.1	Definition of default fund employee – notes definition deleted from ED	Para 6	<i>Definition to be re-inserted</i>	A
	ABI & NSWBC	Sub-2Feb15			Submits although term not used in award, notes that Full Bench decided to include definition in all awards; consideration should be given to retaining definition in accordance with decision.	Para 65	See also Full Bench decision [2013] FWCFB 10016	
	APESMA	Reply-sub-17Feb15			Generally agree with ABI & NSWBC submission.	Para 31		
	SDA	Reply-sub-18Feb15			Supports ABI & NSWBC submission.	Para 55		
	PGA	Reply-sub-4Mar15			Support ABI & NSWBC submission.	Page 1		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
	PGA	Reply-sub-4Mar15			Support SDA	Page 3		
	Business SA	Reply-sub-4Mar15			Supports ABI and NSWBC in retaining definition of 'default fund employee' based on FWCFB 10016	Page 11		
63	PGA	Sub-28Jan15	Schedule G	3.1	Definitions – Proposes to insert note explaining term “national system”.	Attachment A		W
Proposed new clauses								
64	SDA	Sub-25Nov14 Sub-15Jul15			Blood donor leave – Seeks inclusion of new clause to provide all employees with 2 hours paid leave on maximum of 4 occasions per year. Casuals would be entitled to be absent for 2 hours, up to 4 occasions per year without pay.	Paras 21–22 Paras 66–67	Being considered. SDA to provide draft clause	S
	PGA	Reply-sub-28Aug15			Oppose claim.	Page 4		
	Business SA	Reply-sub-28Aug15			Oppose claim	Para 20		
65	SDA	Sub-25Nov14 Sub-15Jul15			Bone marrow donor leave – Seeks inclusion of new clause to provide all employees with 2 hours paid leave on maximum of 2 occasions per year. Casuals would be entitled to be absent for equivalent time, without pay.	Paras 23–27 Paras 68-71	Being considered. SDA to provide draft clause	S
	PGA	Reply-sub-28Aug15			Oppose claim.	Page 4	PGA	
	Business SA	Reply-sub-28Aug15			Oppose claim	Para 20	Business SA	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
66	APESMA	Sub-25Nov14			Professional services allowance – Seeks inclusion of new allowance to cover additional duties.	Page 2		S
	PGA	Reply-sub-28Aug15			Oppose claim.	Page 4		
67	APESMA	Sub-25Nov14			Reimbursement of expenses – Seeks inclusion of new clause providing reimbursement for Professional Insurance costs and Registration Fees.	Page 2		S
	PGA	Reply-sub-28Aug15			Oppose claim.	Pages 4–5		
	Business SA	Reply-sub-28Aug15			Oppose claim.	Paras 15–16		
68	APESMA	Sub-25Nov14			CPD training and study leave – Seeks inclusion of new clause providing for employers to provide financial and time assistance.	Page 2		S
	PGA	Reply-sub-28Aug15			Oppose claim.	Page 5		
	Business SA	Reply-sub-28Aug15			Oppose claim.	Paras 15–16		
69	APESMA	Sub-25Nov14			Workloads – Seeks inclusion of new provision restricting number of prescriptions pharmacists may dispense in one day.	Page 3	Subject to separate discussions	S
		Sub-15Jul15				Para 16.5		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
70	PGA	Sub-15Jul15			Direction to take annual leave – Seek inclusion of a clause permitting an employer to direct an employee to take annual leave during close-down.	Paras 7–13	Dealt with by Annual leave Full Bench –See [2015] FWCFB 3406	C
	Business SA	Reply-sub-28Aug15			Support proposal.	Para 22		
	APESMA	Reply-sub-20Aug15			Opposed to submission.	Para 7		
	SDA	Reply-sub-21Aug15			Opposed to submission.	Paras 12–13, 15–28		
	HSU	Reply-sub-21Aug15			Opposed to submission.	Paras 6–8		

List of abbreviations (in alphabetical order)

ABI & NSWBC	Australian Business Industrial and the New South Wales Business Chamber Ltd
APESMA	The Association of Professional Engineers, Scientists and Managers, Australia
FWO	Fair Work Ombudsman
HSU	Health Services Union
NES	National Employment Standards
PGA	Pharmacy Guild of Australia
PHIEA	Private Hospital Industry Employers' Association
SDA	Shop, Distributive and Allied Employees Association

Status:	A = Agreed (changes will be made to Exposure draft)	C = referred to Common issue Full Bench	O = Outstanding technical/drafting issue
	R = Resolved by previous Full Bench decision	S = Substantive issue	W = Withdrawn/Not pressed

SUMMARY OF SUBMISSIONS – BY STATUS

Revised as at 25 September 2015 following conference on 2 September 2015

Status:	A = Agreed (changes will be made to Exposure draft)	C = referred to Common issue Full Bench	O = Outstanding technical/drafting issue
	R = Resolved by previous Full Bench decision	S = Substantive issue	W = Withdrawn/Not pressed

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
Outstanding								
1	PGA	Sub-28Jan15			New draft award Engaging services of Plain English Drafting Association to provide plain English draft of award. Will be ready by end of March.	Page 1	Plain English award to be further considered by Commission	O
		Reply-sub-4Mar15			First set of recommendations will be circulated shortly. Review by Plain English Foundation is not inconsistent with the Exposure Draft review process.	Page 4-5		
		Sub-31Mar15			Submission of plain-English draft of award.	Attachment A		
	Business SA	Reply-sub-28Aug15			Cautious of proposal and cannot support it at this stage.	Para 21	Parties submit that, if the draft is not withdrawn as a submission, it should be referred to a separately constituted Full Bench.	
	APESMA	Reply-sub-17Feb15			Strongly opposes PGA proposal. Will result in serious issues and delay process of finalising new award.	Paras 4-12		
		Reply-sub-1Apr15				Page 1		
Reply-sub-20Aug15				Paras 10–14				
SDA	Reply-sub-			Opposes PGA proposal. Greatly concerned	Paras 6-20			

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
		18Feb15			about appropriateness.			
		Reply-sub-1Apr15				Pages 1-2		
		Reply-sub-21Aug15				Paras 5-11		
	HSU	Reply-sub-1Apr15			Opposes plain-English draft.	Page 1-2		
		Sub-16Jul-15				Paras 10-11		
7	APESMA	Sub-28Jan15	Pay rates		Expression of pay rates – Supports inclusion of pay rates expressed as hourly and weekly amounts, and for there to be tables showing pay rates inclusive of casual loadings, penalty rates and overtime	Para 7	<i>See item 61</i>	O
	HSU	Sub-28Jan15			Notes Commission’s preference for using term “minimum hourly rate” instead of “ordinary hourly rate” where award does not provide for allowances and loadings to be paid for all purposes; submits when awards do not include all-purpose allowances or loadings, ED should use same language throughout; notes some EDs mix the terms.	Para 12		
	PGA	Sub-28Jan15			PGA would like to discuss formatting of pay rate information in conference.	Page 3		
	Business SA	Reply-sub-4Mar15			Submits that there is apparent confusion about the use of term ‘minimum hourly	Page 4		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
					rates' and 'ordinary hourly rates', refer to FWCFB 9412, submits that a general review would be useful to ensure consistency			
24	SDA	Sub-28Jan15 Sub-15Jul15	6.5(c)(i)		Casual loading – change in use of term “actual” to “minimum” provides different entitlement, particularly where hours worked attract penalty; submits clause should reflect existing terminology and entitlements in current award.	Paras 55–60 Paras 19-27	See also [2015] FWCFB 4658	O
	PGA	Reply-sub-4Mar15 Reply-28Aug15			Oppose SDA submission	Page 4 Page 2		
	Business SA	Reply-sub-4Mar15 Reply-sub-28Aug15			Submits that the entitlement to penalty rates for casuals is not altered by the propose changed of wording. Submission by SDA is opposed.	Page 10 Para 13		
	ABI & NSWBC	Reply-sub-5Mar15 Sub-21Aug15			Disagree with SDA submission and consider that the language used in the Exposure Draft has the same meaning and effect as the current Award provisions	Para 81 Para 2.9		
29	PGA	Sub-25Nov14	8.2(d)-(f)	25.3	Hours of work – Seeks to address FWO interpretation issue.	Item a	<i>PGA to provide clarification of issue</i>	O
30	ABI & NSWBC	Sub-2Feb15	8.2(f)		Hours of work – Submits subclause has tendency to suggest other provisions of clause 8.2 do not apply to part-time and casual employees; should consider whether	Para 59	<i>Parties agree there is an issue; need to propose alternative</i>	O

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
					to retain or re-draft		<i>wording</i>	
	APESMA	Reply-sub-17Feb15			Both agree with ABI & NSWBC submission.	Para 31		
	SDA	Reply-sub-18Feb15				Para 50		
	PGA	Reply-sub-4Mar15			Support ABI & NSWBC submission.	Page 1		
	Business SA	Reply-sub-4Mar15			Support redrafting of clause to remove any ambiguity	Page 11		
31	ABI & NSWBC	Sub-2Feb15	8.3(a)	25.4(a)	Rostering—Permanent employees – Submits formatting, particularly of subclauses (iii) and (iv) creates unnecessary ambiguity; wording of clause 25.4(a)(iii) of current award should be retained.	Para 60	<i>Parties (apart from PGA) agree there is an issue; need to propose alternative wording</i>	O
	APESMA	Reply-sub-17Feb15			Agree with ABI & NSWBC submission.	Para 31		
	SDA	Reply-sub-18Feb15				Para 51		
	PGA	Reply-sub-4Mar15			Oppose ABI & NSWBC submission as clause is not ambiguous	Page 1		
	Business SA	Reply-sub-4Mar15			Support redrafting of clause to remove potential confusion	Page 11		
43	ABI & NSWBC	Sub-2Feb15	10.5		Supported wage system – Propose to delete words “because of the effects of a disability” to avoid leading employers into error in relation to eligibility for supported wage; if additional words are considered necessary, it should be done in annotated	Para 61	<i>While parties have agreed to change wording, this wording is standard to all EDs</i>	O

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
					version of award.			
	APESMA	Reply-sub-17Feb15			Generally agrees with ABI & NSWBC submission.	Para 31		
	PGA	Reply-sub-4Mar15			Support ABI & NSWBC submission.	Page 1		
61	APESMA	Sub-28Jan15	Schedule B		Summary wages tables – Supports inclusion of summary tables to clarify minimum pay entitlements and application of overtime and penalty rates, but agrees with SDA submission that tables require notes explaining application and referring to relevant award clauses for explanation of when various forms of rates apply.	Para 38	See also [2015] FWCFB 4658	O
	HSU	Sub-28Jan15			Adopts submissions of ACTU in relation to Group 1 EDs on this issue; notes award rates are minimum wage rates only and that employees may be entitled to higher rates as part of a contract of employment.	Paras 13–14		
	PGA	Reply-sub-28Aug15			Supports inclusion of summary tables, but has concerns about the use of the term ‘minimum hourly rate’.	Page 1		
	SDA	Sub-28Jan15	Schedule B		Summary wages tables – Tables not consistent with use of term ‘minimum hourly rate’ and ‘ordinary hours’; submits heading in column 2 of tables B.1.1 and B.2.1 should read “Ordinary hours worked where the minimum hourly rate applies” to be consistent with use of “% of minimum hourly rate” used below in same tables.	Paras 28–30		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
	APESMA	Sub-28Jan15			Disclaimer at start of wages tables should be included advising readers to refer to relevant award clauses	Para 38		
	PGA	Reply-sub-4Mar15			Disagree with APESMA, hourly rates tables assist in payment of correct wages, and they are available from PGA and FWO	Page 3		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
Substantive								
15	SDA	Sub-25Nov14 Sub-15Jul15	6.3	11	Full-time employment – Seeks to vary clause to include requirement for agreement in writing at time of engagement on regular pattern of work.	Paras 4–6 Paras 52–54	ABI&NSWBC submits this should be determined by a separately constituted Full Bench.	S
	Business SA	Reply-sub-28Aug15			Oppose claim.	Paras 17–18		
16	SDA	Sub-25Nov14 Sub-15Jul15	6.3	11	Full-time employment –Seeks to vary award to include minimum shift of 4 hours for full-time employees.	Paras 7–9 Para 55–59	Not agreed	S
	PGA	Reply-sub-28Aug15			Oppose SDA claim.	Pages 3–4		
	Business SA	Reply-sub-			Oppose SDA claim	Paras 17–18		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
		28Aug15						
34	APESMA	Sub-25Nov14 Sub-15Jul15	10.1	17	Minimum wages – Seeks to have rates for Pharmacists and Pharmacy students increased.	Page 2 Para 16.1	Has held discussions with other parties and they agreed this should be dealt with by a separate Full Bench.	S
	Business SA	Reply-sub-28Aug15			Oppose claim.	Paras 15–16		
37	SDA	Sub-25Nov14 Sub-15Jul15	10.2	18	Junior employees – Seeks to vary clause to provide for payment of junior rates to Level 1 employees only.	Paras 10–12 Paras 60–63	ABI&NSWBC submits this should be determined by a separately constituted Full Bench.	S
	PGA	Reply-sub-28Aug15			Oppose claim.	Page 4		
	Business SA	Reply-sub-28Aug15			Oppose claim.	Para 19		
42	PGA	Sub-25Nov14 Sub-28Jan15 Sub-15Jul15	10.4		Annualised salary – propose to delete “(Pharmacists only)” from clause title; seeks annualised salary for pharmacy assistants.	Item 2 Attachment A Paras 14–17	No agreement	S
	Business SA	Reply-sub-28Aug15			Support proposal.	Para 23		
	SDA	Reply-sub-18Feb15			Strongly opposes PGA proposal. Substantial change. Issue should be	Paras 41-45		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
		Reply-sub-21Aug15			addressed at conference and hearing, not in relation to ED.	Paras 12–13, 29–32		
	HSU	Reply-sub-21Aug15			Oppose PGA proposal.	Paras 4–5, 9–10		
	APESMA	Reply-sub-20Aug15			Oppose PGA proposal.	Para 7		
64	SDA	Sub-25Nov14 Sub-15Jul15			Blood donor leave – Seeks inclusion of new clause to provide all employees with 2 hours paid leave on maximum of 4 occasions per year. Casuals would be entitled to be absent for 2 hours, up to 4 occasions per year without pay.	Paras 21–22 Paras 66–67	Being considered. SDA to provide draft clause	S
	PGA	Reply-sub-28Aug15			Oppose claim.	Page 4		
	Business SA	Reply-sub-28Aug15			Oppose claim	Para 20		
65	SDA	Sub-25Nov14 Sub-15Jul15			Bone marrow donor leave – Seeks inclusion of new clause to provide all employees with 2 hours paid leave on maximum of 2 occasions per year. Casuals would be entitled to be absent for equivalent time, without pay.	Paras 23–27 Paras 68-71	Being considered. SDA to provide draft clause	S
	PGA	Reply-sub-28Aug15			Oppose claim.	Page 4	PGA	
	Business SA	Reply-sub-28Aug15			Oppose claim	Para 20	Business SA	
66	APESMA	Sub-25Nov14			Professional services allowance – Seeks inclusion of new allowance to cover additional duties.	Page 2		S
	PGA	Reply-sub-			Oppose claim.	Page 4		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
		28Aug15						
67	APESMA	Sub-25Nov14			Reimbursement of expenses – Seeks inclusion of new clause providing reimbursement for Professional Insurance costs and Registration Fees.	Page 2		S
	PGA	Reply-sub-28Aug15			Oppose claim.	Pages 4–5		
	Business SA	Reply-sub-28Aug15			Oppose claim.	Paras 15–16		
68	APESMA	Sub-25Nov14			CPD training and study leave – Seeks inclusion of new clause providing for employers to provide financial and time assistance.	Page 2		S
	PGA	Reply-sub-28Aug15			Oppose claim.	Page 5		
	Business SA	Reply-sub-28Aug15			Oppose claim.	Paras 15–16		
69	APESMA	Sub-25Nov14			Workloads – Seeks inclusion of new provision restricting number of prescriptions pharmacists may dispense in one day.	Page 3	Subject to separate discussions	S
		Sub-15Jul15				Para 16.5		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
Agreed								
10	APESMA	Sub-28Jan15	2.3	5 and 6	Provision of copies of award and NES – Believes current requirements for copies of	Paras 10–13	See SDA sub-15Jul15	A

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
					award to be made available should be retained; submitted wording from Full Bench decision appropriate.		See also Full Bench decision [2014] FWCFB 9412 23 December 2014 para [29]	
11	APESMA	Sub-28Jan15	5		Facilitative provision – Agrees with ACTU submission that facilitative provision contained in Manufacturing Award (and related ED) be adopted as appropriate facilitative provision.	Paras 14–16		A
	SDA	Sub-28Jan15			Does not object to inclusion of facilitative provision; supports ACTU submission as model for all awards. Supports use of clause 8.1 from Manufacturing Award as introductory paragraph as clearer than that used in ED; supports use of clause 8.2 and 8.3 from Manufacturing Award.	Paras 14–20		
	HSU	Sub-28Jan15			Adopts ACTU submissions in relation to general issues concerning facilitative provisions.	Para 8		
	PGA	Reply-sub-4Mar15			Oppose use of term “facilitative provisions” as term is not likely to be understood by small businesses, and community pharmacies will not look for the term to find out how application of award can be altered.	Page 2 and 3		
	ABI & NSWBC	Reply-sub-5Mar15			Disagree with the submissions of SDA at [17]-[20] and APESMA at [14]-[16]. Submits that the provision in the Exposure	Para 75		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
					Draft is sufficiently clear to identify the facilitative provisions in the Award.			
19	APESMA	Sub-28Jan15	6.4(a)(i)	12.1	Part-time employment – Requests word “and” be added after semicolon at end of clause 6.4(a)(i).	Paras 17–20	“and” will be inserted in ED	A
	SDA	Sub-28Jan15			Submits removal of word “and” substantively changes part-time definition and clause should not refer to 6.5(d), but rather 10.1.	Paras 45–47		
	PGA	Reply-sub-4Mar15			Submits removal of word “and” does not vary clause, but is not opposed to its retention	Page 2		
	PGA	Reply-sub-4Mar15			Supports SDA submission	Page 4		
	Business SA	Reply-sub-4Mar15			Does not object to retaining ‘and’ between provisions	Page 10		
	ABI & NSWBC	Reply-sub-5Mar15			Disagree with the submissions of SDA at [45]-[47] and APESMA at [17]- [20], that the removal of the word 'and' changes the definition of 'part-time employee.'	Para 76		
20	SDA	Sub-28Jan15	6.4(d)		Part-time rate of pay – Cross-reference to clause 6.5(d) incorrect should refer to clause 10.1	Paras 48; 96–97	Cross reference will be changed to 10.1 in ED	A
	PGA	Reply-sub-4Mar15			Supports SDA submission	Page 4		
	ABI & NSWBC	Reply-sub-5Mar15			SDA submissions at [48] are correct and should be accepted.	Para 77		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status	
21	PGA	Sub-28Jan15	6.4(d)		Part-time rate of pay – Propose to remove words “no less than”, which are not in existing award, so no argument is created about current over-award amounts becoming award rate.	Page 2 and attachment A	Words “no less than” to be deleted in ED	A	
	APESMA	Sub-28Jan15			Oppose PGA proposal. No need to delete words. Such variation could lead to disputes in relation to overaward payments.	Paras 16-19			
	SDA	Reply-sub-18Feb15			Does not support PGA proposed amendment.	Para 28.			
	Business SA	Reply-sub-4Mar15			Supports PGA submission	Page 10			
	ABI & NSWBC	Reply-sub-5Mar15			Support the submissions of the PGA in respect of deleting the words 'no less than' in clause 6.4(d).	Para 78			
22	APESMA	Sub-28Jan15	6.4(f)(i)	12.8(a)	Part-time rosters – Request to retain existing requirement to give 48 hours’ <u>written</u> notice for roster change in case of an emergency.	Paras 21–23	“written” to be inserted in ED	A	
	SDA	Sub-28Jan15				Support APESMA and SDA submission			Paras 50–54
	PGA	Reply-sub-4Mar15				Support the retention of current wording as the intention of the Exposure drafts is not to alter entitlements			Page 2 and page 4
	Business SA	Reply-sub-4Mar15				Do not oppose submission of SDA at [49]-[54] and APESMA at [21]- [23].			Page 10
	ABI & NSWBC	Reply-sub-5Mar15							Para 80

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
23	PGA	Sub-28Jan15	6.4(f)		Part-time rosters – Propose to reinstate existing provisions that roster can be altered by <u>employer</u> giving notice to <u>employee</u> (and not the reverse).	Page 2 and attachment A	“employer” and “employee” to be inserted in ED	A
	APESMA	Sub-28Jan15			Do not oppose PGA proposal, however, notes PGA does not have same concerns APESMA raised previously re requirement for employer to give written notice	Paras 20-21		
	SDA	Reply-sub-18Feb15			Not opposed.	Para 30		
	ABI & NSWBC	Reply-sub-5Mar15			Support PGA submission	Para 78		
25	SDA	Sub-28Jan15	6.5(c)(ii) and (iii)		Casual employment – <i>Parties were asked to provide a list of provisions that do not apply to casual employees</i> SDA does not support inclusion of model award provision of nature prescribed in these clauses; issue of what does and does not apply to casuals should continue to be specified within award as currently does. SDA supports submissions of ACTU on issue and submits conclusion reached in paras [68]–[69] of Decision be applied to ED	Paras 61–69	Agreement to delete 6.5(c)(ii) & (iii) See also Full Bench decided to remove sub-clause and the note from EDs in Decision [2014] FWCFB 9412 , see para [69].	A
	PGA	Reply-sub-4Mar15			PGA understands that the Commission has dealt with this issue	Page 4		
	ABI & NSWBC	Reply-sub-5Mar15			disagree with the SDA submissions and contend that there is merit in identifying the purpose of casual loadings	Para 82		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
26	PGA	Sub-28Jan15	6.5(c)(ii)		Proposes to delete “paid personal leave”	Attachment A	Agreement to delete 6.5(c)(ii) See also [2014] FWCFB 9412	A
	ABI & NSWBC	Sub-2Feb15			Proposes to delete “paid personal leave” as already included in “paid personal/carer’s leave”.	Para 58		
	APESMA	Reply-sub-17Feb15			Generally agrees with ABI&NSWBC submission	Para 31		
	SDA	Reply-sub-18Feb15			Does not oppose deletion.	Para 49		
	PGA	Reply-sub-4Mar15			Support ABI&NSWBC submission	Page 1		
28	PGA	Sub-25Nov14	8.1(a) and (b)	25.4(a)(i v)	Rostering—Permanent employees – Seeks definition of “regularly works Sundays”	Item c	Reword as agreed by parties – see SDA sub-15Jul15	A
32	PGA	Sub-28Jan15	9.3		Breaks – Proposes to insert table identifying break/s employees are entitled to for various hours worked.	Attachment A	Reword as agreed by parties – see SDA sub-15Jul15	A
	APESMA	Reply-sub-17Feb15			Generally agree with PGA proposal to include a number of tables. Particularly in relation to 9.3. However, note some inaccuracies in their proposed tables.	Para 30		
	SDA	Reply-sub-18Feb15			Not opposed, however second line of table needs to be amended, should read as ‘More than 5 up to less than 7.6’.	Paras 37-38		
33	SDA	Sub-15Jul15	10; 14		Wage tables – while some agreement has been reached regarding inclusion of these tables, the award would benefit from a definition of ‘minimum hourly rate’ and ‘ordinary hours’.	Paras 12–22	Reword as agreed by parties – see SDA sub-15Jul15	A

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
	Business SA	Reply-sub-28Aug15			SDA proposal is not supported.	Para 12.		
	ABI&NSWBC	Sub-21Aug15			Do not oppose SDA submission in respect of proposed clause 14.1(b), but oppose inclusion of definitions.	Paras 2.5–2.8		
35	PGA	Sub-25Nov14	10.1	17	Minimum wages – Seeks specification as to when a pharmacy student moves up to next pay point.	Item b	<i>See item 33</i>	A
44	APESMA	Sub-28Jan15	11.2(a)(iii))	19.1(b)	Meal allowance – <i>Parties were asked to clarify whether clause 11.2(a)(iii) applies to both clause 11.2(a)(i) and 11.2(a)(ii) or just 11.2(a)(i)</i> APESMA and SDA submit clause 11.2(a)(iii) applies to both 11.2(a)(i) and 11.2(a)(ii).	Para 30	Reword as agreed by parties – see SDA sub-15Jul15	A
	SDA	Sub-28Jan15				Paras 87–89		
	HSU	Sub-28Jan15				Para 40		
	PGA	Sub-28Jan15				Attachment A		
	APESMA	Reply-sub-17Feb15				Paras 23, 29		
	SDA	Reply-sub-18Feb15				Para 47		
	ABI & NSWBC	Sub-2Feb15				Para 62		
					Clear from current award exclusion clause is meant to apply to both meal allowances; if Commission considers formatting of ED			

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
					makes clause unclear, proposes following amendment: <i>“The meal allowances in this provision will not apply when the employer has advised the employee of the requirement to work overtime on the previous day.”</i>			
	SDA	Reply-sub-18Feb15			Does not oppose wording provided by ABI & NSWBC.	Para 52		
	PGA	Reply-sub-4Mar15			Support ABI & NSWBC submission.	Page 1		
	PGA	Reply-sub-4Mar15			Support APESMA submission	Page 3		
	Business SA	Reply-sub-4Mar15			Supports the submission of ABI and NSWBC that the permanent change to part-time roster creates new ordinary hours for the employee.	Page 11		
	ABI & NSWBC	Reply-sub-5Mar15			agree the submissions made by SDA, APESMA and the PGA in relation to the questions asked by the Commission in clause 11.2 of the Exposure Draft	Para 84		
45	APESMA	Sub-28Jan15	11.2(a)(v)		Meal allowance – <i>Parties were advised that clause 6.4(c) permits a permanent change to a part-time employee’s regular hours, and asked how clause 11.2(a)(v) interacts with clause 6.4(b)(vi)</i> APESMA submits clause 11.2(a)(v) has no relationship with clauses 6.4(b)(vi) or 6.4(c) because clause 11.2(a)(v) is meant	Para 31	<i>Agreed that there will be no change to wording</i>	A

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
					to cover situations where employee has been asked to perform additional hours without notice.			
	SDA	Sub-28Jan15			Submits there is no interaction between clause 11.2(a)(v) and 6.4(b)(vi).	Paras 90–95		
	HSU	Sub-28Jan15			Supports submissions of SDA and APESMA.	Para 40		
	ABI & NSWBC	Sub-2Feb15			Submits there is no ambiguity in this clause; no change necessary.	Para 63		
	APESMA	Reply-sub-17Feb15			Generally agrees with ABI & NSWBC submission.	Para 31		
	PGA	Reply-sub-4Mar15			Support SDA, HSU and ABI & NSWBC submission.	Page 1 and 4		
39	SDA	Proposed variation-25Nov14	10.3	22	Payment of wages – Seeks to vary clause so that all wages shall be paid on regular pay day within 4 days of end of pay period.	Paras 13–19	Reword as agreed by parties – see SDA sub-15Jul15	A
47A	SDA	Sub-15Jul15	13.2	26.2	Overtime – Exposure draft fails to reference all of the clauses in 8.2 which are currently included in the award.	Paras 28–35	Cross references to be updated in accordance with SDA sub-15Jul15	A
	ABI&NSWBC	Sub-21Aug15			Agree with SDA	Para 2.10		
	PGA	Reply-sub-28Aug15			Not opposed to SDA submission	Page 2		
50	PGA	Sub-28Jan15	13.2		Overtime – Proposes to make clear overtime is only payable when worked at <u>direction</u> (replacing “discretion”) of	Page 2 and attachment A		A

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
					employer; this has same meaning as current award which provides overtime is payable on <u>authorised</u> additional hours.			
	APESMA	Reply-sub-17Feb15			Agrees with PGA submission.	Para 24		
	SDA	Reply-sub-18Feb15			Does not oppose PGA submission.	Paras 31-32.		
54	PGA	Sub-28Jan15	14.2		Meal break – propose to delete clause as already dealt with in clause 11.2(b).	Page 2 and attachment A	Clause to be deleted in ED	A
56	PGA	Sub-28Jan15	20.2		Notice of termination – Proposes to include table setting out relevant notice periods.	Attachment A	Reword as agreed by parties – see SDA sub-15Jul15	A
	APESMA	Reply-sub-17Feb15			Generally agree with PGA proposal to include a number of tables. Particularly in relation to 20.2. However, note some inaccuracies in their proposed tables.	Para 30		
	SDA	Reply-sub-18Feb15			Not opposed to inclusion of table.	Para 40.		
57	SDA	Sub-28Jan15	21.2		Redundancy – Proposed definition of ‘small business employer’ is unnecessary as is already contained in definitions clause.	Para 34	Reword as agreed by parties – see SDA sub-15Jul15	A
	PGA	Reply-sub-4Mar15	21.2		Support SDA submission, however ‘small business’ should be bolded and hyperlinked to definition.	Page 4-5		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
60	APESMA	Sub-28Jan15	Schedule A	14; Schedule B	Classification definitions – Requests ED be varied to reflect current classification structure sequential order, specifically in relation to student and intern pharmacists.	Paras 35–37	Reword as agreed by parties – see SDA sub-15Jul15	A
	ABI & NSWBC	Reply-sub-5Mar15			Do not oppose APESMA submissions	Para 86		
62	SDA	Sub-28Jan15	Schedule G	3.1	Definition of default fund employee – notes definition deleted from ED	Para 6	<i>Definition to be re-inserted</i> See also Full Bench decision [2013] FWCFB 10016	A
	ABI & NSWBC	Sub-2Feb15			Submits although term not used in award, notes that Full Bench decided to include definition in all awards; consideration should be given to retaining definition in accordance with decision.	Para 65		
	APESMA	Reply-sub-17Feb15			Generally agree with ABI & NSWBC submission.	Para 31		
	SDA	Reply-sub-18Feb15			Supports ABI & NSWBC submission.	Para 55		
	PGA	Reply-sub-4Mar15			Support ABI & NSWBC submission.	Page 1		
	PGA	Reply-sub-4Mar15			Support SDA	Page 3		
	Business SA	Reply-sub-4Mar15			Supports ABI and NSWBC in retaining definition of ‘default fund employee’ based on FWCFB 10016	Page 11		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
Resolved								
3	APESMA	Sub-28Jan15			Generally notes 23 December 2014 Full Bench decision [[2014] FWCFB 9412] and requests changes referred to in Decision also be incorporated into exposure draft (ED).	Para 45	See Full Bench decision [2014] FWCFB 9412 23 December 2014 para [29]	R
	HSU	Sub-28Jan15			Supports submissions made by APESMA and SDA.	Para 38		
4	APESMA	Sub-28Jan15			NES summaries – Supports inclusion of explanations/ NES summaries; recommends wording be developed and agreed with relevant industry parties prior to inclusion in award.	Paras 6; 40–41; 44	Issue may have been dealt with by [2014] FWCFB 9412	R
	SDA	Sub-28Jan15			Supports approach set out in Full Bench decision, but urges cautious and consultative approach to drafting annotated versions of each modern award; summaries must not be seen as substitute for referencing NES.	Paras 31–32		
	HSU	Sub-28Jan15			Welcomes inclusion of NES summaries and examples in annotated versions of awards; willing to work with parties to determine appropriate examples.	Paras 7; 10–11		
	PGA	Sub-28Jan15			Supports inclusion of summaries; more generally wherever there is reference to legislation, PGA supports inclusion of a notation that provides a general understanding of the relevant provision.	Page 1		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
5	PGA	Sub-28Jan15			Illustrative examples – Marked-up ED attached to submission indicates where several illustrative examples are proposed to be inserted, to illustrate operation of certain clauses.	Page 2 and attachment A	Issue may have been dealt with by [2014] FWCFB 9412	R
	APESMA	Reply-sub-17Feb15			Opposes PGA proposal. Does not support use of examples in legal award, would support use of examples in annotated version.	Paras 13-15		
	SDA	Reply-sub-18Feb15			Opposed to use of illustrative examples as set out through PGA submission. Recommends cautious approach.	Paras 21-23		
	PGA	Reply-sub-4Mar15			Submits that employers and employees in the community pharmacy sector would benefit from examples. Will circulate proposed examples for comments.	Page 5		
6	APESMA	Sub-28Jan15			Payslips provision – Strongly supports inclusion of payslips provision; recommends wording be developed and agreed with relevant industry parties prior to inclusion in award.	Paras 40–41; 44	Issue may have been dealt with by [2014] FWCFB 9412	R
	SDA	Sub-28Jan15			Strongly supports inclusion in annotated version	Paras 41–44		
	HSU	Sub-28Jan15			Welcomes additional payslip provision; reference to legislation and regulations particularly welcome.	Para 9		
	PGA	Reply-sub-4Mar15			Submits that this issue has been dealt with by Commission	Page 3		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
	PGA	Reply-sub-4Mar15			Support SDA submissions	Page 4		
8	HSU	Sub-28Jan15	1.2		Supersession – Wording sits comfortably with HSU; though not considered necessary, HSU do not oppose PHIEA proposal (submitted in relation to other awards) that clause should reference award review process.	Para 6	Determined in Full Bench Decision [2014] FWCFB 9412 at paras [9]-[10]	R
9	APESMA	Sub-28Jan15		2.4	Take-home pay provisions – Believes not appropriate to remove current take home pay provisions.	Paras 8–9	<i>Being dealt with in accordance with [2015] FWBFB 4658</i>	R
	PGA	Reply-sub-4Mar15			Oppose APESMA submission as submission is obsolete and unnecessary	Page 2		
	SDA	Sub-28Jan15			Submits combining current award clauses 5 and 6 and removing word ‘access’ from clause title changes substantive provisions in clause 5; change appears to remove necessity to provide physical copy; believes reference to use of noticeboards should remain. Supports wording adopted by Full bench preference to wording proposed in ED.	Paras 7–13		
	HSU	Sub-28Jan15			Submits unclear how copies of award will be made available to employees or how employees can ask for copies of award and NES.	Para 7		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
	PGA	Reply-sub-4Mar15			Submits words in Exposure Draft should be adopted as most community pharmacies are small businesses who don't have notice boards	Page 2 and 3		
13	APESMA	Sub-28Jan15	Schedule B		Summary wages tables – Supports inclusion of summary tables to clarify minimum pay entitlements and application of overtime and penalty rates, but agrees with SDA submission that tables require notes explaining application and referring to relevant award clauses for explanation of when various forms of rates apply.	Para 38	<i>Awards to contain wages tables in accordance with [2015] FWBFB 4658</i>	R
	HSU	Sub-28Jan15			Adopts submissions of ACTU in relation to Group 1 EDs on this issue; notes award rates are minimum wage rates only and that employees may be entitled to higher rates as part of a contract of employment.	Paras 13–14		
	PGA	Reply-sub-28Aug15			Supports inclusion of summary tables, but has concerns about the use of the term 'minimum hourly rate'.	Page 1		
14	APESMA	Sub-28Jan15	Schedule G	3.1	Definitions – Submits would be more appropriate for definitions to remain at start of award	Para 39	<i>Commission determined that Definitions to be final schedule in all EDs</i>	R
	SDA	Sub-28Jan15			Submits necessary to have definitions at beginning of award; should remain at clause 3 and preceded substantive award provisions. Submits would be more logical	Paras 3–5		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
					and user friendly-			
	PGA	Reply-sub-4Mar15			Disagree with APESMA and SDA, submits that definitions should be at the end of document, as it is more common for definitions to be at the end of a document.	Page 3		
53	PGA	Sub-28Jan15	13.4(d)		Time off instead of overtime payment – Proposes to remove entitlement being “for each hour worked”, to avoid argument overtime is not payable for less than an hour’s work; proposes to insert note indicating an employee cannot be forced to take time off in lieu of payment at overtime rates and that time off in lieu applies to overtime but not other penalties.	Page 2 and attachment A	<i>Being dealt with by Award flexibility Full Bench – see [2015] FWCFB 4466</i>	R
	APESMA	Reply-sub-17Feb15	13.4(d)		Does not support PGA submission. Believes wording necessary to describe rate at will employee will receive time off. Essential to retain option for employees to elect to take time off instead of being paid for overtime. Removal of words remove decision to elect from employee to employer, not consistent with the current award.	Paras 25-28		
	SDA	Reply-sub-18Feb15			Opposes PGA proposal to remove words ‘for each hour worked’. Wording necessary to describe rate at which they will receive time off. Also oppose removal of wording ‘elects to’	Para 33-36		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
55	SDA	Sub-28Jan15	18		Public holidays – Summary is an oversimplification of NES provision and does not provide sufficient information	Paras 35–40	See [2014] FWCFB 9412	R

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
Referred to Common issue Full Bench								
12	HSU	Sub-28Jan15	6.5		Casual employment – not convinced necessary to insert standardised clause purporting to identify entitlements covered, or not, by casual loading in modern awards in order to achieve modern awards objective; supports position of ACTU and AMWU that any consideration to include such standard clause should have rigorous examination and if considered during this review process, should be dealt with as part of casual/part-time common issue proceedings.	Paras 15–23	Proposal that matter that may potentially be dealt with as part of casual and part-time common issue proceedings - AM2014/197–Casual Employment	C
18	PGA	Sub-25Nov14	6.4	12	Part-time employment – Review clause to provide more flexible work practices.	Item 3	Referred to Casual/Part-time Full Bench	C
27	PGA	Sub-25Nov14	8	25	Hours of work – Proposes two hour minimum engagement for school students	Item 4	Referred to the full-time/part-time Full Bench	C
	PGA	Sub-15Jul15			Hours of work – Propose daily minimum engagement for secondary students of 90 mins, subject to certain circumstances.	Paras 18–24		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
	HSU	Reply-sub-21Aug15			Opposes PGA proposal.	Paras 4–5, 11–12		
	SDA	Reply-sub-21Aug15			Opposes PGA proposal.	Paras 33–35		
	APESMA	Reply-sub-20Aug15			Opposes PGA proposal.	Para 7		
48	FWO	Corr-24Nov14	13.1(a)	26.1(a); 26.1(a)(ii) i)	Overtime – Unclear whether casual employees are able to work overtime and whether they are entitled to overtime rates for this work.	Item 18	To be dealt with by Casual employment Full Bench	C
49	SDA	Sub-28Jan15	13.2	26(2)(a)	Overtime for casuals – <i>Parties were asked whether the award should state when a casual is entitled to overtime</i> SDA strongly submits that the award needs to state that casual is entitled to overtime. Overtime in award applies to all employees performing work beyond times and patterns considered ‘ordinary’, including casuals, and as such strongly opposes change in definition of overtime included in ED.	Paras 70–76	SDA submits issue of overtime may be more appropriately dealt with as part of the common issues dealing with casual and part-time employment (para 76).	C
	APESMA	Sub-28Jan15			Supports inclusion of provision clarifying casual employees are entitled to receive overtime; requests ED be varied to reflect provisions in existing award.	Paras 32–34		
	HSU	Sub-28Jan15			Supports making it clear that casuals are entitled to overtime.	Para 41		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
	ABI & NSWBC	Sub-2Feb15			Clause 13.2, in combination with clause 13.1(a), indicates casual employees are not entitled to overtime payments.	Para 64		
	APESMA	Reply-sub-17Feb15			Disagree with ABI & NSWBC submission.	Paras 32-33		
	PGA	Reply-sub-4Mar15 Reply-sub-28Aug15			Oppose ABI & NSWBC and SDA submission, submits casual employees only entitled to overtime if they work outside the spread of hours or more than 12 hours per day (refer to clause 25.2)	Page 1 and 4 Page 3		
	PGA	Reply-sub-4Mar15			APEMSA does not say if casuals should get overtime, submits current award provides overtime for casuals if they work more than daily hour in clause 25.2 only	Page 3		
	PGA	Reply-sub-4Mar15			Supports HSU submission	Page 4		
	Business SA	Reply-sub-4Mar15			Supports the view that any change to wording would change the current entitlements of the award and will have a significant effect on the industry	Page 11		
	ABI & NSWBC	Reply-sub-5Mar15			Support PGA submission	Para 85		
	SDA	Sub-15Jul15	13.2(a)	26.2	Overtime – Payment for overtime should also occur when an employee works out “ordinary” hours.	Paras 36–39		
	ABI&NSWBC	Sub-21Aug15			Opposed SDA submission.	Para 2.11		
	PGA	Reply-sub-28Aug15			Oppose SDA submission	Pages 2–3		
	SDA	Reply-sub-18Feb15			Strongly opposes ABI & NSWBC submission. Rely on submission 28 January 2015.	Paras 53-54	See Sub-28Jan15 .	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
51	PGA	Sub-25Nov14	13.3; 14.1	26.2; 31.3	Overtime and penalty rates – seeks reduction to weekend and public holiday penalty rates.	Item 1	Refer to Penalty Rates Full Bench	C
52	SDA	Sub-25Nov14 Sub-15Jul15	13.3(a)	26.2(a)(i)	Payment for overtime – Seeks to vary clause to ensure no ambiguity as to payment of overtime for all permanent and casual employees performing work.	Para 3 Paras 40–51	Parties suggest this be dealt with as part of casual and part-time Full Bench proceedings.	C
	ABI&NSWBC	Sub-21Aug15			Do not agree that any changes have been made to substantive entitlements.	Paras 2.12-2.13		
	PGA	Reply-sub-28Aug15			Disagree that an ambiguity exists, and oppose claim.	Page 3		
	Business SA	Reply-sub-28Aug15			Oppose SDA claim.	Para 14		
70	PGA	Sub-15Jul15			Direction to take annual leave – Seek inclusion of a clause permitting an employer to direct an employee to take annual leave during close-down.	Paras 7–13	Dealt with by Annual leave Full Bench –See [2015] FWCFB 3406	C
	Business SA	Reply-sub-28Aug15			Support proposal.	Para 22		
	APESMA	Reply-sub-20Aug15			Opposed to submission.	Para 7		
	SDA	Reply-sub-21Aug15			Opposed to submission.	Paras 12–13, 15–28		
	HSU	Reply-sub-21Aug15			Opposed to submission.	Paras 6–8		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
Withdrawn								
2	APESMA	Sub-28Jan15			Submission only addresses matters affecting employee pharmacists. Supports SDA submission in relation to interests of employees, other than pharmacists, covered by award.	Para 3		W
17	PGA	Sub-25Nov14	6.3	11	Full-time employment – Requires full-time definition.	Item d	Not pressed – see PGA sub 15/7	W
36	Business SA	Reply-sub-4Mar15	10.1	17	Minimum wages – proposes the inclusion of specific clause regarding the calculation of hourly rates, which defines method of calculating hourly rates	Page 4		W
38	PGA	Sub-28Jan15	10.2	18	Junior employees – Propose to include following note after rates table: “Note: Junior employees will move to next pay point on their birthday.”	Attachment A		W
40	PGA	Proposed variation-25Nov14 and Sub-28Jan15	10.3		Hours of work – Seeks conference to discuss potential ambiguity created by operation and interaction of award clauses providing averaging hours over two weeks and payment on weekly or fortnightly basis.	Item A and; Page 2 and attachment A	Not pressed – see PGA sub 15/7	W

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
41	APESMA	Sub-28Jan15	10.4(a) and (b)	27.1 and 27.2	Annualised salary (pharmacists only) – Proposes current annualised salary provisions for pharmacists should be retained. Make it clear that employee's annualised salary agreement must provide compensation for all provisions they have agreed to annualise; ED wording may be interpreted differently. Notes current provision has been in operation since 1998.	Paras 24–28	Withdrawn – sub-15Jul15 – para 9	W
46	PGA	Sub-25Nov14	11.2(c)(ii)	19.3(b)	Special clothing allowance – Seeks review of allowance so it applies fairly, having regard to number of days an employee works.	Item 5	Not pressed	W
47	PGA	Sub-28Jan15	12		Superannuation – Proposes to include annotation in clause 12.1 that notes clause refers to what is commonly known as compulsory superannuation contributions and that it applies regardless of whether employer is small or large business; also proposes to include note that describes who gets superannuation at end of clause 12.	Attachment A		W
58	HSU	Sub-25Nov14	Schedule A	Schedule B	Classification definitions – Seeks to amend definitions of Pharmacists and Pharmacy Intern.	Para 26		W

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	Reference	NOTES	Status
59	PGA	Sub-25Nov14	Schedule A	Schedule B	Classification definitions – Seeks review of classification descriptions, payment for offsite training and replace out of date terminology.	Item e	Training packages alignment – Employer directed training paid by employer	W
63	PGA	Sub-28Jan15	Schedule G	3.1	Definitions – Proposes to insert note explaining term “national system”.	Attachment A		W

List of abbreviations (in alphabetical order)

ABI & NSWBC	Australian Business Industrial and the New South Wales Business Chamber Ltd
APESMA	The Association of Professional Engineers, Scientists and Managers, Australia
FWO	Fair Work Ombudsman
HSU	Health Services Union
NES	National Employment Standards
PGA	Pharmacy Guild of Australia
PHIEA	Private Hospital Industry Employers' Association
SDA	Shop, Distributive and Allied Employees Association

Status:	A = Agreed (changes will be made to Exposure draft)	C = referred to Common issue Full Bench	O = Outstanding technical/drafting issue
	R = Resolved by previous Full Bench decision	S = Substantive issue	W = Withdrawn/Not pressed