

STATUS OF GROUP 2 AWARDS – TECHNICAL AND DRAFTING ISSUES¹

This summary has been revised to include submissions received in response to para [5] of the Statement [\[2017\] FWC 3205](#) re outstanding issues and the exposure draft. The summary includes submissions received before 10 July 2017.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
AM2014/198 — <i>Alpine Resorts Award 2016</i> — MA000092						
1	Ai Group	Submission – 9/12/16	Various	<p>Applicable hourly rate Change to minimum hourly rate. Terms may cause confusion.</p> <p>Argues that applicable and minimum hourly rate are synonymous based on definition.</p>	Paras 10-13	<p>RESOLVED Applicable hourly rate included due to the 8.33% seasonal employee loading which forms part of a seasonal employee’s rate for purpose of overtime, penalties etc. Issue resolved by AM2016/30, see [2016] FWC FB 7254 at [17] and PR599077.</p>
2	Australian Ski Areas Association	Submission – 30/06/17	Sched B, Table 4 [sic]	ED published 19 April 2016 incorporating Association's proposed variations to equivalency tables made one small drafting error. Term “IVSI” should be inserted following “BASI (Ski Coach) Level 4 Coach”.	Para 2.4	<p>RESOLVED ED amended to correct error in Table 5 (not Table 4).</p>

¹ In their submission dated [31 August 2016](#), Ai Group has raised a number of issues across most exposure drafts.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
AM2014/199 — Animal Care and Veterinary Services Award 2016 — MA000118						
1	AVA	Submission – 06/12/16	8.3(c)	<p>Ordinary hours – 3 days off/cycle 3 days off duty includes being off duty from on call. 93% of AVA’s employers currently interpret the clause this way. Does not support current wording of the note as per AFEI’s proposal as follows: “Note: An associate is not in receipt of a day off for the purposes of Clause 8.3(c) if they perform scheduled active on call duty on that day”. This note implies that the associate can be rostered on call on their off duty days. This note should be removed.</p>	Page 1	REMAINS OUTSTANDING

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
AM2014/200 — Aquaculture Award 2016 — MA000114						
Nil – no submissions on further revised exposure draft received						

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
AM2014/201 — Corrections and Detention (Private Sector) Award 2016 — MA000110						
1	Ai Group	Submission – 30/06/17	5.2, 15.4, 15.5	Facilitative provisions References to clause 15.4—Annual leave in advance and 15.5—Cashing out of annual leave be deleted from clause 5.2	p.4	REMAINS OUTSTANDING Commission notes references to those model terms have been added to the facilitative provisions table across all EDs where they appear.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
AM2014/202 — Fire Fighting industry Award 2016 — MA000111						
1	UFU	Submission – 30/11/16	9	Ordinary hours of work and rostering <i>In response to FWC question re: rosters:</i> There can be no work other than on the 10/14 roster.	Para 1	REMAINS OUTSTANDING
2	UFU	Submission – 30/11/16	20.1 (now clause 19.1)	Definition of overtime – public sector <i>In response to FWC question re: reference to minimum weekly rate:</i> Reference to ‘minimum weekly rate’ in clause 20.1(c) should be to the ‘total weekly wage in clause 13.’ This prevents additional payment for overtime where payment has already been provided as part of the total weekly wage. The minimum weekly wages does not provide payment for overtime.	Para 2	REMAINS OUTSTANDING
3	UFU	Submission – 30/11/16	20.2 (now clause 19.2)	Definition of overtime – private sector <i>In response to FWC question re: overtime for shiftworkers:</i> Overtime should be payable to shiftworkers not working on a 10/14 roster on the same basis as those working a 10/14 roster. Overtime should be paid where a fire fighter works outside their rostered shifts or works more than 4 shifts per week.	Para 3	REMAINS OUTSTANDING
4	UFU	Submission – 30/11/16	22.3 (now clause 21.3)	10/14 roster employees and other public sector employees <i>In response to FWC question re: note to clarify rate of pay on leave:</i> Note is not necessary but would be desirable.	Para 4	REMAINS OUTSTANDING
5	UFU	Submission – 30/11/16	Schedule D	Definitions – public sector employee and private sector employee Public and private sector have a well-understood meaning within the fire fighting industry and further definition is not necessary.	Para 5	REMAINS OUTSTANDING

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
AM2014/20 — Graphic Arts, Printing and Publishing Award 2016 — MA000026						
**Note: a background document highlighting the inconsistencies in approach to describing rates has been prepared to demonstrate the complexities of the issues raised will be published on the Commission website.						
A1	Ai Group	Submission – 14/12/16	6.4(b)(iii)	Casual employment list of provisions that apply to casual employees should be deleted. This is consistent with approach across other EDs.	Paras 34-35	RESOLVED Deleted in accordance with para [69] of [2017] FWCFB 9412 ED amended
1	Ai Group	Submission – 14/12/16	18.5	Payment of wages Time and a half should be replaced with 150%.	Para 36	REMAINS OUTSTANDING This was done because in some circumstances arising under this award the conversion to percentage results in employee being worse off.
2	Ai Group	Submission – 14/12/16	24.2(b), 24.3(a) & (b) 24.4(a), 31.3, 31.4	Overtime, penalties and public holidays Time and a half, double time etc should be replaced with percentages.	Paras 37 – 45	REMAINS OUTSTANDING As above
3	Ai Group	Submission – 14/12/16	Schedule I	Definitions Definition of ordinary hourly rate is not included. Party submits it should be. The term is used in the award.	Para 46	REMAINS OUTSTANDING Definition has not been included as the term ‘ordinary hourly rate’ was used in the current award and may have had a different meaning to that determined by the Full Bench in the 4 yearly review.
4	AMWU	Submission – 18 November 2016	Clause 5.5(c)	5.5 Level 2—facilitation by majority or individual agreement (c) Such <u>an</u> agreement under this clause binds the individual employee	Para a)	AGREED ED amended Proposed additional word based on the amendment to the Award in the Report to the Full Bench dated 8 December 2015 at page 4
	ABI & NSWBC	Submission – 10/07/17		Typographical error: second sentence of cl 5.5(c): should begin with “Such an agreement” instead of “Such agreement”.	Para 7	

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5	Fairfax Medical Limited	Submission – 15/06/17	27.2 and various	Annual leave Full Bench decision [2017] FWCFB 3135 at para [27] determined to vary clause as proposed by Fairfax (AMWU appeared to agree with this variation). However, the proposed variation in the decision is original variation proposed by AMWU.	Page 1	RESOLVED by determination - PR593788 ED amended to incorporate
		Submission – 27/06/17		ED of 13/06/17 has not been varied to amend the annual leave clause 27.2	Pages 1-2	
	ABI & NSWBC	Submission – 10/07/17		Supports Fairfax’s claim that the ED needs to be updated to reflect the decision and determination (PR593788)	Para 6	
5A	Fairfax Medical Limited	Submission – 27/06/17	3.2(n); 5.6(a); 9.3; 9.4(a); 17.2(b)(i);	ED of 13/06/17 has not been varied to delete the word "regional" from each instance of the phrase "regional daily newspaper"	Pages 1-2	RESOLVED by PR593788 ED amended
	ABI & NSWBC	Submission – 10/07/17	20.3(e)(iii); 20.7	Supports Fairfax’s claim that the ED needs to be updated to determination PR593788- 16/06/17	Para 6	
6	Ai Group	Submission – 30/06/17	20.7(e)(iii), 21.3, 27.5, 27.7(b)(ii)	General issues in Submission-31/08/16 not addressed. ED contains inconsistent terminology (‘penalties’, ‘loadings’ and ‘allowances’ have been used interchangeably). Submits wording of ‘Note’ in schedule of hourly rates and the terminology used in the ED generally, refer to inconsistent rates of pay.	Para 9	REFERRED Referred to the Plain Language Full Bench (AM2016/15) see decision [2017] FWCFB 5536 at [581]

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
AM2014/204 — Health Professionals and Support Services Award 2016 — MA000027						
A1	Ai Group	Submission – 14/12/16	6.3(a)(iii)	Part-time employment Clause substantively deviates from terms and conditions of current award. Propose clause be deleted and a new clause 6.3(b) be inserted in same terms as current clause 10.3(d).	Paras 52 - 57	REMAINS OUTSTANDING
A2	Ai Group	Submission – 30/06/17	9.1(a)	Breaks Requires meal break to be at least 31 minutes in length. Clause should be amended as follows: “An employee who works in excess of five hours will be entitled to an unpaid meal break of not less than 30 minutes and not more than 60 minutes between 30 minutes and 60 minutes. ”	Para 12	REMAINS OUTSTANDING This terminology is used consistently across awards. Commission proposes no change be made.
A3	Ai Group	Submission – 14/12/16	18.4	Shiftwork penalties “ their minimum hourly rate should be replaced with minimum hourly rate.	Para 61	REMAINS OUTSTANDING
1	Ai Group	Submission – 14/12/16	19.1	Overtime rates Clause has been updated with reference to para [98] of decisions which states agreed changes in Roe C’s reports to the Full Bench would be adopted. Ai Group does <u>not</u> agree with the change to clause 19.1. It is not clearly documented that the change to this clause was agreed. Matter should be referred to Full Bench as part of HSU’s substantive variations.	Paras 62 - 64	REMAINS OUTSTANDING – seek referral to Full Bench.
2	Ai Group	Submission – 14/12/16	19.2(a)-(c)	The words “of the minimum hourly rate” should be inserted after the rate appearing in clauses 19.2(a), 19.2(b) and 19.2(c) – consistent with decision [2015] FWCFB 4658 at [95]–[96]	Para 61	AGREED ED amended
		Submission – 30/06/17			Para 11	
	ABI & NSWBC	Submission – 10/07/17		Agrees that “of the minimum hourly rate” should be inserted to clauses 19.2(a)-(c)		

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3	Ai Group	Submission – 30/06/17	5.2, 20.4, 20.6	Facilitative provisions Clause 20.4 and 20.5 are not facilitative provisions, therefore, references to those clauses should be deleted from clause 5.2.	Para 12	REMAINS OUTSTANDING Commission notes references to those model terms have been added to the facilitative provisions table across all EDs where they appear
4	PHIA	Submission – 30/11/16	Sched C	Summary of Hourly Rates Note at the base of each table contains error “ ¹ Shift work means any shift where ordinary hours commence between 6.00 pm and 6.00 pm or finish between 6.00 pm and 8.00 am as defined in clause 18.4.” ‘ <u>6pm to 6 pm</u> ’ should read ‘ <u>6pm to 6am</u> ’.	Page 2	AGREED
	BusSA	Submission – 9/12/16		Words in note 1 re meaning of Shiftwork at base of each table should be amended from ‘ <u>6pm to 6pm</u> ’ should read ‘ <u>6pm to 6am</u> ’.	Para 1.2	
	ADA	Submission – 9/12/16		Agrees with PHIA	Para 2.1	

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AM2014/205 — Horse and Greyhound Training Award 2016 — MA000008						
1	Ai Group	Submission – 30/06/17	5.2, 14.2, 14.8	Facilitative provisions Clauses 14.2 and 14.8 are not facilitative provisions, therefore, references to those clauses should be deleted from clause 5.2	Para 14	REMAINS OUTSTANDING Commission notes references to those model terms have been added to the facilitative provisions table across all EDs where they appear. Note: Correct reference is clause 14.10
1A	Ai Group	Submission – 14/12/16	6.3(a)(iii)	Part-time employment Clause substantively deviates from terms and conditions of current award. Propose clause be deleted and a new clause 6.3(b) be inserted in same terms as current clause 10.3.	Para 71	REMAINS OUTSTANDING
1C			9.1	Classifications and minimum wages Issue with how minimum weekly wage might apply to part-time and casual employees in table in clause 9.1. Purports to require payment of minimum weekly rate to all employees including part-time and casual employees. Suggest words “(full-time employee)” be inserted under minimum weekly wage in table	Paras 76-78	REFERRED Referred to the Plain Language Full Bench (AM2016/15).
1D	Ai Group	Submission – 14/12/16	9.3(a)	Junior employees Reference to “clause 0” should be replaced with “clause 9.1”. Appears to be a drafting error.	Para 79	RESOLVED ED amended – cross-referencing error
1E	Ai Group	Submission – 14/12/16	9.4(a), (b)(i) & (c)(i), (e)	Apprentice minimum wages References to “clause 0” should be replaced with “clause 9.1”. Appears to be a drafting error.	Para 80 - 83	RESOLVED ED amended – cross-referencing errors
1F	Ai Group	Submission – 14/12/16	14.3(b)	Close down Reference to “clause 14.2” should be replaced with “clause 14.3(a)”. Appears to be a drafting error	Para 84	RESOLVED ED amended – cross-referencing errors

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2	Ai Group	Submission – 30/06/17	Schedule G	Definitions Schedule H [sic] (G) contains a definition for the term “all purpose rate”, however the term is not used elsewhere in the ED and should be deleted.	Para 14	REMAINS OUTSTANDING Note from AMOD: definition relates to clause 6.4(e)(ii) which applies for all purposes.
2A	Ai Group	Submission – 30/06/17	Schedule G	The definition of apprentice jockey is not in the same terms as that currently found in the award. This should be amended	Para 88	REMAINS OUTSTANDING
2B	Ai Group	Submission – 30/06/17	Schedule G	Reference to “clause 0” should be replaced with “clause 9.1”. Appears to be a drafting error.	Para 89	RESOLVED ED amended – cross-referencing errors

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AM2014/206 — Medical Practitioners Award 2016 — MA000031						
A1	Ai Group	Submission – 14/12/16	10.1	Minimum wages Issue with how minimum weekly wage might apply to part-time and casual employees in table in clause 10.1. Purports to require payment of minimum weekly rate to all employees including part-time and casual employees. Suggest words “(full-time employee)” be inserted under minimum weekly wage in table	Paras 95-97	REFERRED Referred to the Plain Language Full Bench (AM2016/15).
A2	Ai Group	Submission – 14/12/16	11.2(a) and Sched D	All-purpose allowances Clause 11.2(a) and definitions schedule do not reflect the definition of “all purposes” which has been determined by the Commission. It should be amended by inserting the word “annual” before “leave”.	Para 98	RESOLVED Determined in [2015] FWCFCB 4658 at [91]
1	Australian Salaried Medical Officers’ Federation	Submission – 30/06/17	15.8(a)	Excessive leave accruals: direction by employer that leave be taken cl 15.8(a) does not reflect the determination in PR583033 (refer cl 28.7(a) in PR583033). [Notes that the document states that cl 15 has been amended in accordance with PR583033]	Page 1	RESOLVED ED amended Sentence “Any discussions should take into account the employee’s workload, the availability of suitable relief staff, and in the case of a doctor in training, the doctor’s training requirements” was omitted from the ED and should be included in accordance with PR583033 .

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AM2014/207 — Nurses Award 2016 — MA000034						
1	ACE	Submission – 08/12/16	17.5(b)(i)	Annual leave – shiftworkers Issue of who is considered a shiftworker is unclear. ACE submits it is not the intention to provide shiftworkers with any additional loading than non-shiftworkers. Annual leave loading is based on 4 weeks or 152 hours at 17.5%. Issue should be dealt with as part of wider consultations.	Page 2	RESOLVED Report confirms clause sufficiently clear, no change necessary.
	ANMF	Submission – 30/06/17		Understands that this issue was previously resolved. Refers to para [48] of the Report to the Full Bench (9/10/15)		
2	ANMF	Submission – 30/11/16	A.1	Classification definitions Wording proposed by ANMF of A.1 may need to be reviewed in light of release of 2016 Standards for Practice.	Page 1	WITHDRAWN See ANMF submission of 17 March 2017 at para 3
	ACE	Submission – 08/12/16		Opposes ANMF revised wording of clause A.1, and confirm the Enrolled Nurse Standards for Practice at section 3.8 confirm that an enrolled nurse can support and supervise an assistant in nursing. Clause should not be amended as proposed by ANMF.	Page 3	
3	Ai Group	Submission – 30/06/17	5.2, 17.11, 17.12	Facilitative provisions Clauses 17.9 [sic] (17.11) and 17.10 [sic] (17.12) are not facilitative provisions, therefore, references to those clauses should be deleted from clause 5.2	Para 16	REMAINS OUTSTANDING Note: Correct references are clauses 17.11 and 17.10 Commission notes references to model terms have been added to the facilitative provisions table across all EDs where they appear.
4	Ai Group	Submission – 30/06/17	9.1(a)	Unpaid meal breaks Clause 9.1(a) requires that an unpaid meal break must be at least 31 minutes in length. A meal	Para 16	REMAINS OUTSTANDING

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				break of 30 minutes would not satisfy clause 9.1(a). Clause 9.1(a) should be amended as follows: “An employee who works in excess of five hours will be entitled to an unpaid meal break of not less than 30 minutes and not more than 60 minutes between 30 minutes and 60 minutes. ”		
4A	Ai Group	Submission – 14/12/16	10	Minimum wages Issue with how minimum weekly wage might apply to part-time and casual employees in tables in clause 10. Purports to require payment of minimum weekly rate to all employees including part-time and casual employees. Suggest words “(full-time employee)” be inserted under minimum weekly wage in table	Paras 110-112	REFERRED Referred to the Plain Language Full Bench (AM2016/15).
5	Ai Group	Submission – 14/12/16	14.2(a), 14.2(b), 16.1 and 16.2	Shift penalties replace <u>their</u> minimum hourly rate with <u>the</u> minimum hourly rate, consistent with Decision [2015] FWCFB 4658 at [95]-[96]	Paras 114-116	REMAINS OUTSTANDING
	ANMF	Submission – 30/06/17		- The proposed changes should not be made, i.e. the words ‘their minimum hourly rate’ should not be amended to ‘the minimum hourly rate’. - Alternatively, the wording should be amended to reflect similar wording agreed by the parties elsewhere in the ED, e.g. cl 6.4(b) where the phrase “minimum hourly rate applicable to their classification and pay point” is used. Refer to conference (8/10/15). - Submitted that clauses 14.2 and 16 were inadvertently overlooked in that conference. The relevant clauses raise exactly the same issue as the agreed items	Page 1	

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6	Ai Group	Submission – 30/06/17	14.2, 17.8(b)(ii)	-Inconsistent terminology, refers to para [1-10] and [36] of previous submission of 31/08/17 - Submits there are general issues identified in submission dated 31/08/16 that had not been addressed. Submits wording of the ‘Note’ in the schedule of hourly rates and the terminology used in the ED refer to inconsistent rates of pay (‘penalties’, ‘loadings’ and ‘allowances’ have been used interchangeably). - In submission dated 31/08/16, noted that clause 14.2 refers to “shift penalties” in the heading and in sub clause 14.2(d), however the clause contains loadings (e.g. 12.5% in clause 14.2(a)) rather than penalty rates. Clause 17.8(b)(ii) refers to “shift penalties”.	Para 17	REFERRED Referred to the Plain Language Full Bench (AM2016/15) see decision [2017] FWCFB 5536 at [581]
7	ACE	Sub-28Jan15	15.3(b) and (c)	Rest period after overtime Clause should clarify loss of pay is limited to rostered ordinary hours occurring during an overtime rest period.	Para 14	RESOLVED By agreement - Report to the Full Bench at para [47] (9/10/15) confirmed that (b) and (c) would be amended to include provisions in clause 28.3 of current award
	ANMF	Sub-reply-04Mar15		Clause should read “...working time occurring during such absence.”	Page 3	
	Ai Group	Reply-sub-04Mar15		No problem with ACE submission identified	Para 100	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
AM2014/208 — Passenger Vehicle Transportation Award 2016 — MA000063						
1	AWU	Submission – 28/11/16	6.5(d) (10.5(d) of current award)	Casual employment AWU supports position of TWU that a casual employee solely engaged for purpose of transportation from school children to and from school may be rostered to perform two separate engagements per day with a minimum payment of 2 hours for each separate engagement.	Page 1	RESOLVED Determined in the casual employment matter (AM2014/197), see [2017] FWCFB 3541 at [824] and PR598502

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AM2014/209 — Pharmacy Industry Award 2016 — MA000012						
Award being dealt with separately						

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AM2014/210 — Racing Industry Ground Maintenance Award 2016 — MA000014						
A1	Ai Group	Submission – 30/06/17	5.2	Facilitative provisions Clauses 15.2 and 15.7 [<i>sic</i>] (15.9) are not facilitative provisions, therefore, references to those clauses should be deleted from clause 5.2	Para 19	REMAINS OUTSTANDING Note: Correct reference is clause 15.9. Commission notes references to model terms have been added to facilitative provisions table across all EDs where they appear.
A2	Ai Group	Submission – 14/12/16	10	Minimum wages Issue with how minimum weekly wage might apply to part-time and casual employees in tables in clause 10. Purports to require payment of minimum weekly rate to all employees including part-time and casual employees. Suggest words “(full-time employee)” be inserted under minimum weekly wage in table	Paras 122-124	REFERRED Referred to the Plain Language Full Bench (AM2016/15).
1	Ai Group	Submission – 14/12/16	B.3	Rates – casual employees Clause should be amended to make clear that morning work, evening work, Saturday, Sunday and public holiday rates and overtime rates do not apply to a casual employee engaged on night cleaning duties consistent with clause 6.5. Suggest including a footnote. Ai Group is concerned the schedule suggests all casual employees are entitled to the rates set out in B.3	Paras 125 – 126	REMAINS OUTSANDING

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AM2014/211 — Road Transport (Long Distance Operations) Award 2016 — MA000039						
A1	NRTA	Submission – 28/06/17	1.1	Title and commencement The word ‘Award’ is missing from the title. The use of the date 2015 should be re-considered and 2017 substituted	Para 5s	RESOLVED ED amended to insert “Award” (the year for the EDs will be finalised at the conclusion of the review.)
	ABI & NSWBC	Submission – 10/07/17		Agrees that word “Award” needs to be inserted in clause 1.1	Para 13	
A2	NRTA	Submission – 28/06/17	3.1	Coverage The reference in the commentary to the definition of ‘long distance operation’ being referred to a separately constituted Full Bench is inaccurate. The TWU did not press this claim.	Para 6	NO LONGER PRESSED TWU confirmed in correspondence on 27Jan17 that they do not press all the variations filed on 21Dec16.
A3	Ai Group	Submission – 30/06/17	3.2	Clause 3.2 should be deleted. All definitions should only be included in the definitions section.	Para 23	REFERRED Placement of the definitions to be determined by plain language process. See [2017] FWCFB 3433 at [333].
A4	Ai Group	Submission – 30/06/17	5.2, 14.7, 14.10	Facilitative provisions Clauses 14.7 and 14.10 are not facilitative provisions, therefore, references to those clauses should be deleted from clause 5.2	Para 23	REMAINS OUTSTANDING Commission notes references to those model terms have been added to the facilitative provisions table across all EDs where they appear. Note: Correct reference is clause 14.7
A5	Ai Group	Submission – 30/06/17	5.2 and 8.5	Reference to clause 8.5(c) should be clause 5.2(a) [<i>sic</i>] (8.5(a))	Para 21	RESOLVED ED amended - to correct errors with cross reference and paragraph numbering.
	ABI & NSWBC	Submission – 10/07/17		The cross-reference in clause 5.2 to clause 8.5(c) should be changed to 8.5(b) [<i>sic</i>] for Rostered days off – cashing out and the second paragraph should be renumbered as 8.5(b). Numbering appears to have ‘dropped out’.	Para 13	
1	NRTA	Submission – 29/11/16	6.3	Part-time employment Clause has been updated in accordance with 1 st report to Full Bench. However, no part-time clause	Para 6	RESOLVED ED amended to insert note Part-time clause has been referred to Part-

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		Submission – 28/06/17		has been included in accordance with report. Given the matter of part-time employment has been referred to the Part Time Full Bench, it should be mentioned in the ED so as to inform readers of that potentiality.	Para 7	time Full Bench (AM2014/196). The form of the part-time employment provision to be determined, see [2017] FWCFB 3541 at para [843] and PR599012 has been incorporated
1A	NRTA	Submission – 28/06/17	7	Classifications The description for grades 1 and 2 is an abbreviation “N/A” – this has been deleted. Submits it would assist those unfamiliar with the connection between the grades in the two awards if a note indicating that linkage appeared at the end of the table in clause 7	Para 8	REMAINS OUTSTANDING - Report to FB (19/02/16): the description for grades 1 and 2 be replaced with N/A - ED of 2/11/16 had crossed out the grade 1 and 2 - N/A
	Ai Group	Submission – 30/06/17		Submit that it’s for the Full Bench to decide whether the references to grades 1 and 2 should be retained	Par 22	
2	ARTIA	Submission – 23/11/16	11	Minimum wages/Schedule A Rates are incorrect. Standard rates in the decisions section could also be incorrect. Clause 11.5(c) refers to the ‘agreed driving hours’ for a grade 4 but it is unclear whether or not this has been changed to a Grade 6 in light of comments above.	Para 5	REMAINS OUTSTANDING
	NRTA	Submission – 28/06/17		Rates are correct up to 30 June 2017. Submits that the details of any allegation relating to incorrect rates should be made clear by ARTIA	13	
2A	NRTA	Submission – 29/11/16	11.1	Delete note below clause 11.1 (should be moved to clause 7)	Para 9	RESOLVED by agreement ED amended – note no longer necessary
	Ai Group	Submission – 14/12/16		Note below clause 11.1 should be deleted. No longer accurate or necessary given changes to classification structure.	Para 137	
3	NRTA	Submission – 29/11/16	11.2(a)	New provision Incorporated as a result of 2 nd Report to Full Bench	Para 10	REMAINS OUTSTANDING

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				does not do as parties and Commission appear to intend. Provision has no work to do. Intention is to set out how fortnightly period is derived is not necessary as provision relates to simple calculation of payment (2x prescribed weekly rate) and does not require calculation of a 'period'. Provision should be deleted.		
	Ai Group	Submission – 14/12/16		NRTA submissions unintentionally misstate the proposed variation. Ai Group understands NRTA's concerns would be resolved by the following: "The fortnightly payment must be calculated by reference to consecutive fortnightly periods." Ai Group would not be opposed to this wording. Generally note that wording in ED was agreed.	Para 133 – 136	
	NRTA	Submission – 28/06/17		Agrees that the words proposed by Ai Group would be much clearer than the current final sentence of this provision as set out in the ED.	Para 10	
3A	NRTA	Submission – 29/11/16	11.5(a)	Rates of pay—hourly driving method Insert word "of" before "the vehicle in third line.	Para 12	RESOLVED – typographical error ED amended
4	NRTA	Submission – 28/06/17	11.5	Rates of pay—hourly driving method The note should refer to 11.5(a)(iii) not 11.5(ii).	Para 11	RESOLVED – typographical error ED amended
4A	NRTA	Submission – 29/11/16	11.7(a)	Payment of wages Correct the note. Reference to AM2016/6 should be to AM2016/8	Para 13	RESOLVED – typographical error ED amended
4B	NRTA	Submission – 29/11/16	12.3(b)	Articles of clothing allowance With the deletion of the two provisos as they appear in clause 14.2(b) of the current modern award, it is necessary to qualify clause 12.3(b)(iii). It should express that Clauses 12.3(b)(i) and (ii) do not apply in the relevant circumstances as clause 12.3(b)(iv) would remain relevant.	Para 14	RESOLVED ED amended

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
4C	NRTA	Submission – 29/11/16	12.3(c)	Travelling allowance Delete the word “means” in the second line. This word, which is otiose, does not appear in the current clause 14.2(c)(i)	Para 15	RESOLVED ED amended
	BusSA	Submission – 9/12/16		Agrees with NRTA	Para 1.4	
4D	NRTA	Submission – 29/11/16	12.3(d)(ii)	Housing allowances Amount of \$3.20 should be \$3.30 per current clause 14.2(d)(ii).	Para 16	RESOLVED ED amended to correct error
	BusSA	Submission – 9/12/16		Agrees with NRTA	Para 1.4	
5	NRTA	Submission – 28/06/17	14.2(b)	Payment for period of annual leave The word ‘in’ remains in the wrong place in the first line despite that word now being highlighted in red.	Para 12	RESOLVED ED amended
6	NRTA	Submission – 29/11/16	14.7(b)	In the note the reference should be to Schedule G, not Schedule A	Para 18	RESOLVED ED amended to correct error
7	NRTA	Submission – 29/11/16	14.10	The reference in Note 3 should be to Schedule H not Schedule A	Para 19	RESOLVED ED amended to correct error
8	ARTIO	Submission – 23/11/16	Sched B.1	Error with standard rate in preamble defining the standard rate, should be amended from Grade 4 to “Grade 6”	Para 5 of attach A	RESOLVED ED amended to correct error
9	ARTIO	Submission – 23/11/16	Sched B.2	“Living Away from Home Allowance” should be “Travelling Allowance” in accordance with clause 12.3(c)	Para 6 of attach A	RESOLVED ED amended to correct error
10	ARTIO	Submission – 23/11/16	Sched F	Correct definition of standard rate - should be amended from Grade 4 to “Grade 6”	Para of attach A	RESOLVED ED amended to correct error

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
AM2014/212 — Road Transport and Distribution Award 2015 — MA000038						
A1	Ai Group	Submission – 30/06/17	5.2(a)	Facilitation by individual agreement Cl 5.2(a) should refer to cl 8.4. The references to 8.6(a) and 8.6(b) should be deleted. Cl 8.6(a) is not a facilitative provision and cl 8.6(b) is already identified in cl 5.2(a).	Para 26	REMAINS OUTSTANDING Commission notes references to those model terms have been added to the facilitative provisions table across all EDs where they appear.
			5.2 and 15.9	The reference to clause 15.9 [<i>sic</i>] (18.5) should therefore be deleted from clause 5.2.	30	RESOLVED <i>Note: Correct reference is clause 18.5</i>
			5.2 and 18.10	The reference to clause 18.5 should therefore be deleted from clause 5.2.”	30	REMAINS OUTSTANDING
1	ARTIO	Submission – 23/11/16	6.5(c)	Casual loading The casual loading of 25% is ‘in addition to’ any other penalty payment and should be calculated as a dollar allowance and then added to the penalty payment.	Para 2 of attach B	REMAINS OUTSTANDING
	NRTA	Submission – 28/06/17		Matter not ‘outstanding’. Not being pursued, current award provisions should continue.	Para 9	
1A	Ai Group	Submission – 30/06/17	8.2	Ordinary hours of work and roster cycles— employees other than oil distribution workers Clause should cross reference cl 6.4(b) and (c). The reference to 6.4(a) is incorrect.	Para 28	RESOLVED <i>ED amended to correct error</i>
1B	ARTIO	Submission – 23/11/16	11.2(e)	Meal and rest breaks the word 'continuous' needs to be inserted to ensure consistency with clause 13.5(f)(i)	Para 1 of Attach B	REMAINS OUTSTANDING
1C	Ai Group	Submission – 14/12/16	12.1-12.2	Classifications and minimum wages Propose “(full-time employee)” be inserted under “minimum weekly wage” in the table at clause 12.1 and 12.2 in the interests of ensuring that the award is simple and easy to understand	Paras 138-140	REFERRED Referred to the Plain Language Full Bench (AM2016/15).

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1D	NRTA	Submission – 28/06/17	12.2	Minimum wage rates—oil distribution workers - This matter was not pursued by the TWU as is expressed in the note to this clause. - In the Schedule, two items relate to this matter. They indicate that the issue relating to oil distribution workers is outstanding and has been referred to a Full Bench. The TWU did not press this matter and therefore the current provisions of clause 23 of the Award should be replicated and the table at clause 12.2 deleted	Para 6	RESOLVED Depends on how item 2 will be dealt with by the Road Transport Awards Full Bench - AM2016/32. See para [172-173] [2016] FWCFB 7254 .
1E	Ai Group	Submission – 30/06/17	13.2	Clause 13.2 – Allowances Clause provides that the allowances at cl 13.3(c)-(g) are payable to full-time, part-time and casual employees. However, only “weekly employees” are entitled to the allowance provided for in cl 13.3(f)(iii) [<i>sic</i>] (cl 13.3(g)(ii)). Submits cl 31.2 [<i>sic</i>] (cl 13.2) should be amended to reflect this. Easiest way to achieve this may be to simply replace reference to (g) in cl 13.2 with reference to (g)(ii).	Para 29	REMAINS OUTSTANDING Change to: “The allowances at clauses 13.3(c) to (f)(ii), 13.3(g) and 13.5(a) are payable...” ED amended, changes marked in red.
1F	Ai Group	Submission – 30/06/17	15.3, 15.4, 18.4(b)(ii)	General issues identified in 31/08/16 submission not been addressed. Wording of ‘Note’ in schedule of hourly rates and terminology used in ED refer to inconsistent rates of pay (‘penalties’, ‘loadings’ and ‘allowances’ have been used interchangeably). - In previous submission (31/08/16), noted that clause 15.3 is headed “Shift allowances” but it contains rates, not allowances. Clause 15.4 refers to the “shift loading” in clause 15.3, but clause 15.3 contains rates, not loadings. Clause 18.4(b)(ii) refers to “shift loading”.	Para 31	REFERRED Referred to the Plain Language Full Bench (AM2016/15) see decision [2017] FWCFB 5536 at [581]

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1G	Ai Group	Submission – 14/12/16	16.2	Work on public holidays Clause does reflect the obligations contained within the current award. Parties agreed to alternate clause that properly reflects current operation.	Paras 144-146	RESOLVED by agreement – see Report to Full Bench 19/02/16 at [14] ED amended changes marked in red
1H	ARTIO	Submission – 23/11/16	Schedule B	Classification structure Schedule is titled ‘Classification Structure and Minimum Rates of Pay’. It is noted that there are no rates contained in this Schedule.	Para 6	RESOLVED ED amended to correct error
2	ARTIO	Submission – 23/11/16	Schedule C	Hourly rate – oil distribution workers A divisor of 35 hours is used for all employees including part-time employees. This is contested and being dealt with by the Full Bench.	Para 7	REFERRED referred to Road Transport Awards Full Bench - AM2016/32
3	NRTA	Submission – 29/11/16	Schedule C	Rates in relation to oil distribution workers are contested and being referred to by Full Bench.	Para 7	
	NRTA	Submission – 28/06/17		The rates in the current Award should be used	Para 6	
4	NRTA	Submission – 29/11/16	Schedule D	Allowances schedule – CPI category of travelling allowance Party referred to [2009] AIRCFB 980, and submits that there is no reason to change the current subgroup.	Para 9	REMAINS OUTSTANDING
		Submission – 28/06/17		Maintains the position that current CPI subgroups should be retained. The Award should continue with its current substantive terms.	Para 8	
5	NRTA	Submission – 28/06/17	Schedule H and 3.2	Definitions Definitions are replicated in clause 3.2. Schedule H definition need only refer back to clause 3.2.	Para 5	REFERRED Placement of the definitions to be determined by plain language process. See [2017] FWCFB 3433 at [333].
5A	Ai Group	Submission – 14/12/16	Schedule H	Definition of ordinary hourly rate amended to correct cross-reference. Was clause X, should be ‘12’	Para 147	RESOLVED ED amended to correct error

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
AM2014/213 — Seafood Processing Award 2015 — MA000068						
A1	ABI & NSWBC	Submission – 10/07/17	2.2	National Employment Standards and this award Typographical error: ‘the NES definitions applies’ should read ‘the NES definition applies’; appears to be a drafting error.	Para 16	RESOLVED ED amended to correct error
A2	Ai Group	Submission – 14/12/16	3.7(c)	Coverage The clause should be amended by deleting “; or” at the end of the provision and replacing it with a full stop. This appears to be a drafting error.	Para 149	RESOLVED ED amended to correct error
A3	Ai Group	Submission – 30/06/17	5.2, 15.9, 15.10	Facilitative provisions Clauses 15.9 and 15.10 are not facilitative provisions, therefore, references to those clauses should be deleted from clause 5.2	Para 35	REMAINS OUTSTANDING Commission notes references to those model terms have been added to the facilitative provisions table across all EDs where they appear.
A4	Ai Group	Submission – 14/12/16	6.4(d)	Casual loading “employees” should be replaced with “employee”. Appears to be a typographical error.	Para 156	RESOLVED ED amended to correct error
1	AMWU	Submission – 18/11/16	8.2(c)	Ordinary hours of work – day workers Variations should be considered at conclusion of review stage	Para 1	REMAINS OUTSTANDING Clause 8.2(c) may be subject of further consideration at the conclusion of the Award stage of the see para [188] of [2016] FWCFB 7254 .
	Ai Group	Submission – 30/06/17		Accepts matter is outstanding but does not accept the proposition that it is a technical and drafting matter.	Para 35	
1A	Ai Group	Submission – 14/12/16	10.1	Adult minimum wages Propose “(full-time employee)” be inserted under “minimum weekly wage” in the table at clause 10.1 in the interests of ensuring that the award is simple and easy to understand	Paras 155-157	REFERRED Referred to the Plain Language Full Bench (AM2016/15).

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1B	ABI & NSWBC	Submission – 10/07/17	12.3(c)	Typographical error: a space should be inserted between the first use of the word ‘clauses’, and 12.3(a); this appears to be a drafting error.	Para 16	RESOLVED ED amended
2	AMWU	Submission – 18/11/16	13.4	Shiftwork – span of hours Variations should be considered at conclusion of review stage	Para 1	REMAINS OUTSTANDING Clause 13.4 may be subject of further consideration at the conclusion of the Award stage of the see para [188] of [2016] FWCFB 7254.
	Ai Group	Submission – 30/06/17		Accepts matter is outstanding but does not accept the proposition that it is a technical and drafting matter.	Para 35	
3	Ai Group	Submission- 31/08/16	13.5	Afternoon and night shift allowances Clause 13.5 refers to “shift allowances” but the clause contains rates, no allowances.	Para 39	REFERRED Referred to the Plain Language Full Bench (AM2016/15) see decision [2017] FWCFB 5536 at [581]
	AMWU	Submission – 18/11/16		Submits no variation should be made, as no inconsistency presents with ‘allowances’ or ‘rates’ terminology as submitted by the AIG on 31/08/16.	Para 2(a)	
	Ai Group	Submission – 30/06/17		Matter is outstanding.	Para 35	
4	Ai Group	Submission- 31/08/16	13.6, 13.7 and 13.8, 15.5(b)(ii)	Clauses 13.6, 13.7 and 13.8 contain rates for shift workers. Clause 15.5(ii) [<i>sic</i>] (15.5(b)(ii)) refers to “shift loading”.	Para 39	REFERRED Referred to the Plain Language Full Bench (AM2016/15) see decision [2017] FWCFB 5536 at [581]
	AMWU	Submission – 18/11/16		No variation should be made, as no inconsistency presents with ‘allowances’, ‘rates’ or ‘loadings’ terminology as submitted by the AIG on 31/08/16.	Para 2(b)	
	Ai Group	Submission – 30/06/17		Matter is outstanding.	Para 35	
5	Ai Group	Submission – 30/06/17	14.1(a)(i)-(iii)	Payment for working overtime The words “of the minimum hourly rate” should be inserted after the rate appearing at the commencement of clause 14.1(a)(i), 14.1(a)(ii), 14.1(a)(iii) – consistent with decision [2015] FWCFB 4658 at [95]–[96]	Para 33	REMAINS OUTSTANDING

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
6	Ai Group	Submission – 30/06/17	14.4	Saturday work The words “of the minimum hourly rate” should be inserted after “150%” and “200%” in clause 14.4 - consistent with decision [2015] FWCFB 4658 at [95]-[96].	Para 34	REMAINS OUTSTANDING
7	Ai Group	Submission – 30/06/17	13.5, 13.6, 13.7, 13.8, 15.5(b)(ii)	General issues identified in 31/08/16 submission have not been addressed. Wording of ‘Note’ in schedule of hourly rates and terminology used in ED refer to inconsistent rates of pay (‘penalties’, ‘loadings’ and ‘allowances’ have been used interchangeably). Submission (31/08/16), noted cl.13.5 refers to “shift allowances” but the clause contains rates, not allowances. Cl. 13.6, 13.7 and 13.8 also contain rates for shiftworkers. Cl. 15.5(ii) [<i>sic</i>] (15.5(b)(ii)) refers to “shift loading”.	Para 36	REFERRED Referred to the Plain Language Full Bench (AM2016/15) see decision [2017] FWCFB 5536 at [581]

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
AM2014/214 — Storage Services and Wholesale Award 2016 — MA000084						
A1	Business SA	Submission – 09/12/16	1.4	Typographical error: The reference to “Schedule A” should be replaced with “Schedule G”. This appears to be a drafting error.	1.1	RESOLVED ED amended to correct errors
	Ai Group	Submission – 30/06/17			38	
A2	Ai Group	Submission – 14/12/16	3.3 and 3.4	The words “and 0” in clause 3.3 and 3.4 should be deleted. In an earlier iteration of the exposure draft, this was a reference to the definition of ‘storage services and wholesale industry’ at clause 3.2, which has now been deleted	158-159	RESOLVED ED amended to correct errors
1	Business SA	Submission – 09/12/16	4 [sic]	Award flexibility Agreed wording has not been incorporated into ED, but notes AMOD email of 11/11/16 which acknowledged it would be included in next ED	1.1	RESOLVED Submission unclear. Clause 8.4 has been updated. However, no reference found to clause 4 in correspondence of 11/11/16. Appears that BusSA is referring to clause 8.4(a) which was decided in [2016] FWCFB 7254 at [195] Agreed position of parties as indicated in Report to the Full Bench (15/03/16) adopted in this Decision
1A	Ai Group	Submission – 30/06/17	5.2	Facilitative provisions Clauses 17.6 and 17.7 are not facilitative provisions, therefore, references to those clauses should be deleted from clause 5.2.	Para 39	REMAINS OUTSTANDING Commission notes references to those model terms have been added to the facilitative provisions table across all EDs where they appear.
2	SDA	Submission – 01/11/16	9.2	Rest break Wording of current award to be retained (see report to Full Bench of 16 Mar16) As above	Page 1	RESOLVED Report to Full Bench (issue 28) indicates that the wording ‘commencement or cessation of work’ be retained. Does not indicate that entire 9.2 will be replaced.
	Ai Group	Submission – 14/12/16			167 – 168	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
	Business SA	Submission – 09/12/16		Word ‘normal’ deleted when reverting wording back to current award. The word should be added.	1.1	No further submissions received regarding this issue.
2A	Business SA	Submission – 09/12/16	13.1	Higher duties Insert ‘who’ between ‘employee’ and ‘perform’ and remove the underscore between weekly employee.	1.1	RESOLVED ED amended to correct error
2B	Ai Group	Submission – 14/12/16	15.1 – 15.5	Shiftwork Parties agreed that clause 15 of ED should be replaced with the current clause, subject to certain amendments to ensure that the relevant provisions are consistent with the Commission’s earlier decisions regarding general technical and drafting matters. This is documented at item 41 of the Deputy President’s report. Whilst the Commission’s decision states that all agreed changes are to be adopted (save for one issue identified in the decision), the above change is not reflected in the exposure draft. We submit that this should be rectified	Para 169-170	RESOLVED Agreed position of parties as indicated in Report to the Full Bench (15/03/16) at item 41 adopted in Decision [2016] FWCFB 7254 at [195] ED amended to reflect agreed position.
3	Business SA	Submission – 09/12/16	17.5	Annual leave Delete ‘and’ at the end of 17.5(b) and amend 17.6 and 17.7 formatting.		RESOLVED ED amended to correct errors
4	SDA	Submission – 01/11/16	Schedule C	Summary of monetary allowances Calculations for first aid and cold temperature allowances are incorrect. (\$11.53, not \$11.81)	Page 2	REMAINS OUTSTANDING
5	ABI & NSWBC	Submission – 10/07/17	25.6	Maintains earlier submission (02/02/15) that the words ‘occupational health and safety legislation’ should be updated to ‘work health and safety’.	Para 17	RESOLVED Determined in [2017] FWCFB 3433 at [382] ED amended

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
6	Ai Group	Submission – 30/06/17	15.3, 15.4, 17.4(b)(iii)	Issues identified in submission of 31/08/16 have not been addressed. Wording of ‘Note’ in schedule of hourly rates and terminology used in ED refer to inconsistent rates of pay (‘penalties’, ‘loadings’ and ‘allowances’ have been used interchangeably). Clause 13A.1 refers to “shift loadings”. Clause 15.3(f) refers to “shiftwork penalties”. Clause 15.4 refers to “shift allowances” but the clause contains rates, not allowances. Clause 17.4(b)(iii) refers to “shift loadings”.	Para 40	REFERRED Referred to the Plain Language Full Bench (AM2016/15) see decision [2017] FWCFB 5536 at [581]

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
AM2014/215 — Transport (Cash in Transit) Award 2016 — MA000042						
A1	Ai Group	Submission – 14/12/16	11.1	Minimum rates Read literally, clause purports to require payment of the minimum weekly rate to all employees including part-time and casual employees. Suggest inserting “(full-time employee)” under minimum weekly wage in column heading.	Paras 174-5	REFERRED Referred to the Plain Language Full Bench (AM2016/15).
1	Ai Group	Submission – 30/06/17	12.2(a)	Wage related allowances Seeks to insert the word “annual” before “leave”.	Para 42-43	RESOLVED by the Full Bench Decision [2015] FWCFB 4658 at para [91]. Ed amended
1A	Various	Report to Full Bench	12.3(f)	Clause 12.3(f) moved from clause 12.2(f) as agreed by parties at 28 October 2015 conference and in accordance with 30 November 2015 Report to Full Bench .	Attachment A	RESOLVED by agreement
2	Ai Group	Submission – 30/06/17	Schedule A.2.1	Full-time and part-time employees other than shiftworkers—ordinary, overtime and penalty rates The words “ordinary rate of pay” in the table should be replaced with “ordinary hourly rate”.	Para 44	REMAINS OUTSTANDING
3	Ai Group	Submission – 30/06/17	Schedule F	Definitions – ordinary hourly rate The words “specified in clause 11.1” should be replaced with “prescribed by this award”.	Para 45-46	REMAINS OUTSTANDING Standard wording previously determined by the Full Bench Decision [2015] FWCFB 4658 at para [42].
4	Ai Group	Submission – 30/06/17	5.2	Facilitative provisions Clauses 16.5 and 16.9 not a facilitative provisions, therefore, references to clauses should be deleted from clause 5.2	Para 47	REMAINS OUTSTANDING Commission notes references to those model terms have been added to the facilitative provisions table across all EDs where they appear.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
AM2014/216 — Waste Management Award 2015 — MA000043						
A1	Ai Group	Submission – 30/06/17	5.2	Facilitative provisions Clause 17.3 and 17.4 not facilitative provision, therefore, references to clauses should be deleted from clause 5.2	Para 55	REMAINS OUTSTANDING Commission notes references to those model terms have been added to the facilitative provisions table across all EDs where they appear.
A2	Ai Group	Submission – 14/12/16	10.1	Adult rates Read literally, clause purports to require payment of the minimum weekly rate to all employees including part-time and casual employees. Suggest inserting “(full-time employee)” under minimum weekly wage in column heading.	Para 179-180	REFERRED Referred to the Plain Language Full Bench (AM2016/15).
A3	Ai Group	Submission – 30/06/17	11.2(a)	All purpose allowances Seeks to insert the word “annual” before “leave”.	Para 49-50	RESOLVED determined by Decision [2015] FWCFB 4658 at para [91]. ED amended
1	AMWU	Submission – 18/11/16	15.3	Shift loadings Submits no variation should be made, as no inconsistency presents with ‘loadings’ or ‘rates’ terminology as submitted by the AIG on 31/08/16 .	Para 3(a)	REFERRED Referred to the Plain Language Full Bench (AM2016/15) see decision [2017] FWCFB 5536 at [581]
		Submission – 30/06/17		The matter is pressed. The submissions identify what Ai Group considers inconsistent terminology (submission 31/08/16)	Para 7	
	Ai Group	Submission – 30/06/17		Agrees matter is outstanding. AMWU’s submission made in response to Ai Group submission of 31/08/17 at para [47]	Para 55	
2	AMWU	Submission – 18/11/16	17.2(b) 18.2(b)	Annual leave – shiftwork Submits no variation should be made, as no inconsistency present with terminology as submitted by the Ai Group on 31/08/16 .	Para 3(b)	REFERRED Referred to the Plain Language Full Bench (AM2016/15) see decision [2017] FWCFB 5536 at [581]
		Submission – 30/06/17	Matter is pressed.	Para 8		
	Ai Group	Submission –	Agrees matter is outstanding.	Para 55		

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
		30/06/17				
3	Ai Group	Submission – 30/06/17	21.5	Work on public holidays Submits clause 21.5 be replaced with provision set out at Annexure B of their submission (which reflects the agreed position reached between parties). See submission 09/12/16 . Amendments to ED appear to adopt those set out in Annexure A, not Annexure B.	Para 52	REMAINS OUTSTANDING ED amended, in red.
4	Ai Group	Submission – 30/06/17	Schedule F	Definitions - ordinary hourly rate The words “specified in clause 10.1” should be replaced with “prescribed by this award”.	Para 54	REMAINS OUTSTANDING Standard wording previously determined by the Full Bench Decision [2015] FWCFB 4658 at para [42].
5	Ai Group	Submission – 14/12/16	Schedule F	Definitions – all purposes Error in definition. Amend definition to remove the words “while they are on leave” before the word “payment”.	Paras 181-183	RESOLVED ED amended to correct typographical errors
6	Ai Group	Submission – 30/06/17	15.3, 18.2	Issues identified in submission-31/08/16 have not been addressed. ‘Note’ in schedule of hourly rates and terminology used in ED refer to inconsistent rates of pay (‘penalties’, ‘loadings’ and ‘allowances’ have been used interchangeably). Submission noted cl 15.3 refers to “shift loadings” but clause contains rates, not loadings. Cl 18.2(b) refers to “shift loading”. Given the rates (e.g. 130%) are referred to as “loadings”, cl 15.3 as drafted appears to require that an annual leave loading of 130% be paid to a night shift worker (i.e. 230% in total for annual leave) rather than a 30% loading.	Para 56	REFERRED Referred to the Plain Language Full Bench (AM2016/15) see decision [2017] FWCFB 5536 at [581]