

REVISED SUMMARY OF SUBMISSIONS – TECHNICAL AND DRAFTING

This table is a summary of submissions on technical and drafting issues lodged for this award on or before 5.00pm on 29 November 2016. 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](#))

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1	NATSIHWA	Sub-1Jul16	1	Title Amended to “Aboriginal and Torres Strait Islander Community Controlled Health Services Award [Year]”	Para 14	Moved to substantive claims. See Transcript 8/02/17 [PN99-100]. UV and AFEI reserves position, confirmed in report .
	UV	Sub-6Oct16		Supports submission	Pg 2	
2	HSU	Sub-30Jun16	various	Allowances and Wages tables Proposal for new layout in tables	Para 21-23	Agreed see Transcript 8/02/17 [PN123]. Confirmed in report .
3	UV	Sub-30June16	various	Use of ordinary hourly rate Propose different definition of term	Pg 2	To be discussed further at next conference, confirmed in report . UV not pressing this proposal, see draft report dated 19/04/17. UV confirmed the item has been withdrawn during conference 28/04/17. See Draft Report 9/05/17.
4	HSU	Sub-30Jun16	2	Definitions Propose for some definitions to sit outside clause 2 Issue with placement of certain definitions in ED	Para 5-11	Agreed, see Transcript 8/02/17 [PN157], confirmed in report . AMOD: Clauses 2, 18.4(d)

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						and A.2.8 have been altered to reflect this agreed change.
5	HSU	Sub_30Jun16	2	Definitions 'Aboriginal person' and definition to be changed to ATSI	Para 44-45	
	NATSIHWA	Sub_25Jul16		Supports HSU proposal. Proposes to insert 'ATSI' into definitions to distinguish Torres Strait Islanders	Para 5	Moved to substantive claims. See Transcript 8/02/17 [PN158], confirmed in report . See NATSIHWA position in amended draft determination in clause 1.
6	HSU	Sub_30Jun16	2	Change 'Aboriginal health worker' to ATSI community health worker' also seeks additional definition of ATSI health practitioner	Para 46-48	
	UV	Sub_30Jun16		Propose new definition to 'ATSI Community Health Care Practitioner'	Para 4-10	
	NATSIHWA	Sub_25Jul16		<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	Proposed a new definition of Aboriginal Health Worker in draft determination of 1/12/2016, see Transcript-06Dec16 [PN481-498], confirmed in report . Moved to substantive claims. See Transcript 8/02/17 [PN158]. See

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						NATSIHWA position in amended draft determination in clause 1.
	ABI & NSWBC	Sub_01Jul16		Proposes alternate wording	Pg 5	
	UV	Sub_25Jul16		Does not support proposal	Para 8	
7	UV	Sub_30Jun16	2	<i>In response to question raised by Commission</i> Seeks removal of 'Note' under Aboriginal health worker	Pg 3	
	NATSIHWA	Sub_25Jul16	2	Supports proposal	Para 3	Moved to substantive claims. See Transcript 8/02/17 [PN183]. See NATSIHWA position in amended draft determination in clause 1.
8	UV	Sub_30Jun16		Seeks addition of 'ATSI Primary Healthcare Practitioner' into definitions	Para 10	
	NATSIHWA	Sub_1July16		Does not support proposal	Para 8	Moved to substantive claims. See Transcript 8/02/17 [PN184]. See NATSIHWA position in amended draft determination in clause 1.

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9	NATSIHWA	Sub-01Jul16	2	Seeks definitions for Aboriginal and Torres Strait Islander Health Practitioner and Aboriginal and Torres Strait Islander Health Assistant	Para 9-14	Moved to substantive claims. See Transcript 8/02/17 [PN184]. See NATSIHWA position in amended draft determination in clause 1.	
	UV	Sub-30Jun16		Seeks definitions for ATSI Community Health Worker and ATSI Primary Health Care Practitioner	Para 4-7		
10	HSU	Sub-30Jun16	2	Does not oppose removal of appropriate certificate	Para 24	Agreed, as per HSU proposal, see Transcript 8/02/17 [PN201-203], confirmed in report .	
	NATSIHWA	Sub-25Jul16		Supports proposal	Para 3		
11	HSU	Sub-30Jun16	3.3	National employment standards Opposing removal of words “whichever makes them more accessible” from clause	Para 25	AFEI opposes re-introduction of wording. See Transcript 8/02/17 [PN209]. AFEI to provide submission on issue [PN225], confirmed in report . HSU withdrew item in correspondence dated 4 May 2017 .	
	UV	Sub-30Jun16		Current wording should be retained	Para 3		HSU supports UV’s position. See Transcript 8/02/17 [PN241]
	NATSIHWA	Sub-25Jul16		Supports HSU and UV proposal	Para 3		Claim withdrawn, see sub- 04Apr17
						Reserves position pending submissions from other parties. See Transcript	

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						8/02/17 [PN230], confirmed in report .
	AFEI	Sub-27Mar17		Retain current wording at clause 3.3 based on decision of [2014] FWCFB 9412 at [29].		
12	HSU	Sub-30Jun16	12.2	Classifications Suggests redrafting of clause	Para 57	Moved to substantive claims. See Transcript 8/02/17 [PN249]. Referred to Payment of Wages Common Issue AM2016/8. See Draft Report 9/05/17.
	NATSIHWA	Sub-25Jul16		Supports proposal	Para 3	
13	HSU	Sub-30Jun16	13.2	Ordinary hours of work Believe ED amendment changes award entitlement. Proposes to alter wording	Para 32-33	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 Transcript 8/02/17 [PN318], confirmed in report . AFEI to provide proposed alternative wording to parties, see draft report . AFEI submission received 24/04/17 provided alternative wording in line with HSU proposal.
	HSU	Sub-12Apr17		Proposes to change 'may' to 'can'.	Pg 1	

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14	HSU	Sub-30Jun16	13.3, 13.4	Ordinary hours of work Heading 'Span of hours' needs to be reinstated	Para 34-36	Agreed, see Transcript 8/02/17 [PN349], confirmed in report .
15	HSU	Sub-30Jun16	14	Rostering Arrangements Remove cross-reference to clause 28 (consultation clause)	Para 37-39	Agreed, see Transcript 8/02/17 [PN358], confirmed in report .
16	HSU	Sub-30Jun16	14.1(a)	Rostering Arrangements Suggests clause be split into 2 subclauses to improve comprehension	Para 58	Agreed, see Transcript 8/02/17 [PN373], confirmed in report .
	NATSIHWA	Sub-25Jul16		Supports proposal	Para 3	
17	HSU	Sub-30Jun16	15.2	Meal breaks — <i>response to question raised by Commission</i> Proposes alteration to clause to reflect determination of unpaid meal break timing	Para 52-54	Moved to substantive claims. See Transcript 8/02/17 [PN375], confirmed in report .
	NATSIHWA	Sub-01Jul16		Does not support any amendments	Para 15-19	
	AFEI	Sub-05Aug16		Agrees with NATSIHWA. Opposes HSU submission	Para 46	
18	HSU	Sub-30Jun16	16.1	Minimum Wages—classifications — <i>response to question raised by Commission</i> agrees with question, no stated provisions for progression through levels within a grade	Para 55	Moved to substantive claims. See Transcript 8/02/17 [PN391], confirmed in report .
19	UV	Sub-30Jun16	16	Progression is time based	Para 11	Substantive issue to be discussed at next conference, confirmed in report .
20	HSU	Sub-30Jun16	17.2	Bilingual qualification allowance — <i>response to question raised by Commission</i>	Para 56	Tabled for further conferencing. See

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				Current clause wording is appropriate		Transcript 8/02/17 [PN407], confirmed in report . Resolved. Agreed between the parties that cl 17.2 (iv) be deleted from the ED during conference on 28/04/17. See Draft Report . 9/05/17. ED updated.
	UV	Sub_30June16		Common practice in NT to require proof of bilingual proficiency and accreditation in writing	Para 12	
	NATSIHWA	Sub_01Jul16		Does not support amendments	Para 24-27	
	ABI & NSWBC	Sub_01Jul16		Do not support submission. Term already defined in clause 2	Para 3.3	
21	HSU	Sub-30Jun16	17.3(a)(i)	Clothing allowance Believes alteration changes meaning of clause. Proposes alternative redraft	Para 26-29	Agreed, see Transcript 8/02/17 [PN419], confirmed in report .
	NATSIHWA	Sub-25Jul16		Supports proposal	Para 3	
22	HSU	Sub-30Jun16	17.3(a)(ii)	Laundry allowance Proposed addition of wording	Para 30	Agreed, see Transcript 8/02/17 [PN428], confirmed in report .
	NATSIHWA	Sub-25Jul16		Supports proposal	Para 3	
23	HSU	Sub-30Jun16	17.3(b)(i)	Travelling, transport and fares allowance Objects to removal of words “not less than”	Para 31	Agreed, see Transcript 8/02/17 [PN435], confirmed in report .

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	NATSIHWA	Sub-25Jul16		Supports HSU	Para 3	
	UV	Sub-30Jun16		Objects to alteration as changes meaning of clause	Para 13	
	AFEI	Sub-05Aug16		Does not believe change is necessary but does not oppose this change	Para 47	
24	HSU	Sub-30Jun16	17.3(b)(v)	Travelling, transport and fares allowance use of term minimum hourly rate— does not believe changes from [2014] FWCFB 9412 have been applied appropriately to this clause	Para 16	Moved to substantive claims. See Transcript 8/02/17 [PN445].
	UV	Sub-30Jun16		Insert words “and level” after “employee classification” to clarify meaning	Para 14	
	AFEI	Sub-05Aug16		Does not believe change is necessary but does not oppose UV proposal	Para 48	
25	HSU	Sub-30Jun16	17.3(c)	Meal allowance Believes ED redraft alters entitlement, suggests variation to wording Proposal alters wording for clarity rather than entitlement.	Para 59	Agreed as HSU proposal alters wording for clarity rather than entitlement. See Transcript 8/02/17 [PN446-453].
	NATSIHWA	Sub-25Jul16		Supports HSU proposal	Para 3	
26	HSU	Sub-30Jun16	19.1(a)	Overtime Seeks to re insert ‘span of hours’ wording	Para 40	Withdrawn due to issue being resolved per item 14. See Transcript 8/02/17 [PN454-457].
27	HSU	Sub-30Jun16	19.4	Rest period after overtime Believes changes to award change meaning	Para 41-42	Agreed, see Transcript 8/02/17 [PN474], confirmed in report .
28	HSU	Sub-30Jun16	19.6	Overtime—oncall and recall	Para 43	Agreed, confirmed in report .

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				Repeated wording “or part thereof” should be removed		
	NATSIHWA	Sub-25Jul16		NATSIHWA supports proposal	Para 3	
29	HSU	Sub-30Jun16	19.6	Overtime–oncall and recall This is an allowance, propose moving clause to allowances (clause 17)	Para 12	Will be subject to further conferences. See Transcript 8/02/17 [PN500].
	NATSIHWA	Sub-25Jul16		Supports proposal	Para 3	Resolved, agreement by all parties that clause 19.6 remains as is, see draft report dated 19/04/17.
30	HSU	Sub-30Jun16	24	Public holidays 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	Agreed, see Transcript 8/02/17 [PN501-508], confirmed in report .
	NATSIHWA	Sub-25Jul16		Supports proposal		
31	NATSIHWA	Sub-01July16	26	Ceremonial leave Proposes amendment to clause	Para 28-30	Moved to substantive claims. See Transcript 8/02/17 [PN517], confirmed in report .
	UV	Sub-25Jul16		NATSIHWA proposal clarify entitlement	Para 10	
32	UV	Sub-30June16	Sched A	Classifications Amendment to clause to reflect nomenclature	Para 15	Moved to substantive claims. See Transcript 8/02/17 [PN520-526], confirmed in report .
33	NATSIHWA	Sub-25Jul16	Sched A	Classifications – aboriginal health worker Proposes to keep common use of	Para 7	Moved to substantive

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				'Aboriginal health worker'		claims. See Transcript 8/02/17 [PN528], confirmed in report .

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