

SUMMARY OF SUBMISSIONS – TECHNICAL AND DRAFTING

This table is a summary of submissions on technical and drafting issues lodged for this award on or before 5.00pm on Wednesday 22 February 2017.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1	TCFUA	Sub-18/01/17	ToC, Part 4	Part 4 – Wages and Allowances Insert ‘Superannuation’ at end of title.	Page 4	
	AFEI	ReplySub-22/02/17		Does not oppose TCFUA’s proposal.	Para 62	
2	AWU	Sub-20/01/17	ToC, Part 5	Overtime and Penalties Rates Heading should be ‘Overtime and Penalty Rates’.	Para 11	
	AFEI	ReplySub-22/02/17		Does not oppose TCFUA’s proposal.	Para 63	
	TCFUA	ReplySub-23/02/17		Agrees with AWU’s submission.	Page 6	
3	AFEI	Sub-18/01/17	2, 4.2	Definitions ‘Dry cleaning and laundry industry’ is defined in both clause 4.2 and clause 2. The definition at clause 4.2 not required.	Para 46	
	AWU	Sub-20/01/17		Not necessary to repeat the definition of the ‘dry cleaning and laundry industry’ in clause 2, already appears in clause 4.2.	Para 3	
	TCFUA	ReplySub-23/02/17		Preferable to locate definition in clause 2 and delete repetition from clause 4.2.	Page 2	
4	ABI & NSWBC	Sub-18/01/17	5	Effect of variations made by the Fair Work Commission This clause should be a subclause of clause 1. Title and Commencement.	Para 2.1	Provision is contained as a discrete clause in all group 4 exposure drafts in accordance with plain

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	TCFUA	ReplySub-23/02/17		Not opposed to ABI & NSWBC's submission.	Page 1	language principles [2016] FWC 2924 , see para [4].
5	TCFUA	Sub-18/01/17	7.1	Facilitative provisions Facilitative formulation/preamble is potentially ambiguous. Proposes opening sentence be amended. Provides wording.	Pages 4, 5	
	AFEI	ReplySub-22/02/17		Does not consider TCFUA's proposal necessary.	Para 64	
6	TCFUA	Sub-18/01/17	7.2	Facilitative provisions Suggest more accurate description of clause 14.9 is 'Ordinary hours of work – laundry workplaces – substitution of a rostered day off'.	Page 5	
	AFEI	ReplySub-22/02/17		Does not oppose TCFUA's proposal.	Para 65	
7	TCFUA	Sub-18/01/17	11	Casual employment 'All' has been deleted. Submits it should be reinserted in cl 11.4 and 'ordinary' deleted.	Page 6	
8	AWU	Sub-20/01/17	11.4	Casual Employment 'Ordinary' has been inserted into ED clause. Submits this is a substantive change and word should be deleted.	Paras 4-5	
	TCFUA	ReplySub-23/02/17		Agrees with AWU's submission.	Page 4	

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9	AWU	Sub-20/01/17	13.1	Ordinary hours of work- dry cleaning workplaces Replace 'will average 38 hours per week' with 'will be 38 hours per week'.	Paras 6-7	
	AFEI	ReplySub-22/02/17		Opposes AWU's submission.	Para 66	
	TCFUA	ReplySub-23/02/17		Agrees with AWU's submission.	Pages 4-5	
10	TCFUA	Sub-18/01/17	13.1	Ordinary hours of work – dry cleaning workplaces 'Full time employee' should be deleted.	Pages 6, 7	
11	AFEI	Sub-18/01/17	14.4	Ordinary hours of work – laundry workplaces Clause should be amended to include the word 'average' before 'weekly wage'.	Para 48	
	TCFUA	ReplySub-23/02/17		Opposes AFEI's submission.	Pages 2-3	
	AWU	Replysub-24/02/17		Opposes AFEI's submission.	Para 5	
12	AWU	Sub-20/01/17	14.9	Ordinary hours of work—laundry workplaces Unclear why a cap of 12 rostered days off imposed for 12-month period when accrual of one day in each 4-week cycle should lead to 13 rostered days off accruing.	Para 9	
	TCFUA	ReplySub-23/02/17		Agrees with AWU.	Page 5	

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13	TCFUA	Sub-18/01/17	18.1	Minimum wages Delete words 'worked by the employee'.	Page 7	
	AFEI	ReplySub-22/02/17		Does not oppose TCFUA's submission.	Para 67	
14	AFEI	Sub-18/01/17	18.2, 18.3	Wages of junior employees Clauses should be amended to provide payments for junior employees based on a percentage of the 'minimum adult rate'.	Para 47	
	UV	ReplySub-22/02/17		Agrees clause should be amended, but appropriate words are 'minimum rate of pay'.	Para 3	
	TCFUA	ReplySub-23/02/17		Opposes AFEI's submission. May alter legal effect of provisions.	Page 3	
	AWU	Replysub-24/02/17		Opposes AFIE's submission. Suggests the percentage tables read '% of rate of pay'	Para 6	
15	AWU	Sub-20/01/17	18.4(d)	Wages of apprentices Delete words 'Or the rate prescribed by clause 18.4(b) for the relevant year of the apprenticeship, whichever is the greater'.	Para 10	
	AFEI	ReplySub-22/02/17		AWU's proposed change is unnecessary.	Para 69	
	TCFUA	ReplySub-23/02/17		Has alternate view to AWU and relies on reason why clause was inserted from [2013] FWCFB 5411.	Para 10	
16	TCFUA	Sub-18/01/17	19	Allowances Clause 19 or Schedule D must contain a note drawing attention to an employers' requirement to separately identify any allowance on a pay record – ED does not.	Pages 7, 8	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
17	TCFUA	Sub-18/01/17	22.3	Time off instead of payment for overtime Clause has since been varied by the inclusion of the Model (TOIL at overtime rates) term in accordance with PR585793 .	Page 8	
	AWU	Sub-20/01/17		Include the new TOIL term inserted into the Award on 14 December 2016.	Para 12	
	TCFUA	ReplySub-23/02/17		Agrees with AWU submission	Pg 6	
18	AWU	Sub-20/01/17	22.4 (b)	Period after overtime Suggests alternative clause wording which clarifies the 10 hour break is between the completion of overtime and the commencement of ordinary hours.	Paras 13-14	
	AFEI	ReplySub-22/02/17		Prefers wording of ED to that proposed by AWU	Para 69	
	TCFUA	ReplySub-23/02/17		Does not support AWU's proposed amendment. May alter legal effect.	Page 7	
19	AWU	Sub-20/01/17	22.5	Recall to work overtime Delete words 'from home'. Reference to 'at home' could negate the entitlement for an employee who didn't return home after completing work.	Paras 15-16	
	AFEI	ReplySub-22/02/17		Opposes AWU's submission. Considers it a substantial change.	Para 70	
	TCFUA	ReplySub-23/02/17		Supports AWU's proposed amendments in principle.	Page 7	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
20	AWU	Sub-20/01/17	23.1	Saturday work Potential for an employee to suffer pay reduction when they perform ordinary hours on a Saturday. Suggests inserting words at end of clause 23.1(b) to clarify.	Paras 17-19	
	AFEI	ReplySub-22/02/17		AWU's proposal is a substantive change.	Para 71	
	TCFUA	ReplySub-23/02/17		Agrees with AWU's submission and supports proposed amendment.	Page 8	
21	AWU	Sub-20/01/17	23.4	Time off instead of payment for work on a Saturday, Sunday or public holiday Additional provision should be inserted to guarantee payment on termination to an employee if the time off has not been taken. Suggests using wording for TOIL term in clause 22.2(h) of current award.	Para 20	
	TCFUA	ReplySub-23/02/17		Agrees with AWU's submission in principle. Notes proposed wording would need to be modified.	Pages 8-9	
22	AWU	Sub-20/01/17	24.1 (b)	Definitions Prescribing of only a commencing time trigger but not a finishing time may create uncertainty. Suggests inserting a span for commencing time or reference to shift finishing after a particular time.	Paras 21-22	
	AFEI	ReplySub-22/02/17		Concerned AWU's proposal may result in a substantive change.	Para 72	

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23	TCFUA	Sub-18/01/17	24.8	Shiftwork <i>In response to question raised by Commission</i> Clause should remain.	Pages 8, 9	
	ABI&NS WBC	Sub-18/01/17		Clause can be removed. Unlikely to serve any ongoing purpose.	Para 11	
	AWU	Sub-20/01/17		No [Clause should remain]	Para 23	
	TCFUA	ReplySub-23/02/17		Opposes ABI & NSWBW's submission. Supports AWU submission. Notes its previous submission.	Page 9	
	AFEI	ReplySub-22/02/17		Does not oppose TCFUA's and AWU's submissions.	Para 73	
	AWU	Replysub-24/02/17		Opposes submission of ABI. Relies on sub-20/01/17.	Para 4	
24	TCFUA	Sub-18/01/17	35	Transfer to lower paid job on redundancy The word 'job' has a different characterisation from the word 'duties'. May have a different legal effect. Heading of clause should revert current award clause 'Transfer to lower paid duties'.	Page 9	
	AFEI	ReplySub-22/02/17		Does not consider TCFUA's proposed amendment necessary.	Para 74	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
25	TCFUA	Sub-18/01/17	36	Employee leaving during redundancy notice period Formulation in ED is different to clause 12.3 current award. Believes this would constitute a substantive change.	Pages 9, 10	
	AWU	Sub-20/01/17		Amend 'the benefits and payments they would have received under clause 34 – Redundancy' to 'the benefits and payments they would have received under clause 34, 35 and 37'.	Para 24	
	TCFUA	ReplySub-23/02/17		Agrees with AWU submission and proposed amendment.	Pg 10	
	AFEI	ReplySub-22/02/17		Does not consider proposed amendments necessary.	Para 75	
26	TCFUA	Sub-18/01/17	37	Job search entitlement Notes drafting of ED which takes two separate clauses (job search entitlement-termination of employment and redundancy) in current award and combines into two sub-clauses. Submits they should be kept separate.	Pages 10, 11	
	AFEI	ReplySub-22/02/17		Does not oppose TCFUA's proposal.	Para 76	
27	TCFUA	Sub-18/01/17	Sched C.1.2	Summary of Hourly Rates of pay Inclusion of note is potentially misleading. Submits note should be deleted or amended.	Page 11	

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28	TCFUA	Sub-18/01/17	Sched C.1, C.1.2, C.2, C.2.3	Summary of Hourly Rates of pay Description in columns as 'non-rotating shifts' is inaccurate description. If description is retained, submits a reference be made to substantive provision.	Pages 11-13	
	AFEI	ReplySub-22/02/17		Does not oppose TCFUA's proposal.	Para 77	
29	TCFUA	Sub-18/01/17	Sched C.2.4	Summary of Hourly Rates of Pay Hourly rates for each classification level appear to be incorrect. Provides calculations of correct rates.	Page 13	
	AFEI	ReplySub-22/02/17		Does not oppose TCFUA's proposed amendment but provides a different calculation.	Para 78	
30	TCFUA	Sub-18/01/17	Sched C.3.1, C.3.2, C.3.3, C.3.4	Summary of Hourly Rates of Pay Wage rates contained in the 2nd, 3rd and 4th columns are incorrect for each classification. Provides calculations of correct rates.	Pages 13-17	
	AFEI	ReplySub-22/02/17		Opposes TCFUA's proposal and calculations. Submits ED rates are correct.	Para 79	
	ABI & NSWBC	ReplySub-22/02/17		Disagrees with TCFUA's submission.	Para 10.1	
31	AWU	Sub-20/01/17	Sched C.2.1, C.3.2	Full-time and part-time adult laundry employees Delete columns for day work ordinary hours worked on a Saturday.	Para 25	
	TCFUA	ReplySub-23/02/17		Agrees with AWU's submission.	Page 10	

List of abbreviations (in alphabetical order)

ABI&NSWBC	Australian Business Industrial & New South Wales Business Chamber
AFEI	Australian Federation of Employers and Industries
AWU	Australian Workers Union
TCFUA	Textile Clothing & Footwear Union of Australia