

### REVISED SUMMARY OF SUBMISSIONS – TECHNICAL AND DRAFTING

The summary has been revised to include feedback from the hearing on 6 December 2016 ([Transcript](#)) and the conferences on 8 February 2017 ([Transcript](#)) and 28 March 2017 ([Transcript](#) and [Draft report](#)) and 28 April 2017 ([Transcript](#) and [Draft Report](#)) and the [Report](#) to the Full Bench of 4 September 2017.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1	NATSIHWA	<a href="#">Sub-1Jul16</a>	1	<b>Title</b> Amended to “Aboriginal and Torres Strait Islander Community Controlled Health Services Award [Year]”	Para 14	REFERRED
	UV	<a href="#">Sub-6Oct16</a>		Supports submission	Pg 2	Moved to substantive claims (now item S2A). See <a href="#">Transcript 8/02/17</a> [PN99-100] and <a href="#">Report- 04/09/17</a> . UV and AFEI reserves position, confirmed in <a href="#">Draft report</a> dated 20/02/17
2	HSU	<a href="#">Sub-30Jun16</a>	various	<b>Allowances and Wages tables</b> Proposal for new layout in tables	Para 21-23	RESOLVED  Agreed see <a href="#">Transcript 8/02/17</a> [PN123]. Confirmed in <a href="#">Draft report</a> dated 20/02/17 and <a href="#">Report- 04/09/17</a> .
3	UV	<a href="#">Sub-30June16</a>	various	<b>Use of ordinary hourly rate</b> Propose different definition of term	Pg 2	WITHDRAWN  To be discussed further at next conference, confirmed in <a href="#">Draft report</a> dated 20/02/17. UV not pressing this

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						proposal, see <a href="#">draft report</a> dated 19/04/17. UV confirmed the item has been withdrawn during conference 28/04/17. See <a href="#">Draft Report</a> 9/05/17. Confirmed in <a href="#">Report-04/09/17</a>
4	HSU	<a href="#">Sub-30Jun16</a>	2	<b>Definitions</b> Propose for some definitions to sit outside clause 2 Issue with placement of certain definitions in ED	Para 5-11	RESOLVED  Agreed, see <a href="#">Transcript 8/02/17</a> [PN157], confirmed in <a href="#">Draft report</a> dated 20/02/17 and <a href="#">Report-04/09/17</a> .  AMOD: Clauses 2, 18.4(d) and A.2.8 have been altered to reflect this agreed change.
5	HSU	<a href="#">Sub-30Jun16</a>	2	<b>Definitions</b> <del>'Aboriginal person' and definition to be changed to ATSI</del>	Para 44-45	REFERRED  Moved to substantive claims (now item S2B). See <a href="#">Transcript 8/02/17</a> [PN158], confirmed in <a href="#">report</a> and <a href="#">Report-04/09/17</a> . See NATSIHWA position in amended <a href="#">draft</a>
	NATSIHWA	<a href="#">Sub-25Jul16</a>		<del>Supports HSU proposal. Proposes to insert 'ATSI' into definitions to distinguish Torres Strait Islanders</del>	Para 5	

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						<a href="#">determination</a> in clause 1.
6	HSU	<a href="#">Sub_30Jun16</a>	2	Change 'Aboriginal health worker' to ATSI community health worker' also seeks additional definition of ATSI health practitioner	Para 46-48	REFERRED  Proposed a new definition of Aboriginal Health Worker in <a href="#">draft determination</a> of 1/12/2016, see <a href="#">Transcript-06Dec16</a> [PN481-498], confirmed in <a href="#">Draft report</a> dated 20/02/17.  Moved to substantive claims (now item S2C). See <a href="#">Transcript 8/02/17</a> [PN158] and <a href="#">Report- 04/09/17</a> . See NATSIHWA position in amended <a href="#">draft determination</a> in clause 1.
	UV	<a href="#">Sub_30Jun16</a>		Propose new definition to 'ATSI Community Health Care Practitioner'	Para 4-10	
	NATSIHWA	<a href="#">Sub_25Jul16</a>		<i>In response to question raised by Commission</i> Supports amendment to incorporate Torres Strait Islander health workers Does not support HSU sub, proposes to alter 'ATSI community health worker' definition, but supports wording of 'ATSI health practitioner' revised definition	Pg 2-3	
	ABI & NSWBC	<a href="#">Sub_01Jul16</a>		Proposes alternate wording	Pg 5	
	UV	<a href="#">Sub_25Jul16</a>		Does not support proposal	Para 8	
7	UV	<a href="#">Sub_30Jun16</a>	2	<i>In response to question raised by Commission</i> Seeks removal of 'Note' under Aboriginal health worker	Pg 3	REFERRED  Moved to substantive claims (now item S2D). See <a href="#">Transcript 8/02/17</a> [PN183] and <a href="#">Report- 04/09/17</a> . See NATSIHWA position in amended <a href="#">draft</a>
	NATSIHWA	<a href="#">Sub_25Jul16</a>		Supports proposal	Para 3	

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						<a href="#">determination</a> in clause 1.
8	UV	<a href="#">Sub-30Jun16</a>		Seeks addition of 'ATSI Primary Healthcare Practitioner' into definitions	Para 10	REFERRED
	NATSIHWA	<a href="#">Sub-1July16</a>		Does not support proposal	Para 8	Moved to substantive claims (now item S2E). See <a href="#">Transcript 8/02/17</a> [PN184]. See NATSIHWA position in amended <a href="#">draft determination</a> in clause 1.
9	NATSIHWA	<a href="#">Sub-01Jul16</a>	2	Seeks definitions for Aboriginal and Torres Strait Islander Health Practitioner and Aboriginal and Torres Strait Islander Health Assistant	Para 9-14	REFERRED
	UV	<a href="#">Sub-30Jun16</a>		Seeks definitions for ATSI Community Health Worker and ATSI Primary Health Care Practitioner	Para 4-7	Moved to substantive claim (now item S2F)s. See <a href="#">Transcript 8/02/17</a> [PN184] and <a href="#">Report- 04/09/17</a> . See NATSIHWA position in amended <a href="#">draft determination</a> in clause 1.
10	HSU	<a href="#">Sub-30Jun16</a>	2	Does not oppose removal of appropriate certificate	Para 24	RESOLVED
	NATSIHWA	<a href="#">Sub-25Jul16</a>		Supports proposal	Para 3	Agreed, as per HSU proposal, no opposition to removal of the definition of 'appropriate certificate', see <a href="#">Transcript 8/02/17</a> [PN201-203], confirmed in <a href="#">Draft report</a> dated 20/02/17, and <a href="#">Report- 04/09/17</a> .
11	HSU	<a href="#">Sub-30Jun16</a>	3.3	<b>National employment standards</b>	Para 25	WITHDRAWN

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				Opposing removal of words “whichever makes them more accessible” from clause		AFEI opposes re-introduction of wording. See <a href="#">Transcript 8/02/17</a> [PN209].  AFEI to provide submission on issue [PN225], confirmed in <a href="#">Draft report</a> dated 20/02/17.  HSU withdrew item in correspondence dated <a href="#">4 May 2017</a> . Confirmed in <a href="#">Report- 04/09/17</a>
	UV	<a href="#">Sub 30Jun16</a>		Current wording should be retained	Para 3	HSU supports UV’s position. See <a href="#">Transcript 8/02/17</a> [PN241]  Claim withdrawn, see sub- <a href="#">04Apr17</a>
	NATSIHWA	<a href="#">Sub 25Jul16</a>		Supports HSU and UV proposal	Para 3	Reserves position pending submissions from other parties. See <a href="#">Transcript 8/02/17</a> [PN230], confirmed in <a href="#">Draft report</a> dated 20/02/17
	AFEI	<a href="#">Sub 27Mar17</a>		Retain current wording at clause 3.3 based on decision of [2014] FWCFB 9412 at [29].		
12	HSU	<a href="#">Sub 30Jun16</a>	12.2	<b>Classifications</b>	Para 57	REFERRED

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				Suggests redrafting of clause		Moved to substantive claims. See <a href="#">Transcript 8/02/17</a> [PN249]. Referred to Payment of Wages Common Issue AM2016/8. See <a href="#">Draft Report</a> 9/05/17 and <a href="#">Report-04/09/17</a> .
	NATSIHWA	<a href="#">Sub-25Jul16</a>		Supports proposal	Para 3	
13	HSU	<a href="#">Sub-30Jun16</a>	13.2	<b>Ordinary hours of work</b> Believe ED amendment changes award entitlement. Proposes to alter wording	Para 32-33	OUTSTANDING
	HSU	<a href="#">Sub-12Apr17</a>		Proposes to change 'may' to 'can'.	Pg 1	NATSIHWA proposes to include, 'without the payment of overtime' at the end of clause 13.2. Proposes to supply submission to this effect for other parties to consider. See <a href="#">Transcript 8/02/17</a> [PN318], confirmed in <a href="#">report</a> . AFEI to provide proposed alternative wording to parties, see <a href="#">draft report</a> . AFEI submission received <a href="#">24/04/17</a> provided alternative wording in line with HSU proposal.

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						HSU submit the ED amendment to clause 13.2 'ordinary hours of work' changes the award entitlement and propose the wording be altered. See <a href="#">Report- 04/09/17</a>
14	HSU	<a href="#">Sub-30Jun16</a>	13.3, 13.4	<b>Ordinary hours of work</b> Heading 'Span of hours' needs to be reinstated	Para 34-36	RESOLVED  Agreed, see <a href="#">Transcript 8/02/17</a> [PN349], confirmed in <a href="#">Draft report</a> dated 20/02/17 and <a href="#">Report- 04/09/17</a> .
15	HSU	<a href="#">Sub-30Jun16</a>	14	<b>Rostering Arrangements</b> Remove cross-reference to clause 28 (consultation clause)	Para 37-39	RESOLVED Agreed, see <a href="#">Transcript 8/02/17</a> [PN358], confirmed in <a href="#">Draft report</a> dated 20/02/17 and <a href="#">Report- 04/09/17</a> .
16	HSU	<a href="#">Sub-30Jun16</a>	14.1(a)	<b>Rostering Arrangements</b> Suggests clause be split into 2 subclauses to improve comprehension	Para 58	RESOLVED Agreed, see <a href="#">Transcript 8/02/17</a> [PN373], confirmed in <a href="#">Draft report</a> dated 20/02/17 and <a href="#">Report- 04/09/17</a> .
	NATSIHWA	<a href="#">Sub-25Jul16</a>		Supports proposal	Para 3	
17	HSU	<a href="#">Sub-30Jun16</a>	15.2	<b>Meal breaks</b> — <i>response to question raised by Commission</i>	Para 52-54	REFERRED

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				<del>Proposes alteration to clause to reflect determination of unpaid meal break timing</del>		Moved to substantive claims (now item S9A). See <a href="#">Transcript 8/02/17</a> [PN375], confirmed in <a href="#">Draft report</a> dated 20/02/17 and <a href="#">Report-04/09/17</a> .
	NATSIHWA	<a href="#">Sub_01Jul16</a>		<del>Does not support any amendments</del>	Para 15-19	
	APEI	<a href="#">Sub_05Aug16</a>		<del>Agrees with NATSIHWA. Opposes HSU submission</del>	Para 46	
18	HSU	<a href="#">Sub_30Jun16</a>	16.1	<del><b>Minimum Wages—classifications—</b> <i>response to question raised by Commission</i> agrees with question, no stated provisions for progression through levels within a grade</del>	Para 55	REFERRED  Moved to substantive claims (now item S11A). See <a href="#">Transcript 8/02/17</a> [PN391], confirmed in <a href="#">Draft report</a> dated 20/02/17
19	UV	<a href="#">Sub_30Jun16</a>	16	<del>Progression is time-based</del>	Para 11	REFERRED  Substantive issue to be discussed at next conference, confirmed in <a href="#">Draft report</a> dated 20/02/17.  Now item S11B of substantive claims. See <a href="#">Report-04/09/17</a>
20	HSU	<a href="#">Sub_30Jun16</a>	17.2	<del><b>Bilingual qualification allowance—</b> <i>response to question raised by Commission</i> Current clause wording is appropriate</del>	Para 56	RESOLVED  Agreed between the parties

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	UV	<a href="#">Sub-30Jun16</a>		<del>Common practice in NT to require proof of bilingual proficiency and accreditation in writing</del>	Para 12	that cl 17.2 (iv) be deleted from the ED during conference on 28/04/17. See <a href="#">Draft Report</a> . 9/05/17 and <a href="#">Report- 04/09/17</a> . <b>ED updated.</b>
	NATSIHWA	<a href="#">Sub-01Jul16</a>		Does not support amendments	Para 24-27	
	ABI & NSWBC	<a href="#">Sub-01Jul16</a>		Do not support submission. Term already defined in clause 2	Para 3.3	
21	HSU	<a href="#">Sub-30Jun16</a>	17.3(a)(i)	<b>Clothing allowance</b> Believes alteration changes meaning of clause. Proposes alternative redraft	Para 26-29	RESOLVED  Agreed, see <a href="#">Transcript 8/02/17</a> [PN419], confirmed in <a href="#">report</a> .
	NATSIHWA	<a href="#">Sub-25Jul16</a>		Supports proposal	Para 3	
22	HSU	<a href="#">Sub-30Jun16</a>	17.3(a)(ii)	<b>Laundry allowance</b> Proposed addition of wording	Para 30	RESOLVED  Agreed, see <a href="#">Transcript 8/02/17</a> [PN428], confirmed in <a href="#">Draft report</a> dated 20/02/17
	NATSIHWA	<a href="#">Sub-25Jul16</a>		Supports proposal	Para 3	
23	HSU	<a href="#">Sub-30Jun16</a>	17.3(b)(i)	<b>Travelling, transport and fares allowance</b> Objects to removal of words “not less than”	Para 31	RESOLVED  Agreed, see <a href="#">Transcript 8/02/17</a> [PN435], confirmed in <a href="#">Draft report</a> dated 20/02/17 and <a href="#">Report- 04/09/17</a>
	NATSIHWA	<a href="#">Sub-25Jul16</a>		Supports HSU	Para 3	
	UV	<a href="#">Sub-30Jun16</a>		Objects to alteration as changes meaning of clause	Para 13	
	AFEI	<a href="#">Sub-05Aug16</a>		Does not believe change is necessary but does not oppose this change	Para 47	
24	HSU	<a href="#">Sub-30Jun16</a>	17.3(b)(v)	<b>Travelling, transport and fares allowance</b>	Para 16	REFERRED

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				use of term minimum hourly rate – does not believe changes from [2014] FWCFB 9412 have been applied appropriately to this clause		Moved to substantive claims (now item S11C). See <a href="#">Transcript 8/02/17</a> [PN445] and <a href="#">Report- 04/09/17</a> .
	UV	<a href="#">Sub-30Jun16</a>		Insert words “and level” after “employee classification” to clarify meaning	Para 14	
	APEI	<a href="#">Sub-05Aug16</a>		Does not believe change is necessary but does not oppose UV proposal	Para 48	
25	HSU	<a href="#">Sub-30Jun16</a>	17.3(c)	<b>Meal allowance</b> Believes ED redraft alters entitlement, suggests variation to wording Proposal alters wording for clarity rather than entitlement.	Para 59	RESOLVED  Agreed as HSU proposal alters wording for clarity rather than entitlement. See <a href="#">Transcript 8/02/17</a> [PN446-453] and <a href="#">Report- 04/09/17</a> .
	NATSIHWA	<a href="#">Sub-25Jul16</a>		Supports HSU proposal	Para 3	
26	HSU	<a href="#">Sub-30Jun16</a>	19.1(a)	<b>Overtime</b> Seeks to re-insert ‘span of hours’ wording	Para 40	RESOLVED  Withdrawn due to issue being resolved per item 14. See <a href="#">Transcript 8/02/17</a> [PN454-457] and <a href="#">Report- 04/09/17</a> .
27	HSU	<a href="#">Sub-30Jun16</a>	19.4	<b>Rest period after overtime</b> Believes changes to award change meaning	Para 41-42	RESOLVED  Agreed, see <a href="#">Transcript 8/02/17</a> [PN474], confirmed in <a href="#">Draft report</a> dated 20/02/17 and <a href="#">Report- 04/09/17</a>
28	HSU	<a href="#">Sub-30Jun16</a>	19.6	<b>Overtime—oncall and recall</b>	Para 43	RESOLVED

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	NATSIHWA	<a href="#">Sub-25Jul16</a>		Repeated wording “or part thereof” should be removed NATSIHWA supports proposal	Para 3	Agreed, confirmed in <a href="#">Draft report</a> dated 20/02/17 and <a href="#">Report- 04/09/17</a> .
29	HSU	<a href="#">Sub-30Jun16</a>	19.6	<b>Overtime–oncall and recall</b> This is an allowance, propose moving clause to allowances (clause 17)	Para 12	RESOLVED
	NATSIHWA	<a href="#">Sub-25Jul16</a>		Supports proposal	Para 3	Agreement by all parties that clause 19.6 remains as is, see <a href="#">draft report</a> dated 19/04/17.
30	HSU	<a href="#">Sub-30Jun16</a>	24	<b>Public holidays</b> Suggests reordering of clauses – order of 24.2 and 24.3 should be reversed so payment entitlements come first. The word ‘payment’ at the beginning of the sentence in 24.3(a)(i) and (ii) should be removed as it is superfluous	Para 60-61	RESOLVED
	NATSIHWA	<a href="#">Sub-25Jul16</a>		Supports proposal		Agreed that clause 19.6 remains as is, see <a href="#">Transcript 8/02/17</a> [PN501-508], confirmed in <a href="#">Draft report</a> dated 20/02/17 and <a href="#">Report- 04/09/17</a>
31	NATSIHWA	<a href="#">Sub-01July16</a>	26	<b>Ceremonial leave</b> Proposes amendment to clause	Para 28-30	REFERRED
	UV	<a href="#">Sub-25Jul16</a>		NATSIHWA proposal clarify entitlement	Para 10	Moved to substantive claims (now item S17A). See <a href="#">Transcript 8/02/17</a> [PN517], confirmed in <a href="#">Draft report</a> dated 20/02/17 and <a href="#">Report- 04/09/17</a>

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32	UV	<a href="#">Sub_30June16</a>	Sched A	<b>Classifications</b> Amendment to clause to reflect nomenclature	Para 15	OUTSTANDING  Moved to substantive claims. See <a href="#">Transcript 8/02/17</a> [PN520-526], confirmed in <a href="#">Draft report</a> dated 20/02/17.  TO be amended once substantive issues are decided. See <a href="#">Report-04/09/17</a>
33	NATSIHWA	<a href="#">Sub_25Jul16</a>	Sched A	<b>Classifications – aboriginal health worker</b> Proposes to keep common use of ‘Aboriginal health worker’	Para 7	REFERRED  Moved to substantive claims (now item S18A). See <a href="#">Transcript 8/02/17</a> [PN528], confirmed in <a href="#">Draft report</a> dated 20/02/17 and <a href="#">Report-04/09/17</a>

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

ABI & NSWBC	Australian Business Industrial and the NSW Business Chamber
AFEI	Australian Federation of Employers and Industries
AIG	Australian Industry Group
ED	Exposure draft
HSU	Health Services Union

NATSIHWA      National Aboriginal and Torres Strait Islander Health Worker Association  
UV              United Voice