

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 responses to the [Draft report](#) and the [Final Report](#) of 14 November 2017.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1	AMWU	Sub-30Jun16	2	Definitions – standard rate <i>In response to question asked by the Commission:</i> Answer to question is yes, the definition of ‘standard rate’ be refined and percentages in C.1 recalibrated.	Paras 4-11	OUTSTANDING To be determined by Full Bench. See Final Report-14/11/17 .
	CPSU	Sub-26Jul16		CPSU supports proposal by AMWU.	Paras 2-3	
2	AMWU	Sub-30Jun16	12.8	Apprentice trades Suggests the use of ‘shall’ in clause 12.8 is inconsistent with the rest of the ED.	Para 24	OUTSTANDING To be determined by Full Bench. See Final Report-14/11/17 .
2A	FWO	Corr-02Mar16	16.2	Ordinary hours of work and rostering—day workers Questions whether day workers can work ordinary hours on a Saturday as clause 22.1 references ordinary hours as occurring Monday to Saturday.	Page 11 Paragraph 1	OUTSTANDING Summary updated to include this item, previously identified as a substantive issue, see Transcript-6Dec16 [PN34-PN59].
	CPSU	ReplySub-19Nov15		Issue determined in [2010] FWA FB 286 . Effect of cl. 30.1 is to provide overtime rate which differentiates between hours worked Monday to Saturday and hours worked on Sunday.		

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						To be determined by Full Bench. See Final Report-14/11/17 .
3	AMWU	Sub-30Jun16	18.1	Breaks <i>In response to question asked by the Commission:</i> Meal breaks for employees other than shift workers are unpaid.	Para 13	OUTSTANDING To be determined by Full Bench. See Final Report-14/11/17 .
	CPSU	Sub-26Jul16		CPSU supports position of AMWU - meal breaks for shift workers are paid while day workers are unpaid.	Para 4	
4	APESMA	Sub-15Aug16	19.1(d)	Minimum wages –Professional Engineers <i>In response to question asked by the Commission:</i> cites clause 11.4 in the relevant pre-reform award: ‘Airport Employees Award 1999 [A3557 Con S Print R5018]’. Also cites a more updated version in the Professional Employees Award in Schedule B – Classification Structure and Definitions at B.1.2. ‘Graduate professional – appointment and progression’. Submits provision should be included to provide clarity.	Paras 4-6	OUTSTANDING To be determined by Full Bench. See Final Report-14/11/17 .
5	AMWU	Sub-30Jun16	20.3(d)(ii)	Reimbursement of airfares ‘Dependant’ is misspelt in clause 20.3(d)(ii).	Para 24	OUTSTANDING To be determined by Full Bench. See Final Report-14/11/17 .
6	AMWU	Sub-30Jun16	20.3(d)(v)	Reimbursement of airfares <i>In response to question asked by the Commission:</i>	Paras 15-16	OUTSTANDING

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				Has two proposals: - Delete second dot point at clause 20.3(d)(v); or - Expand second dot point at clause 20.3(d)(v) to include explanation of the rate.		To be determined by Full Bench. See Final Report-14/11/17 .
	CPSU	Sub-26Jul16		CPSU supports inclusion of motor vehicle allowance, however does not support its inclusion under clause 20.3(d)(v). Prefers for this provision to remain unaltered.	Paras 5-7	Withdrawn, supports AMWU position, see Transcript-6Dec16 [PN62-PN78]
7	AMWU	Sub-30Jun16	20.3(f)(ii)	Reimbursement of air conditioning expenses Text in 20.3(f)(ii) might be clearer if read: 'where a separate meter is installed which records only electricity consumption of the air conditioning system'.	Para 25	OUTSTANDING To be determined by Full Bench. See Final Report-14/11/17 .
8	CPSU	Sub-26Jul16	20.3(f)(iii)	Reimbursement of air conditioning expenses <i>In response to question asked by the Commission:</i> CPSU does not support alteration to provision. No suggestion from parties there are difficulties with the operation of this clause in practice.	Para 8	OUTSTANDING To be determined by Full Bench. See Final Report-14/11/17 .
9	AMWU	Sub-30Jun16	22.6	Call-back Reference to clause 0 in 22.6(f) should be to clause 22.5.	Para 24	OUTSTANDING To be determined by Full Bench. See Final Report-14/11/17 .
10	CPSU	Sub-26Jul16	22.7	On call and stand-by CPSU believes the term 'ordinary hourly rate'	Para 12	OUTSTANDING

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				should be used in clause 22.7 to imply the inclusion of allowances.		To be determined by Full Bench
11	CPSU	Sub-26Jul16	22.7	On call and stand-by CPSU suggest the formula previously in clause 30.6(f) of the current award be included at clause 22.7 of the ED.	Para 13	WITHDRAWN see Transcript-6Dec16 [PN80-PN86]. Confirmed in Final Report-14/11/17 .
12	CPSU	Sub-26Jul16	23.2	Shift payment CPSU believes wording 'must be paid for such shift' should be incorporated into the ED at clause 23.2.	Para 11	OUTSTANDING To be determined by Full Bench. See Final Report-14/11/17 .
13	CPSU	Sub-26Jul16	24.3	Broken leave CPSU believes formatting of clause 31.3 in current award should be retained.	Para 14	OUTSTANDING To be determined by Full Bench. See Final Report-14/11/17 .
14	AMWU	Sub-30Jun16	24.8(a) and 24.8(b)(i)	Annual leave loading Inconsistency in wording that exists in current award and ED.	Paras 21-23	OUTSTANDING To be determined by Full Bench. See Final Report-14/11/17 .
15	AMWU	Sub-30Jun16	27.8(b)	Rostered day off falling on public holiday	Paras 17-20	OUTSTANDING

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				<i>In response to question asked by the Commission:</i> Payment in this clause must be additional to payment for public holiday.		To be determined by Full Bench. See Final Report-14/11/17 .
	CPSU	Sub-26Jul16		CPSU supports AMWU submission and believes an employee affected by this would have their RDO and an additional day off.	Paras 9-10	
16	AMWU	Sub-30Jun16	Sched C.1	Wage related allowances <i>In response to question asked by the Commission:</i> Answer to question is yes, the definition of 'standard rate' be refined and percentages in C.1 recalibrated.	Paras 4-11	OUTSTANDING To be determined by Full Bench. See Final Report-14/11/17 .
	CPSU	Sub-26Jul16		CPSU supports proposal by AMWU.	Paras 2-3	

List of abbreviations (in alphabetical order)

AMWU	Australian Manufacturer Workers Union
APESMA	The Association of Professional Engineers, Scientists and Managers, Australia
CPSU	Community and Public Sector Union
ED	Exposure draft
FWO	Fair Work Ombudsman