

## REVISED SUMMARY OF SUBMISSIONS

This table is a summary of submissions lodged for this award on or before 5.00pm on 18 May 2016. The notes refer to the conference held on 21 April 2016 ([Transcript](#)) and the [Report to the Full Bench 22 April 2016](#), [Report to the Full Bench 2 May 2016](#) and [Draft report to Full Bench – 12 May 2016](#).

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES	
1	BusSA	<a href="#">Sub-15/04/16</a>	3.1		<b>Coverage</b> Reference to banking, finance, and insurance industry should have ‘as defined’ added	1.1.1	Resolved – insertion ‘as defined’ unnecessary <a href="#">[PN869]</a>	
2	AIG	<a href="#">Sub-14/04/16</a>	3.1		‘and those employees’ has been removed from coverage term – submits connection only to the employer and work performed by employees is too tenuous.	74-78	ED amended as per transcript at <a href="#">[PN819]</a> Next version of ED will restore words in cl.4.1 of current MA as proposed by the AIG, BusSA and AFEI. This should finalise matter - <a href="#">Draft report to Full Bench – 12 May 2016</a>	
	BusSa	<a href="#">Sub-06/05/16</a>				BusSA agrees with AIG		1.1
	AFEI	<a href="#">Sub-06/05/16</a>				Words ‘those employees’ should be replaced with ‘their employees’		2
	AIG	<a href="#">Sub-08/05/16</a>				AIG submits amendments to clause do not properly reflect current award.		8-14
3	BusSA	<a href="#">Sub-15/04/16</a>	3.2		Delete as exists in Schedule H— Definitions	1.12	No change made to ED at this point <a href="#">[PN877]</a>	
4	BusSA	<a href="#">Sub-15/04/16</a>	3.3	4.3 – Exclusions	Current exclusion for contract call centre award should be included in list of what the award does not cover (at cl.3.4), not as standalone cl.3.3.	1.1.3	No change made to ED at this point <a href="#">[PN875]</a>	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES	
5	AIG	<a href="#">Sub-14/04/16</a>	3.5		Drafting issue – ‘industries set out in clauses 3.1 and 3.2’ – no industries referred to in clause 3.1	79-80	No change at this point [ <a href="#">PN839</a> ]	
	BusSa	<a href="#">Sub-06/05/16</a>				BusSA agrees with AIG		1.2
6	BusSA	<a href="#">Sub-15/04/16</a>	5.2		<b>Facilitative Provision</b> Add 9.3(a) – which allows payment monthly if mutually agreed; and 13.5(a) – TOIL provision	1.1.4	ED to be amended to include cl.9.3(a) and 13.5(a) [ <a href="#">PN879</a> ]	
	AFEI	<a href="#">Sub-06/05/16</a>				Agreement should be between employer and a majority of employees.		3
7	BusSA	<a href="#">Sub-02/03/15</a>	6.3	10.2(e)	<b>Part-time employment</b> Part-time clause too restrictive – does not allow for working additional hours by agreement.	p.5	Being dealt with by Part-time and Casuals Full Bench in <a href="#">AM2014/196</a> and <a href="#">AM2014/197</a>	
8	AIG	<a href="#">Sub-14/04/16</a>	6.3(b)		Reference to cl 9 – only provides minimum weekly rate of pay not hourly. Submits existing clause ‘1/38 <sup>th</sup> of the minimum weekly rate of pay’ be retained	81-83	ED amended to include hourly rate to be added to cl.9.1 [ <a href="#">PN845</a> ]	
	BusSa	<a href="#">Sub-06/05/16</a>				BusSA agrees with AIG		1.3
	ABI	<a href="#">Sub-06/05/16</a>				ABI prefers ED to expressly include minimum hourly rates		3.1

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
9	AIG	<a href="#">Sub-14/04/16</a>	6.3(d)		Reference to ‘in excess of these hours’ could be misread to mean entire clause. Should only be in relation to 6.3(c).	84-88	Agreed – clauses to be amalgamated [ <a href="#">PN847</a> ]
	BusSa	<a href="#">Sub-06/05/16</a>			BusSA agrees with AIG	1.4	
10	AIG	<a href="#">Sub-14/04/16</a>	6.4(c)(i)		<b>Casual Employment</b> Amended to ‘minimum hourly rate’ to ‘no less than 1/38 <sup>th</sup> of the minimum weekly rate of pay’.	89-90	Agreed for definition to be added to Schedule H. [ <a href="#">PN847</a> ]
	BusSa	<a href="#">Sub-06/05/16</a>			BusSA agrees with AIG	1.3	
	ABI	<a href="#">Sub-06/05/16</a>			ABI prefers ED to expressly include minimum hourly rates.	3.1	
11	BusSA	<a href="#">Sub-15/04/16</a>	6.4(d)		Substantial issue – ‘attribute’ has been replaced with ‘entitlement’. Current wording should be retained.	1.2.1	Agreed – ‘entitlements’ to be changed back to ‘attributes’ [ <a href="#">PN816</a> ]
	AIG	<a href="#">Sub-14/04/16</a>			ED changed ‘attributes’ to ‘entitlements’.	91-94	
	ABI	<a href="#">Sub-06/05/16</a>			ABI agrees with BusSA and AIG	3.2	
12	FWO	<a href="#">Corro-02/03/15</a>	7.1	22.1	<b>Span of hours</b> Shift span can be varied ‘on not more than one night per week’ ordinary hours may be worked up to 9.00 pm. FWO has had inquiries about whether the extension of ordinary hours can apply on a Saturday.	p.1	ED amended to make it clearer [ <a href="#">PN806</a> ]

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
13	BuSA	<a href="#">Sub-15/04/16</a>	7.1(b)		'Monday and Friday' should be added to clarify intention of clause.	1.2.2	
14	BusSA	<a href="#">Sub-02/03/15</a>	7.7(a)	22.8(a)	<b>Afternoon shift</b> Clause defines afternoon shift as a shift finishing between 6.00 pm and midnight. The ordinary hours are from 7.00 am to 7.00 pm. Clause leads to ambiguity about whether a day worker who finishes between 6.00 pm and 7.00 pm is entitled to afternoon shift penalty.	p.5	Outstanding substantive issue to be determined <a href="#">Report – 2 May 2016</a> and <a href="#">Draft report to Full Bench – 12 May 2016</a>
15	FWO	<a href="#">Corro-02/03/15</a>	7.7(a)	22.8(a)(iv) & 22.8(b)	<b>Night shift</b> Whether night shift penalties will apply to a person finishing a shift between midnight Friday and 8.00 am Saturday.	p.1	Resolved – no change required [ <a href="#">PN815</a> ]
16	ABI	<a href="#">Sub-12/11/2015</a>	7.7	22.8(a)(i)	<b>Shift worker</b> Seeks to vary clause to include clear span of hours for shiftworkers of "Monday to Fridays or on Saturdays between 8am and 12pm" as it does not currently include clear span of hours.	2.1-2.7	ED amended [ <a href="#">PN807</a> ] AIG request further opportunity to consider current wording. Hoped AIG can respond at further conference. <a href="#">Draft report to Full Bench – 12 May 2016</a>
	ABI	<a href="#">Sub-15/04/2016</a>			'shiftworker means an employee whose ordinary hours of work are worked in accordance with the shifts defined in subclauses (ii) to (iv) on Mondays to Fridays or on Saturdays between 8am and 12pm'.	3.1	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
	BusSa	<a href="#">Sub-06/05/16</a>			BusSA agrees with ABI	1.5	
	AIG	<a href="#">Sub-08/05/16</a>			AIG seeks further opportunity to consider proposal to ensure there are no unintended consequences stemming from the amendment	15	
17	BusSA	<a href="#">Sub-15/04/16</a>	7.7(d)		<b>Shift work penalties</b> Saturday morning – defined as ordinary hours, and shift work provision applies	1.2.3	Resolved – no change to clause – cross reference to ordinary hours added in Schedule B <a href="#">[PN807]</a>
	AFEI	<a href="#">Sub-15/04/16</a>	7.7(d)		Saturday is sufficiently clear in ED		
18	AIG	<a href="#">Sub-14/04/16</a>	7.7(d)		Shift penalties be amended to read shift loading, consistent with the term and the current award. Would also effect Schedule B.2.1 see below	95	If AIG wish to pursue matter they will need to advise in reply submission <a href="#">Report – 2 May 2016</a> AIG advised FWC they wish to pursue matter. <a href="#">Draft report to Full Bench – 12 May 2016</a>
	AIG	<a href="#">Sub-08/05/16</a>			AIG continues to seek this amendment	17-20	
19	ABI	<a href="#">Sub-15/04/2016</a>	9.1		<b>Minimum wages</b> Submit ‘minimum hourly rate’ column be included in wage table and definition in Schedule H include: "minimum hourly rate means the minimum hourly rate prescribed in clause 9- Minimum wages".	3.4-3.6	Insert hourly rate column <a href="#">[PN869]</a>

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
20	AIG	<a href="#">Sub-14/04/16</a>	9.1(a)		Concerned ‘classification’ has been omitted. To be amended: ‘An employer must pay adult employees the following minimum <u>wage</u> for ordinary hours worked by the employee <u>for their classification as set out in the table below:</u> ’	96-99	Resolved – ‘for their classification’ added to cl. 9.1(a) [ <a href="#">PN847</a> ]
	BusSa	<a href="#">Sub-06/05/16</a>			BusSA agrees with AIG	1.6	
21	AIG	<a href="#">Sub-14/04/16</a>	9.1(a)		Adult employees - amend clause to reflect, that minimum annual rate and weekly rates only apply to full-time employees. Notes interaction with part-time cl 6.3(b) and casual cl 6.4(c)	100-103	ED to be amended to include hourly rate in 9.1 [ <a href="#">PN851</a> ] It is proposed to adopt AIG proposal to added “(full-time employees)” underneath min weekly and annual rate columns in table. <a href="#">Draft report to Full Bench – 12 May 2016.</a>
	AIG	<a href="#">Sub-08/05/16</a>			Amendment to ED does not resolve issue identified.	21-22	
22	BusSA	<a href="#">Sub-15/04/16</a>	9.4		<b>School-based apprentices</b> No need for Schedule D – school based apprentices	1.2.4	Agreed – clause deleted and delete reference to apprentice in F.3.3 [ <a href="#">PN817</a> ], in accordance with [ <a href="#">2013</a> ] <a href="#">FWCFB 5411</a> [483]
	AFEI	<a href="#">Sub-15/04/16</a>			School-based apprentices to be deleted		
	ABI	<a href="#">Sub-06/05/16</a>			ABI agrees with BusSA and AFEI	3.3	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
23	ABI	<a href="#">Sub-15/04/2016</a>	11.2		<b>Allowances</b> Pro-rata rate for part-time workers	3.2	No change to ED at this stage [ <a href="#">PN867</a> ] Not consistent with approach taken generally and could lead to unintended consequences if pro-rata not specified in every relevant clause - <a href="#">Draft report to Full Bench – 12 May 2016</a>
	BusSa	<a href="#">Sub-06/05/16</a>			BusSA agrees with ABI	1.7	
	AFEI	<a href="#">Sub-06/05/16</a>			AFEI agrees with ABI but submits it should be extended to casual employees	4	
24	AIG	<a href="#">Sub-14/04/16</a>	11.3(b)(i)		<b>Wage related allowances – Stand-by and call-back allowances</b> Stand-by allowance in current award is paid per day, ED alters this to per day or per shift. Proposed to deleting ‘or shift’.	104-106	Agreed - ‘or shift’ deleted [ <a href="#">PN857</a> ] Following further consideration at 29 April conference, amendment sought by AIG will be made to next version of ED. Matter resolved - <a href="#">Draft report to Full Bench – 12 May 2016</a>
	ABI	<a href="#">Sub-06/05/16</a>			ABI agrees with AIG		
25	ABI	<a href="#">Sub-15/04/2016</a>	11.3(b)(ii)		Reinstate current award distinction between being paid call-back allowance when person is on stand-by and when person not on stand-by.	3.3	Resolved – AIG amendment made to ED – <a href="#">Report – 2 May 2016</a>
	AIG	<a href="#">Sub-14/04/16</a>			ED alters current award which limits call-back allowance to those on stand-by. Proposes following amendment: ‘(ii) Any employee who <u>formally is rostered to stand by and is recalled to work...</u> ’	107-112	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
					Further insert a new 11.3(b)(viii) as per current clause 18.2(vi): “(vi) An employee who is not formally rostered to stand by but is recalled to work must be paid in accordance with the provision of clause <a href="#">23—Overtime and penalty rates</a> and must be entitled to a minimum payment of two hours at the appropriate overtime rate. The duration of the call-out will be assessed as in <a href="#">18.2(b)(ii)</a> of this clause.”		
	BusSa	<a href="#">Sub-06/05/16</a>			Agrees with ABI	1.8	
	AFEI	<a href="#">Sub-06/05/16</a>			Report to Full Bench indicates amendment proposed by AIG would be reflected in ED, but this has not occurred.	5	
26	AIG	<a href="#">Sub-14/04/16</a>	13.6(a)		Current award ‘reasonably practicable’ has been replaced by ‘where possible’ in ED. Submits original language should be kept.	113-114	Agreed – changed back to ‘reasonably practicable’ [ <a href="#">PN865</a> ]
	BusSa	<a href="#">Sub-06/05/16</a>			BusSA agrees with AIG	1.9	
	ABI	<a href="#">Sub-06/05/16</a>			ABI agrees with AIG	3.5	
27	AIG	<a href="#">Sub-14/04/16</a>	B.2.1		Amend ‘penalty rates’ to read ‘shift loading’, as per amendment called for in cl. 7.7(d).	115	If AIG wish to pursue this matter they will need to advise in their reply submission <a href="#">Report – 2 May 2016</a>
	AIG	<a href="#">Sub-08/05/16</a>			AIG continues to press for amendment	23	



ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
28	AIG	<a href="#">Sub-14/04/16</a>	B.3.1		Table suggests casuals cannot work ordinary hours for Saturdays. Cl.7.1 provides ordinary hours for Saturday. Amend table: <ul style="list-style-type: none"> <li>- Reference to ordinary hours includes ‘ordinary hours (Mon-Sat)’</li> <li>- Reference Saturday to ‘Saturday (overtime)’</li> </ul>	116-117	ED amended B.3.1 ‘Ordinary hours’ to include footnote to definition in clause 7.1 and next to Saturday included ‘(Overtime)’ [PN865].
	BusSa	<a href="#">Sub-06/05/16</a>		BusSA agrees with AIG	1.10		
29	AIG	<a href="#">Sub-14/04/16</a>	Sched H		Would like to include definition of minimum hourly rates.	118	Agree definition of minimum hourly rate should be included [PN867] Next version of ED will include definition as proposed by the AIG “minimum hourly rate means the minimum weekly rate prescribed by clause 9 divided by 38”. This will resolve matter - <a href="#">Draft report to Full Bench – 12 May 2016</a>
	BusSa	<a href="#">Sub-06/05/16</a>		BusSA agrees with AIG	1.11		
	AIG	<a href="#">Sub-08/05/16</a>		Definition should be amended to read “minimum hourly rate means the minimum weekly rate prescribed by clause 9, divided by 38”	24-26		
	ABI	<a href="#">Sub-06/05/16</a>		ABI agrees with AIG	3.6		

**List of abbreviations (in alphabetical order)**

ABI	Australian Business Industrial and NSW Business Chamber
AFEI	Australian Federation of Employers and Industries
AIG	Australian Industry Group
BusSA	Business SA
ED	Exposure Draft of the modern award
FWC	Fair Work Commission
FWO	Fair Work Ombudsman