

# Fair Work Commission

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s.156 – 4 yearly review of modern awards

Hair and Beauty Industry Award 2010

AM 2014/271

## **Submission in response to the Hair and Beauty Industry Award Exposure Draft**



Shop Distributive and Allied Employees' Association

21 December 2016

1. The Shop Distributive and Allied Employees' Association (SDA) makes these submissions in response to the exposure draft released by the Fair Work Commission for the *Hair and Beauty Industry Award 2010*, and in accordance with the Statement and Directions issued by Justice Ross on 26 August 2016.
2. The SDA notes from the Statement of Justice Ross on 26 August 2016 that "On or before 4.00pm on Wednesday 21 December 2016 each interested party is to file in the commission submissions on the technical and drafting issues related to exposure drafts in Groups 4D, 4E and 4F..."
3. The SDA notes that the use in the exposure draft of the term "minimum hourly rate" is inconsistent and could cause confusion. The SDA submits the retention of the current wording around hourly rates avoids these issues, or that where "minimum hourly rate" is used, reference be made to "the appropriate minimum hourly rate" or proper classification for the employee(s) in question. Furthermore, the use of "minimum hourly rate" creates an ambiguity where the relevant work is done outside of ordinary hours such as in times or days which attract a penalty or in overtime.
4. Please find **attached** an analysis of the exposure draft with comments.

**Attachment A, 21 December 2016  
Exposure Draft HBIA and HBIA comparison**

PROVISION	Exposure Draft HBIA	HBIA	COMMENTS
Title and Commencement	<p><b>Incorporates</b> Title and Commencement into clause 1.1 and 1.2 respectively. The <b>addition</b> at 1.2 of the words “as varied”.</p> <p>1.3 <b>incorporates</b> 2.4 from the Award (savings provision).</p>	<p>2.2 allows an employer to absorb monetary obligations into overaward payments. <b>Deleted</b></p> <p>2.3 re transitional provisions at Schedule A. <b>Deleted</b></p> <p>2.5 re FWC and transitional provisions. <b>Deleted</b></p> <p>2.6 re FWC review of transitional provisions. <b>Deleted</b></p>	<p>The SDA submits that the draft 1.2 is in error as variations do not have retrospective application to 2010, except in very limited circumstances.</p>
Definitions	<p>At clause 2</p> <p>Change at 2(a)and(b) with the deletion of “and/” from the respective definitions.</p> <p>The sentence at standard rate stating “Where an allowance is provided for on an hourly basis, a reference to standard rate means 1/38<sup>th</sup> of the weekly wage referred to above.” Has been deleted.</p>	<p>At clause 3</p> <p><b>Deleted:</b></p> <p>Agreement-based transitional instrument Award-based transitional instrument Default fund employee Division 2B State award Division 2B State employment agreement Enterprise award-based instrument Exempt public sector superannuation scheme Transitional minimum wage instrument.</p>	<p>The SDA does not oppose the pure draft changes as noted.</p>

PROVISION	Exposure Draft HBIA	HBIA	COMMENTS
NES	<p><b>A new clause.</b></p> <p>3.1 <b>incorporates</b> clause 6 of the current Award.</p> <p><b>New 3.2</b> which states that where reference is made to the NES the NES definition applies.</p> <p>3.3 <b>incorporates</b> clause 5 of the current Award. Small change with comma after apply <b>inserted</b>.</p>	-	The SDA does not oppose the pure draft changes as noted.
Coverage	<p><b>Splits</b> the old 4.1 into 4.1 and 4.2.</p> <p>4.1 the reference in the current Award to clause 17 has been <b>replaced</b> with clause 12 – Classifications.</p>	<p>4.2, 4.3 and 4.4 (with minor changes to wording) <b>incorporated</b> into new 4.5.</p> <p>4.5 transferred to 4.3.</p> <p>4.6 to 4.4</p> <p>4.7 to 4.6.</p>	The SDA does not oppose the pure draft changes as noted.
Effect of Variations made by the FWC	<p><b>New clause 5</b> stipulates variations by FWC does not affect a right, privilege, obligation or liability acquired under the Award prior to the variation.</p>	-	The SDA does not oppose the pure draft changes as noted.
Award Flexibility	At clause 6	At clause 7	The SDA does not oppose the pure

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	<p><b>Mirrored</b></p> <p>Slight <b>renumbering</b> current Award 7.6 <b>incorporated</b> at draft 6.5.</p>	<p><b>Mirrored</b></p>	<p>draft changes as noted.</p>
<p>Facilitative provisions for flexible working practices</p>	<p><b>New clause at 7</b></p> <p>Allows standard approach to be deviated from by agreement between an employer and employee either an individual or the majority of the employees in the enterprise or part of the enterprise concerned. Covers:</p> <p>13.2 Maximum hours on a day</p> <p>14.1(d) Notification of rosters – changing rosters</p> <p>14.2(f) Agreement to be rostered on Sundays</p> <p>15.1 Meal breaks</p> <p>24.4 Agreement to take annual leave in advance</p> <p>24.6 Agreement to cash out annual leave</p>	<p>-</p>	<p>The SDA does not oppose the pure draft changes as noted.</p>

PROVISION	Exposure Draft HBIA	HBIA	COMMENTS
	27.2 Substitution of public holidays		
Types of employment	<p><b>Renamed</b> types of employment <b>rather than</b> categories of employment.</p> <p>8.1 <b>mirrors</b> 10.1 in the current Award. <b>Changes</b> bullet points to (a) – (c)</p> <p>8.2 <b>mirrors</b> 10.2 of the current Award. <b>Deletion</b> of “in particular”.</p> <p>8.3 <b>changes</b> 12.10, <b>splitting</b> it into (a)-(c), with a slight change at 8.3(c) stating “by written agreement with the employer” rather than “by agreement with the employer and recorded in writing”.</p>	Employment Categories at 10.	The SDA does not oppose the pure draft changes as noted.
Full time employees	9 (full time employees) <b>changes</b> 11, with minor simplification by the <b>deletion</b> of “is an employee who...”	Full time Employees at 11.	The SDA does not oppose the pure draft changes as noted.
Part-time employees	<p>10 <b>mirrors</b> 12 for part-time employees.</p> <p>10.1 has <b>deleted</b> “is an employee who” from the current 12.1.</p> <p>10.2 <b>mirrors</b> 12.2 although it replaces bullet points with letters (a) – (f).</p>	Part-time employees at 12.	As noted, the SDA has reservations about the use of the term “minimum hourly rate” as at the draft 10.7.

PROVISION	Exposure Draft HBIA	HBIA	COMMENTS
	<p>10.3-10.7 <b>mirror</b> 12.3-12.7.</p> <p>The current Award’s clause 12.7 is <b>split</b>, the first part of which is <b>mirrored</b> at 10.7 the second part <b>renumbered</b> at 10.8.</p> <p>10.7 <b>replaces</b> the reference to “1/38<sup>th</sup> of the weekly rate prescribed for the class of work performed” with “at the minimum hourly rate prescribed for the class of work performed.”</p> <p>10.9 <b>changes</b> the current Award’s 12.8 adding 10.9(c) regarding stipulating the consultation requirements must be adhered to.</p> <p>10.10 is the <b>equivalent</b> of 12.9 re Award Entitlements though it splits the current Award clause into two parts (a) and (b). The reference in the draft 10.10(b) to clause 10 <b>differs</b> from the current Award’s 12.9 which merely refers to “this clause”.</p>		
Casual employees	11 (casual employment) is the <b>equivalent</b> of 13 in the current Award.	Casual employees at 13.	The SDA notes that the draft 11.4 errs in its reference to clause 23 as that clause does not incorporate the

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	<p>11.1 <b>deletes</b> “as such” and adds “and paid as a casual employee”. Replaces “both the hourly rate for a full time employee” with “the minimum hourly rate for the appropriate classification”, and “an additional 25% of the ordinary hourly rate” with “a loading of 25% of the minimum hourly rate.”</p> <p>The current Award’s 13.2 has been <b>included</b> into the draft 11.2, <b>splitting</b> it into (a) and (b). It also adds “employee will be paid” at the initial sentence before the colon.</p> <p>13.3 is <b>renumbered</b> 11.4 and refers to clause 23 penalty rates. It <b>deletes</b> the specific penalty rates described in the current Award, in favour of the reference.</p> <p>13.4 in the current Award is <b>renumbered</b> in the draft as 11.5</p> <p>13.4 is <b>changes</b> 11.3, letters (a)-(l) replace bullet points. The order is re-arranged with new additions at (j)-(l).</p>		<p>protections contained in the current Award’s reference to 28.2. Specifically:</p> <ul style="list-style-type: none"> <li>- By referring to 28.2, the current Award gives penalties for all hours outside the spread of hours therein; and</li> <li>- 28.2(b) prescribes continuous hours. The provision as given in the exposure draft would allow for split shifts without the payment of overtime.</li> </ul> <p>The reference at the draft 11.5(b) to clause 14 is in error. The reference should specify 14.1, as 14.2 does apply to casuals. This is a change to the legal affect to the current Award as clause 30 is not specified in the current Award for exclusion and 14.2 is the draft equivalent.</p> <p>For ease of understanding the draft 11.3 should be renumbered as 11.2, so that it immediately follows 11.1.</p>



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	<p>13.5 is <b>mirrored</b> at 11.6.</p> <p>13.6 is <b>renumbered</b> as 11.3.</p>		<p>This is a logical flow of the conditions for casuals.</p> <p>The SDA submits that “minimum” be deleted at the draft 11.2(b) for clarity, in line with our comments regarding the minimum hourly rate at paragraph 3 of our submissions.</p>
Classifications	<p>At 12.</p> <p>12.1 refers to clause 12.4 rather than schedule B as in the current 16.1.</p> <p>The current Award’s 16.1 has been <b>split</b> into 12.1 and 12.2.</p> <p>16.2 is <b>mirrored</b> in 12.3.</p> <p>The classification definitions at the new 12.4 <b>mirrors</b> those in schedule B of the current Award.</p>	Classifications at 16.	The SDA does not oppose the pure draft changes as noted.
Hours of Work	<p>At 13.</p> <p>Part 3 – <b>renamed</b> “Hours of Work” instead of “Ordinary Hours of Work” at</p>	At 28.	The SDA submits for the retention of “by mutual agreement” in 13.2, for the sake of clarity, as this is the existing provision.

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	<p>the current part 5.</p> <p>Clause 13 renamed “Ordinary hours of work” instead of “Hours of work” at the current 28.</p> <p>The current Award’s 28.1 is <b>incorporated</b> at the draft 13.3.</p> <p>The draft 13.1(a) and (b) <b>incorporate</b> the current 28.2(a) and (b) respectively. The word inclusive is <b>deleted</b> after Monday to Friday.</p> <p>28.3 <b>changes</b> 13.2. With a split between (a) and (b)(i) and (ii). The words “up to a maximum” in the current 28.3(a) have been <b>replaced</b> with “a maximum”. The wording to (a) and (b) have also been <b>slightly changed</b>, with no practical difference. Change of wording from “by mutual agreement in writing” to “may agree in writing.”</p>		
Rostering	<p>At 14.</p> <p>14 renamed Rostering.</p> <p>14.1 renamed notification of rosters.</p>	At 29.	Draft 14.1(f) should be amended to state “Where the employer proposes to change an employee’s roster under clause 14.1 the employer must <b>also</b> comply with consultation

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	<p>Clause 14.1 <b>mirrors</b> the current 29 although it uses letters (a) – (e).</p> <p>Change at 14.1(c) stating “full-time and part-time employees” rather than “permanent employees” in the current 29.3.</p> <p>Addition of (f) which ensures consultation provisions are complied with.</p>		<p>requirements outlined in clause 30.” <i>Emphasis added for clarity.</i></p>
Rostering Principles	<p>At 14.2.</p> <p><b>Mirrors</b> current Award equivalent.</p> <p>30.1 <b>incorporated</b> at 14.2(a).</p> <p>Current 30.2 <b>split</b> into 14.2(b) and (c), without change to meaning.</p> <p>14.2(d) <b>mirrors</b> 30.3. Renumbered to 14.2(a) to (f).</p> <p>14.2(d)(ii) deletes “This requirement does not” in favour of “Clause 14.2(d)(i) will not”.</p>	At 30.	The SDA does not oppose the pure draft changes as noted.
Breaks	At 15.	At 32.	The SDA submits that the change as at the draft 15.3 (a) changes the

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	<p><b>Mirrors</b> the current Award, with some changing in formatting and wording.</p> <p>15.1 <b>incorporates</b> the current 32.3, though <b>splitting</b> it into (a)-(c).</p> <p>Slight <b>rewording</b> of rest breaks at 9 hours or more.</p> <p>15.2 <b>changes</b> 32.1, <b>splitting</b> it into (a)-(b). Deletes the word “all” at the beginning of 15.2(a). Renamed “Paid rest breaks – full time employees”.</p> <p>15.3 <b>changes</b> 32.2 with some slight change to wording at 15.3(a) with the deletion of “All” at the beginning of the sentence and the insertion of “between four and seven hours” rather than “of four hours or more but no more than seven hours”. 15.3(c)and(d) are taken from the current 32.2 though <b>split</b>, with slight rewording.</p>		<p>legal meaning of the Award. The SDA opposes the changes as noted.</p>
Breaks Between Shifts	<p>At 15.4.</p> <p><b>Mirrors</b> the current Award.</p> <p><b>Replaces</b> “break” with “period”.</p>	<p>At 32.4.</p>	<p>The SDA opposes the change and submits for the retention of the word “break”.</p>

PROVISION	Exposure Draft HBIA	HBIA	COMMENTS
Minimum Wage	<p>At 16.</p> <p><b>Mirrors</b> current Award.</p> <p>An addition of a sentence at 16.1 stating “An employer must pay adult employees the following minimum wages for ordinary hours worked by the employee:”</p> <p><b>Addition</b> of minimum hourly rates.</p> <p>Classification clauses <b>incorporated</b> as above at 12.1-12.2.</p>	At 17.	<p>The SDA opposes the change. Tradespeople should be paid the trade rate regardless of age.</p> <p>Furthermore, the addition of “adult” to the clause is unneeded as an employer can choose to pay full rate to a junior.</p> <p>The use of the word “minimum” is inappropriate, as for example in the case of an employee working a Saturday, or at other times that attract overtime or penalty rates. A reference needs to be made to the appropriate classification.</p>
Supported Wage	<p>At 16.2.</p> <p>Adds description of relevant employees.</p>	At 26.	<p>The SDA opposes the changes as noted as it could adversely impact disabled employees not on a supported wage.</p>
National Training Wage	<p>At 16.3.</p> <p>Adds description of relevant employees.</p>	At 27.	<p>The SDA does not oppose the pure draft changes as noted.</p>
Junior Rates	<p>At 17.</p> <p><b>Addition</b> of the words “adult” and</p>	At 18.	<p>The SDA opposes the change as per its comments regarding Minimum</p>

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	<p>“minimum”.</p>		<p>Wage above.</p> <p>In particular, it opposes the reference to “adult” as currently an employer may pay a junior employee at 100% if they so choose. Furthermore, the reference to “minimum” creates ambiguity as to penalty rates.</p>
<p>Apprentices and Trainees</p>	<p>At 18.</p> <p><b>Mirrors</b> current Award.</p> <p>The references are to Level 3 rate instead of “standard rate”.</p> <p><b>Replaces</b> “commenced” with “who started their apprenticeship before”.</p> <p>18.4(b) replaces the reference to minimum weekly wage to minimum wage or rate.</p> <p><b>Replacement</b> at 18.4(c) of the word twelve in favour of the number 12.</p> <p>Some splitting at 18.4(d) and 18.5(d) (19.4 and 19.5 being the respective</p>	<p>At 19.</p>	<p>The SDA notes the change at 18.4(b).</p> <p>In response to the Commission’s note at 18.8 the SDA responds in the affirmative and provides the below draft definitions for consideration:</p> <p>-A Hairdressing Trainee is a person undertaking an accredited training program by delivery means other than an apprenticeship with the aim of achieving a Certificate 111 in Hairdressing.</p> <p>-A Hairdressing Graduate is a person who has undertaken an accredited training program by delivery means other than an apprenticeship and who has as a result of such</p>

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	<p>equivalents).</p> <p>School based apprentices <b>incorporated</b> at 18.6 (from clause 20 in the current Award).</p> <p>18.7 has the <b>addition</b> of a heading “Hairdressing trainees and graduates”.</p> <p>18.8 has the <b>addition</b> of a heading “Beauty therapy graduates”.</p>		<p>undertaking achieved a Certificate 111 in Hairdressing.</p> <p>-A Beauty Therapy Graduate is a person who has undertaken an accredited training program by delivery means other than as an apprenticeship and who has as a result of such undertaking achieved a Diploma in Beauty Therapy.</p> <p>NOTE: these people are not covered by the training wage award.</p>
Payment of Wages	<p>At 19.</p> <p>19.1 and 19.2 <b>splits</b> the current clause 25.</p> <p>An <b>addition</b> of a Note specifying the regulations.</p>	At 25.	The SDA notes that it has a substantive claim regarding payment of wages before the Full Bench in regards to a consent position agreed to by all parties.
Allowances	<p>At 20.</p> <p>Addition of 20.1 stating that employers must pay the allowances entitled under</p>	-	The SDA does not oppose the pure draft changes as noted.

PROVISION	Exposure Draft HBIA	HBIA	COMMENTS
	the clause.		
Manager's Allowance	At 20.1.  <b>Changes</b> the current Award, though replacing 5% of the standard rate for the flat amount of \$39.17 per week.	At 21.1.	The SDA does not oppose the pure draft changes as noted.
First Aid Allowance	At 20.2.  <b>Splits</b> the current Award into (a) and (b), with slight rewording. Gives flat amount of \$10.18 per week rather than 1.3% of the standard rate.	At 21.9.	The SDA does not oppose the pure draft changes as noted.
Broken Hill Allowance	At 20.2(c).  <b>Changes</b> the current 22 by <b>inserting</b> the amount of \$33.53 in lieu of 4.28% of the standard rate. Slight rewording.	At 22.	The SDA does not oppose the pure draft changes as noted.
Meal Allowance	At 20.3(a)(i)-(iii).  Slight re-wording.  <b>Splits</b> 21.2(a) into 20.3(a)(i)and(ii).	At 19.1(a)and(b).	The SDA submits that the draft 20.3(a)(i) reads with some difficulty. The SDA proposes the following wording:  "When an employee is required to work more than one hour of overtime after the employee's



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			ordinary time of ending work, without being given 24 hours' notice, they will be either provided with a meal or paid a meal allowance of \$17.85."
Transport Allowance	<p>At 20.3(b).</p> <p><b>Rearranges</b> the words of the sentence, so the latter part comes first.</p> <p>Changes "request" to "ask".</p> <p><b>Mirrors</b> the current Award.</p>	At 21.7.	The SDA submits for the retention of the word "requests" rather than the word "asks".
Tool Allowance	<p>At 20.3(c).</p> <p>Uses (i) and (ii) rather than (a) and (b).</p> <p>Slight rewording at (ii) so that the latter part of the sentence now comes first.</p>	21.10.	The SDA does not oppose the pure draft changes as noted.
Special clothing	<p>At 20.3(d).</p> <p><b>Mirrors</b> the current Award.</p> <p><b>Splits</b> the current 21.3 into (i) and (ii).</p>	At 21.3.	The SDA does not oppose the pure draft changes as noted.

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Excess Travelling Costs	At 20.3(e). <b>Mirrors</b> the current Award.	At 21.4.	The SDA does not oppose the pure draft changes as noted.
Travelling Time Reimbursement	At 20.3(f). Replaces words “reaching and returning” with “travelling to and from”.  20.3(f)(iii) <b>replaces</b> the words ordinary time rate with minimum hourly rate. Replaces time and a half with 150%.	At 21.5.	In line with the comments above at paragraph 3 of our submissions, the word “minimum” at 20.3(f)(iii) should be deleted, as this could be misconstrued as to mean level 1 rather than the employee’s rate. For clarity, the reference should be to hourly rate or employee’s appropriate hourly rate so that penalty hours or overtime rates should be protected.
Transfer of employee reimbursement	At 20.3(g). <b>Mirrors</b> the current Award.	At 21.6.	The SDA does not oppose the pure draft changes as noted.
Transport of employee reimbursement	At 20.3(h). Replaces “commences” with “starts”.  Some re-arrangement, splitting 21.8(a) into (i) (with bullet points), (ii) and (iii).  At 20.3(h)(ii) change from “This will not apply” to “Clause 20.3(h)(i) will not	At 21.8.	The SDA does not oppose the pure draft changes as noted.

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	<p>apply”.</p> <p>20.3(h)(iii) has changed the wording to “An employee may always elect to provide their own transport”.</p>		
Adjustment of expense related allowances	<p><i>The current 19.10 is incorporated at B.2.2.</i></p>	<p>19.10 This clause dealt with the adjustment of expense related allowances.</p>	<p>The SDA does not oppose the pure draft changes as noted.</p>
Superannuation	<p>At 21.</p> <p><b>Mirrors</b> the current Award.</p>	<p>At 24.</p>	<p>The SDA does not oppose the pure draft changes as noted.</p>
Overtime	<p>At 22.</p> <p>22 renamed Overtime.</p> <p>22.1(a) <b>simplifies</b> 31.1(a), <b>deletes</b> “in accordance with the provisions of this clause.”</p> <p>22.1(b) <b>mirrors</b> 31.1(b).</p> <p>22.2 <b>changes</b> 31.2(a), though it <b>splits</b> that clause into (a) and (b), and <b>replaces</b> time and a half and double time with 150% and 200% respectively. Replaces “thereafter” with “after three hours”. The references to penalty rates are</p>	<p>At 31.</p>	<p>As noted in its comments above, particularly in relation to travel time, the SDA submits for the removal of the reference at 22.2 to “minimum hourly rate” to be replaced with the appropriate hourly rate for the respective employee.</p> <p>In response to the note at 22.2 the SDA submits a response in the affirmative. Overtime applies to all hours outside of the ordinary hours in 13.1, whilst the relevant penalties apply to all hours within the span as</p>

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	<p>moved to 23 as provided below.</p> <p>22.3 <b>mirrors</b> 31.2(d). Replaces double time with 200%.</p> <p>22.4 <b>mirrors</b> 31.3.</p>		<p>at 23 of the exposure draft.</p>
<p>Penalty Rates</p> <p>Saturday work</p>	<p>At 23.</p> <p>23.1(a) is the <b>equivalent</b> of 31.2(b). Changes the wording by applying <b>133%</b> pay for full time and part-time and casuals.</p> <p>23.1(b) is a new provision that gives casuals 150% pay if working on Saturdays outside of 7am to 6pm.</p>	<p>At 31.2.</p>	<p>In line with comments above concerning the introduction of the term “minimum hourly rate”, the SDA opposes the changes. Particularly, as it lends itself to misinterpretation as to the correct classification for each employee.</p> <p>Furthermore, the SDA opposes the new 23.1(b) as it lends itself open to ambiguity, particularly in relation to overtime.</p> <p>The SDA submits for the retention of the term “loading” for clarity and in view of its long standing in the industry.</p> <p>In response to the note at 23.1, and in line with its response to the note above at 22.2, the SDA submits that the correct rate of pay for a full-time</p>

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			or part-time employee on a Saturday outside ordinary hours is the relevant overtime rate.
Penalty Rates  Sunday Work	At 23.2.  <b>Mirrors</b> the current Award, but clarifies giving the Sunday rate as 200% (in lieu of 100% “loading”).	At 31.2(c).	In line with comments above concerning the introduction of the term “minimum hourly rate”, the SDA opposes the changes. Particularly, as it lends itself to misinterpretation as to the correct classification for each employee.  The SDA submits for the retention of the term “loading” for clarity and in view of its long standing in the industry.
Leave and Public Holidays  Annual Leave	At 24. 24.1 Per the NES <b>mirrors</b> 33.1.  24.2 <b>mirrors</b> 33.2 re shiftworkers.  24.3 <b>mirrors</b> 33.3.  24.4 is the <b>equivalent</b> of 33.4 re annual leave in advance.  24.5 <b>mirrors</b> 33.5.	At 33.	The SDA does not oppose the pure draft changes as noted.

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	24.6 <b>mirrors</b> 33.6. 24.7 <b>mirrors</b> 33.7. 24.8 <b>mirrors</b> 33.8. 24.9 <b>mirrors</b> 33.9.		
Personal/Carer's Leave and Compassionate Leave	At 25. <b>Mirrors</b> the current Award.	At 34.	The SDA does not oppose the pure draft changes as noted.
Parental Leave and related entitlements	At 26. <b>New clause.</b> Per the NES.	-	The SDA does not oppose the pure draft changes as noted.
Public Holidays	At 27. 27.1 <b>mirrors</b> 35.1. 27.2 <b>mirrors</b> 35.2. 27.3 <b>mirrors</b> the second sentence of 35.2, splitting the clause into (a) – (c). 27.4 <b>changes</b> 35.3 (it gives 200% instead of double time and a half).	At 35.	In line with comments above concerning the introduction of the term “minimum hourly rate”, the SDA opposes the changes. Particularly, as it lends itself to misinterpretation as to the correct classification for each employee.  The SDA submits for the retention of the term “loading” for clarity and in view of its long standing in the

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	27.5 is a <b>new clause</b> detailing rights for part-day public holidays at schedule H.		industry.  The SDA opposes in particular the change at 27.4 as the current Award gives double time and a half as payment for work on a public holiday. The change would reduce the entitlement to merely double time.
Community Service Leave	At 28.  Per the NES.	At 36.  Per the NES.	The SDA does not oppose the pure draft changes as noted.
Consultation and Dispute Resolution	At 29.  29.1 <b>mirrors</b> 8.1(a).  29.2 <b>mirrors</b> 8.1(b).	At 8.	The SDA does not oppose the pure draft changes as noted.
Consultation about changes to rosters or hours of work	At 30.  <b>Mirrors</b> the current Award.	At 8.2.	The SDA does not oppose the pure draft changes as noted.
Dispute Resolution	At 31.  31.2 adds a reference to the NES.  <b>Mirrors</b> the current Award.	At 9.	The SDA does not oppose the pure draft changes as noted.

PROVISION	Exposure Draft HBIA	HBIA	COMMENTS
Termination of Employment	At 32.  32.1 and 32.2 <b>mirrors</b> the current Award at 14.1 and 14.2 respectively.	At 14.	The SDA does not oppose the pure draft changes as noted.
Redundancy	At 33.  <b>Mirrors</b> the current Award, per the NES.	At 15.1	The SDA does not oppose the pure draft changes as noted.
Transfer to lower paid job on redundancy	At 34.  Slight change joining the two sentences in the current Award my stating “and the employer may”  <b>Mirrors</b> the current Award at 15.2.	At 15.2	The SDA does not oppose the pure draft changes as noted.
Employee leaving during redundancy notice period	At 35.  <b>Mirrors</b> the current Award. Title makes it more explicit. Change from reference to “this clause” to “clause 33”.	At 15.3.	The SDA does not oppose the pure draft changes as noted.
Job Search Entitlement  For notice of termination of employment	At 36.1.  <b>Mirrors</b> the current Award at 14.3.	At 14.3.	The SDA does not oppose the pure draft changes as noted.



PROVISION	Exposure Draft HBIA	HBIA	COMMENTS
Job Search Entitlement Redundancy	At 36.2. <b>Mirrors</b> the current Award, but <b>deletes</b> 15.4(c).	At 15.4.	The SDA does not oppose the pure draft changes as noted.
Summary of Hourly Rates of Pay	At Schedule A, replacing the current Transitional Provisions.	-	The SDA does not oppose the inclusion of summary hourly rates of pay tables.
Summary of Monetary Allowances	At Schedule B, replacing the current Classifications (incorporated as noted above).	-	The SDA does not oppose the pure draft changes as noted.
Supported Wage System	At Schedule C. <b>Mirrors</b> the current Award.	At Schedule C.	The SDA does not oppose the pure draft changes as noted.
National Training Wage	At Schedule D. <b>Mirrors</b> the current Award.  References at D.3.1, D.3.2. D.5.1 is to clause D7 rather than to Appendix D1.  D3.3 <b>replaces</b> D.3.3 is the current Award and <b>removes</b> reference to “any training program which applies to the same occupation and achieves essentially the same training outcome as an existing apprenticeship in an	At Schedule D.	The SDA does not oppose the pure draft changes as noted.

PROVISION	Exposure Draft HBIA	HBIA	COMMENTS
	<p>award as at 25 June 1997.” It breaks the clause into (a)-(c). With (b) and (c) being new additions (qualifications not identified in training packages and qualifications in training packages which are not identified as appropriate for a traineeship, respectively).</p> <p>D.7 is the <b>equivalent</b> of Appendix D.1, the formatting has changed so the AQF certificate levels read horizontally rather than vertically. Further at Electricity Supply Industry and Electrotechnology the Roman numeral III is repeated within the parenthesis to emphasise it applies in WA only.</p> <p>Transport and Logistics Wage Level A renamed Transport and Distribution.</p> <p>Transport and Logistics Wage Level B now refers to levels I and II.</p>		
School Based Apprentices	<p>At Schedule E.</p> <p><b>Mirrors</b> the current Award.</p>	At Schedule E.	The SDA does not oppose the pure draft changes as noted.
Part Day Public Holidays	At Schedule H.	At Schedule F.	The SDA does not oppose the pure draft changes as noted.

PROVISION	Exposure Draft HBIA	HBIA	COMMENTS
	<b>Mirrors</b> the current Award.		
Agreement to Take Annual Leave in Advance  (example of Agreement)	At Schedule G.	At Schedule G.	The SDA does not oppose the pure draft changes as noted.
Agreement to Cash Out Annual leave	At Schedule G.	At schedule H.	The SDA does not oppose the pure draft changes as noted.