

### 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](#)).

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	
	UV	<a href="#">Sub-6Oct16</a>		Supports submission	Pg 2	
2	HSU	<a href="#">Sub-30Jun16</a>	various	<b>Allowances and Wages tables</b> Proposal for new layout in tables	Para 21-23	
3	UV	<a href="#">Sub-30June16</a>	various	<b>Use of ordinary hourly rate</b> Propose different definition of term	Pg 2	
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	
5	HSU	<a href="#">Sub-30Jun16</a>	2	<b>Definitions</b> ‘Aboriginal person’ and definition to be changed to ATSI	Para 44-45	
	NATSIHWA	<a href="#">Sub-25Jul16</a>		Supports HSU proposal. Proposes to insert ‘ATSI’ into definitions to distinguish Torres Strait Islanders	Para 5	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
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	
	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	Proposed a new definition of Aboriginal Health Worker in <a href="#">draft determination</a> dated 1/12/2016, see <a href="#">Transcript-06Dec16</a> [PN481-498]
	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	
	NATSIHWA	<a href="#">Sub-25Jul16</a>		Supports proposal	Para 3	
8	UV	<a href="#">Sub-30Jun16</a>		Seeks addition of 'ATSI Primary Healthcare Practitioner' into definitions	Para 10	
	NATSIHWA	<a href="#">Sub-1July16</a>		Does not support proposal	Para 8	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
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	
	UV	<a href="#">Sub-30Jun16</a>		Seeks definitions for ATSI Community Health Worker and ATSI Primary Health Care Practitioner	Para 4-7	
10	HSU	<a href="#">Sub-30Jun16</a>	2	Does not oppose removal of appropriate certificate	Para 24	
	NATSIHWA	<a href="#">Sub-25Jul16</a>		Supports proposal	Para 3	
11	HSU	<a href="#">Sub-30Jun16</a>	3.3	<b>National employment standards</b> Opposing removal of words “whichever makes them more accessible” from clause	Para 25	
	UV	<a href="#">Sub-30Jun16</a>		Current wording should be retained	Para 3	This provision is contained in all EDs
	NATSIHWA	<a href="#">Sub-25Jul16</a>		Supports HSU and UV proposal	Para 3	
12	HSU	<a href="#">Sub-30Jun16</a>	12.2	<b>Classifications</b> Suggests redrafting of clause	Para 57	
	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	
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	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
15	HSU	<a href="#">Sub-30Jun16</a>	14	<b>Rostering Arrangements</b> Remove cross-reference to clause 28 (consultation clause)	Para 37-39	
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	
	NATSIHWA	<a href="#">Sub-25Jul16</a>		Supports proposal	Para 3	
17	HSU	<a href="#">Sub-30Jun16</a>	15.2	<b>Meal breaks – response to question raised by Commission</b> Proposes alteration to clause to reflect determination of unpaid meal break timing	Para 52-54	
	NATSIHWA	<a href="#">Sub-01Jul16</a>		Does not support any amendments	Para 15-19	
	AFEI	<a href="#">Sub-05Aug16</a>		Agrees with NATSIHWA. Opposes HSU submission	Para 46	
18	HSU	<a href="#">Sub-30Jun16</a>	16.1	<b>Minimum Wages – classifications – response to question raised by Commission</b> agrees with question, no stated provisions for progression through levels within a grade	Para 55	
19	UV	<a href="#">Sub-30Jun16</a>	16	Progression is time-based	Para 11	
20	HSU	<a href="#">Sub-30Jun16</a>	17.2	<b>Bilingual qualification allowance – response to question raised by Commission</b> Current clause wording is appropriate	Para 56	
	UV	<a href="#">Sub-30June16</a>		Common practice in NT to require proof of bilingual proficiency and accreditation in writing	Para 12	
	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	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
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	
	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	
	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	
	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> use of term minimum hourly rate - does not believe changes from [2014] FWCFB 9412 have been applied appropriately to this clause	Para 16	
	UV	<a href="#">Sub-30Jun16</a>		Insert words "and level" after "employee classification" to clarify meaning	Para 14	
	AFEI	<a href="#">Sub-05Aug16</a>		Does not believe change is necessary but does not oppose UV proposal	Para 48	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
25	HSU	<a href="#">Sub-30Jun16</a>	17.3(c)	<b>Meal allowance</b> Believes ED redraft alters entitlement, suggests variation to wording	Para 59	
	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	
27	HSU	<a href="#">Sub-30Jun16</a>	19.4	<b>Rest period after overtime</b> Believes changes to award change meaning	Para 41-42	
28	HSU	<a href="#">Sub-30Jun16</a>	19.6	<b>Overtime-ocall and recall</b> Repeated wording "or part thereof" should be removed	Para 43	
	NATSIHWA	<a href="#">Sub-25Jul16</a>		NATSIHWA supports proposal	Para 3	
29	HSU	<a href="#">Sub-30Jun16</a>	19.6	<b>Overtime-ocall and recall</b> This is an allowance, propose moving clause to allowances (clause 17)	Para 12	
	NATSIHWA	<a href="#">Sub-25Jul16</a>		Supports proposal	Para 3	
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	
	NATSIHWA	<a href="#">Sub-25Jul16</a>		Supports proposal		
31	NATSIHWA	<a href="#">Sub-01July16</a>	26	<b>Ceremonial leave</b> Proposes amendment to clause	Para 28-30	
	UV	<a href="#">Sub-25Jul16</a>		NATSIHWA proposal clarify entitlement	Para 10	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
32	UV	<a href="#">Sub-30June16</a>	Sched A	<b>Classifications</b> Amendment to clause to reflect nomenclature	Para 15	
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	

**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