

REVISED SUMMARY OF SUBMISSIONS – TECHNICAL AND DRAFTING

This table is a summary of submissions on technical and drafting issues lodged for this award. The summary has been revised to include feedback from: the hearing on 6 December 2016 ([Transcript](#)); conferences on 23 January 2017 ([Transcript](#)), 28 February 2017 ([Transcript](#)) and 27 March 2017 ([Transcript](#)).

References to the conference on 28 February 2017 added to the notes column on 24 April 2017

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | SUMMARY OF ISSUE | THEIR REFERENCE | NOTES |
|------|---------|--------------------------------|-------------------------------|--|--------------------|---|
| 1 | NECA | Sub-30/06/16 | 2.2 | Definitions – all purposes Seeks to have ‘shift work’ inserted after ‘overtime’ in the definition of “all purposes” | Para 40 | Withdrawn. See Transcript–6Dec16 [PN344]. |
| | NECA-SA | Sub-30/06/16 | | Seeks to have ‘shift work’ inserted after ‘overtime’ in the definition of “all purposes” | Para 37 | |
| | MEA | Reply-21/07/16 | | Supports submission of NECA | Para 2 | |
| | AIG | Reply-22/07/16 | | Does not support submission NECA’s and believes issue has previously been determined by FWC | Para 142 | |
| 2 | NECA | Sub-30/06/16 | 2.2 | Definitions – default fund employee Wants the definition of ‘default fund employee’ to be included in definitions | Para 41 | Withdrawn. See Transcript–6Dec16 [PN344]. |
| | AIG | Reply-22/07/16 | | Does not agree with NECA. The term ‘default fund employee is not used in the EDs’. | Para 144 | |
| 3 | NECA | Sub-30/06/16 | 2.2 | Definitions – over award payments Wishes to retain provision regarding absorption into over award payments that appears in the current award | Para 38 | Withdrawn. See Transcript–6Dec16 [PN344]. |
| | MEA | Reply-21/07/16 | | Supports NECA’s submission | Para 2 | |

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| 4 | FPAAA | Sub-30/06/16 | 2.2 | Definition – Continuous shiftworker Vary definition by adding a reference to part-time and casual employees | Para 16.5 | Withdrawn. See Transcript–6Dec16 [PN344]. |
| | AIG | Reply-22/07/16 | | Do not agree with FPAA submission | Para 143 | |
| 5 | MEA | Sub-30/06/16 | 7 | Facilitative provisions Seeking clarification regarding facilitative provision, including cl 13.3 | Pg 6 | Withdrawn. See Transcript–6Dec16 [PN344]. |
| | ABI & NSWBC | Reply-22/07/16 | | Disagree with MEA | Para 7.2 | |
| 6 | BusSA | Sub-30/06/16 | 7.2 | Facilitative provisions table Seeks amendment to refer to 16.6(b)(i) instead of 16.6(a)(ii) | Para 3.1.1 | Withdrawn. See Transcript-23Jan17 [PN31]. |
| | AIG | Sub-08/07/16 | | Submits that BusSA's suggested amendment is unnecessary | Para 153 | |
| 7 | AIG | Sub-08/07/16 | 7.2 | Facilitative provisions-table Seeking amendment to include the words “an individual or” before “the majority of employees” in the final column | Paras 85-86 | Agreed. See Transcript–6Dec16 [PN346]. |
| | BusSA | Reply-21/07/16 | | Agree with AIG submission | Item 4.2 | |
| | AIG | Sub-16/01/17 | | Change as agreed was not implemented properly. Requests amendment. | Paras 89-92 | AMOD: ED amended |
| 8 | BusSA | Sub-30/06/16 | 10.3 | Part-time employment Submit that this clause could be clarified by changing “the relevant classification” to “their relevant classification” | Para 3.1.2 | Withdrawn. See Transcript–6Dec16 [PN346]. |
| | AIG | Reply-22/07/16 | | Submit that BusSA's proposed amendment should not be made. | Paras 154 – 155 | |

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| 9 | CEPU | Sub-23/06/16 | 10.5 | Part-time employment–public holidays <i>In response to a question by the Commission:</i> Support alternative reference to clause 13.5 and 19.4(b) | Para 3 | Agreed, clause reference should be 13.5 and 19.4(b). See Transcript–6Dec16 [PN346]. |
| | NECA | Sub-30/06/16 | | <i>In response to a question by the Commission:</i> Believes reference to clause 13.15(b)(ii) is not correct, suggests inserting the words “250% of the employee’s ordinary hourly rate” or alternatively a reference to 19.4(b) | Paras 11-12 | |
| | BusSA | Reply-21/07/16 | | Disagree with the submissions of NECA and believes CEPU erred in referring to 13.5 rather than 13.15 | Items 4.25 and 4.26 | |
| | NECA SA | Sub-30/06/16 | | Supports alternative reference to 13.15 and 19.4(b) | Pg 2 | |
| | BusSA | Sub-30/06/16 | | Supports alternative reference to 13.15 and 19.4(b) | Pg 10 | |
| | MEA | Sub-30/06/16 | | Supports reference to clause 13.15 and clause 19.4(b) | Pg 1 | |
| | AIG | Sub-08/07/16 | | Supports alternative reference to 13.15 and 19.4(b) | Pg 23 | |
| 10 | FPAA | Sub-30/06/16 | 10.5 10.5 | Part time employment–public holidays Seeks to include two new clauses and to vary clauses 10.5, 13.15(b) and 2.2. | Paras 16.1-16.6 | Withdrawn. See Transcript–6Dec16 [PN362-365]. |
| | AIG | Sub-08/07/16 | | Submit that the FPAA proposal is unnecessary | Para 144 and 157 | |

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| 11 | CEPU | Sub-23/06/16 | 11.4 | Casual employment <i>In response to a question by the Commission:</i> Believe cl 11.4 should refer to the whole of cl 13 | Pg 2 | Agreed, clause reference should be cl.13.13. See Transcript-6Dec16 [PN346]. |
| | AIG | Sub-08/07/16 | | Opposes the CEPU submission, this would extend the entitlements of casuals | Para 158 | |
| | BusSA | Reply-21/07/16 | | Oppose CEPU submission | Item 4.27 | |
| | NECA | Sub-30/06/16 | | Believes clause 11.4 should be retained with the addition of referencing clause 13.16 | Para 14 | |
| | FPAA | Sub-30/06/16 | | Seeks to amend clause and suggests new wording “apply to casual employees” or alternatively seeks to add a new shift work clause | Para 20 | |
| | NECA SA | Sub-30/06/16 | | Seeks to retain clause and refer to 13.16 | Para 11 | |
| | BusSA | Sub-27/07/16 | | Believes submission by NECA and NECA SA would result in a substantive change to award and do not support proposals | Item 4.28 | |
| | MEA | Sub-30/06/16 | | Believes clause is clear in its application to 13.13 and supports additional wording to provide more clarity | Para 3-4 | |
| | BusSA | Sub-30/06/16 | | Provides clarity and believes inconsistency appears within ED | Para 3.2.2 | |
| 12 | CEPU | Sub-23/06/16 | 12.10 | Apprentices <i>In response to a question by the Commission:</i> Supports FWC corrections for clause to refer to 16.4 | Para 7 | Agreed, cross reference should be cl.16.4. See Transcript-6Dec16 [PN348]. |
| | NECA | Sub-30/06/16 | | Supports FWC correction | Para 16 | |
| | FPAA | Sub-30/06/16 | | Supports FWC correction | Para 24 | |
| | NECA SA | Sub-30/06/16 | | Supports FWC correction | Para 13 | |
| | MEA | Sub-30/06/16 | | Supports FWC corrections | Para 5 | |

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| | BusSA | Sub-30/06/16 | | Supports FWC corrections | Para 3.2.3 | |
| | AIG | Sub-08/07/16 | | Supports FWC corrections. | Para 88 | |
| 13 | AIG | Sub-08/07/16 | 12.14 | Employment of juniors Object to change in wording as it believes it significantly alters effect of Award | Para 91 | Agreed. See Transcript-6Dec16 [PN348]. |
| | MEA | Reply-21/07/16 | | MEA does not support proposal due to the nature of award, clause has no effect | Para 8 | |
| 14 | FPAA | Sub-30/06/16 | 13 | Hours of work Suggests alteration to clause to include reference to 38 hours | Para 25 | Withdrawn. See Transcript-6Dec16 [PN348]. |
| 15 | FPAA | Sub-30/06/16 | 13.4, 13.7 | Hours of work Seeks to alter clause to clearly describe 38 hours at the start of clause 13 | Para 26 | Withdrawn. See Transcript-23Jan17 [PN53]. |
| 15A | FPAA | Reply-3/02/17 | 13 13.5, 13.6, 13.7, 13.8, 13.9, 13.10, | Part 3 – Hours of work Variation to 13.2 to separately identify ordinary hours for day workers and shift workers. Amalgamate 13.10 and 13.11. | | ABI & NSW BC opposes claim from FPAA and proposes that this is a substantive issue. See email 10/02/17 |
| | AIG | Corro-9/02/17 | 13.11 | Proposal removes distinctions between non-continuous and continuous shiftwork, removes flexibilities for employing continuous shiftwork. Move to substantive issues | Pg 1 | Moved to substantive issues. See transcript 27Mar17 [PN40]. |
| | FPAA | Reply-03/03/17 | | Insert “Day workers and Shift Workers” into the heading of part 3 — Hours of Work” Insert sub-clause (b) into clause 13.2 with the following: “The ordinary hours of work for shiftworkers may be worked Monday to Sunday inclusive” | Draft determination provided page 6 – 7. | |

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| | | | | <p>Insert “day workers and shiftworkers” into the heading of clauses 13.5, 13.6, 13.7, 13.8, 13.9</p> <p>Delete clauses 13.10 and 13.11.</p> <p>Insert new clause titled “Ordinary hours of work – shiftwork – shiftworkers” (provides draft clause) and insert sub-clause (b) (provides draft clause)</p> <p>Renumbering clauses 13.12, 13.13, 13.14, 13.15, 13.16, 13.17, 13.18 and inserting “shiftworkers” into the heading.</p> | | |
| 16 | CEPU | Sub-23/06/16 | 13.6 | <p>Late comers</p> <p><i>In response to a question by the Commission:</i></p> <p>Supports deleting or amending clause to reflect late comers or early finishers to not be paid for not performing their duties</p> | Para 16 | Agreed, provision should not be varied. See Transcript–6Dec16 [PN348] |
| | BusSA | Reply-21/07/16 | | Supports CEPU submission in principle | Item 4.8 | |
| | NECA | Sub-30/06/16 | | Suggests edits to clause wording to make intent of clause clearer | Para 18 | |
| | FPAA | Sub-30/06/16 | | Suggest an example may be given | Para 32 | |
| | NECA SA | Sub-30/06/16 | | Further clarity could be provided by some minor edits | Para 15 | |
| | MEA | Sub-30/06/16 | | Cannot comment, consulting with members | Para 6 | |
| | AIG | Reply-25/07/16 | | Oppose CEPU submission. Do not agree with NECA and NECA SA | Paras 166 and 169 | |
| 17 | AIG | Sub-08/07/16 | 13.8(d)(ii) | <p>Substitution of rostered day off</p> <p>Seeks to insert ‘of the ordinary hourly rate’ after ‘200%’</p> | Para 92 | Agreed. See Transcript–6Dec16 [PN348]. |
| | BusSA | Reply-21/07/16 | | Support the submission of AIG | Item 4.9 | |

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| 18 | CEPU | Sub-23/06/16 | 13.9 | Rest Break <i>In response to a question by the Commission:</i> Believes clause does not only apply to day workers | Para 18 | Although parties disagree with what it means, there should be no change. Can deal with it another day if it arises at all. See Transcript-23Jan17 [PN73, 76]. | |
| | BusSA | Reply-21/07/16 | | Opposes the CEPU submission | Item 4.29 | | |
| | NECA | Sub-30/06/16 | | Suggests moving clauses referring to day workers to be relocated to immediately before 13.10. | Para 21 | | |
| | AIG | Reply-25/07/16 | | Agree with NECA and NECA SA submission about retaining the clause. Do not agree with the proposal to move the clause | Paras 172 and 173 | | |
| | FPAA | Sub-30/06/16 | | Submit that splitting the ordinary hours of work clause with a separate clause for shift work would resolve the issue | Para 35 | | |
| | BusSA | Reply-21/07/16 | | Support the submission of FPAA | Item 4.11 | | |
| | NECA SA | | | Suggests moving clauses referring to day workers to be relocated to immediately before 13.10. Also supports the inclusion of a new 'shift work' clause | Para 19 | | FPAA supports MEA and EEECA [sic] submission See Transcript-6Dec16 [PN360]. |
| | MEA | Sub-30/06/16 | | Submits provision applies to both day and shift workers | Para 7 | | |
| | BusSA | Sub-30/06/16 | | Cannot comment is consulting with members | Para 3.2.4 | | |
| 19 | CEPU | Sub-23/06/16 | 13.10 | Ordinary hours of work–continuous shiftwork <i>In response to a question by the Commission:</i> Does not support replacing 'crib time' with 'rest break'. | Para 20 | Agreed, term should be retained. See Transcript-6Dec16 [PN348]. | |
| | BusSA | Reply-21/07/16 | | Agrees that 'crib break' should not be replaced with 'rest break' but should be replaced with 'paid meal break' instead | Item 4.30 | | |

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| | NECA | Sub-30/06/16 | | Does not support replacing 'crib time' wording | Para 24 | |
| | FPA | Sub-30/06/16 | | Seeks to keep term 'crib time' in award | Para 45 | |
| | NECA SA | Sub-30/06/16 | | Seeks to change reference from 'crib time' to 'crib break' and explain the term is commonly understood in the industry | Para 24 | |
| | MEA | Sub-30/06/16 | | Seeks to leave wording as replacing with 'rest break' does not accurately describe this type of break | Para 10 | |
| | BusSA | Sub-30/06/16 | | Does not agree with FWC correction, suggests 'paid meal break' be inserted instead | Para 3.2.5 | |
| 20 | NECA | Sub-30/06/16 | 13.10 | Ordinary hours Seeks to amend heading 'Ordinary hours of work—continuous shift work' to 'shift work' | Para 50 | Withdrawn. See Transcript-23Jan17 [PN81-85]. |
| | NECA SA | Sub-30/06/16 | | Seeks to amend 'ordinary hours of work—continuous shiftwork' to 'ordinary hours of work—other than continuous shiftwork' | Para 38 | |
| | AIG | Reply-27/07/16 | | Do not agree with the submissions of NECA and NECA SA. Support the submission of BusSA | Paras 175 and 176 | |
| 21 | NECA SA | Sub-30/06/16 | 13.10, 13.11 | Proposed amendments to two clauses. | Para 39 | Withdrawn. See Transcript-23Jan17 [PN89, 92]. |
| 22 | CEPU | Sub-23/06/16 | 13.11(c)(ii) | Ordinary hours of work—other than continuous shiftwork <i>In response to a question by the Commission:</i> Supports proposed amendment | Para 22 | Agreed proposal be adopted. See Transcript-6Dec16 [PN350]. |
| | BusSA | Reply-21/07/16 | | Support the submission of CEPU and NECA | Items 4.13 and 4.14 | |
| | NECA | Sub-30/06/16 | | Supports proposed amendment | Para 26 | |

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| | FPAA | Sub-30/06/16 | | Supports proposed amendment | Para 41 | |
| | MEA | Sub-30/06/16 | | Supports proposed amendment | Para 13 | |
| | BusSA | Sub-30/06/16 | | Supports FWC amendment | Para 3.2.6 | |
| 23 | AIG | Sub-08/07/16 | 13.13(a) | Shift allowances Seek to delete word 'employee's' | Para 95 | Withdrawn. See Transcript-6Dec16 [PN350]. |
| 24 | AIG | Sub-08/07/16 | 13.13(b) | Seeks to insert wording | Para 96 | Agreed. See Transcript-6Dec16 [PN350]. |
| | BusSA | Reply-21/07/16 | | Agree with the submission of AIG | Item 4.15 | |
| 25 | AIG | Sub-08/07/16 | 13.13(d) | Seeks to delete word 'employee's' | Para 97 | Withdrawn. See Transcript-6Dec16 [PN350]. |
| 26 | NECA | Sub-30/06/16 | 13.15(e) | Rate for working on a Sunday and public holiday shifts Seeks to amend 'and after 11.00 pm' to be inserted between 'before midnight' and 'on the day preceding a Sunday or public holiday'. | Paras 51-53 | Withdrawn. See Transcript-23Jan17 [PN94, 98]. |
| | BusSA | Reply-21/07/16 | | Agree with the submission of NECA | Item 4.16 | |
| 27 | AIG | Sub-08/07/16 | 13.16(a)(ii) | Overtime - shiftwork Insert words "of the ordinary hourly rate" after "200% consistent with July decision" | Pg 25 | Agreed. See Transcript-6Dec16 [PN350]. |
| | BusSA | Reply-21/07/16 | | Support AIG submission | Pg 14 | |
| | MEA | Reply-21/07/16 | | Support AIG submission | Pg 2 | |
| 28 | AIG | Sub-31/08/16 | Terminology in 13.13-13.16, 20.4(b) | Shift allowance – inconsistent terminology Inconsistent use of shift allowances, shift rates, shift premiums and shift loadings | Pg 9 | Agreed to use 'shift loading' throughout. See Transcript-23Jan17 [PN126-129] |

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| 29 | CEPU | Sub-23/06/16 | 14.1 | Meal breaks Supports proposed amendment | Pg 7 | Item 27 [sic] Agreed. See Transcript-6Dec16 [PN351-355]. ED to be updated with: <i>The timing of meal breaks will be at the discretion of the employer. Provided that the employee (other than a shift worker) must not be compelled to work</i> |
| | BusSA | Reply-21/07/16 | | Oppose CEPU submission | Pg 8 | |
| | NECA | Sub-30/06/16 | | Supports proposed amendment | Pg 3 | |
| | FPAA | Sub-30/06/16 | | Supports amendment. Proposed wording should also be added to cl 14.1(c) for consistency. | Pg 6 | |
| | NECA SA | Sub-30/06/16 | | Supports proposed amendment | Pg 3 | |
| | MEA | Sub-30/06/16 | | Suggests amendment to clause, believes there is no inconsistency between 13.11(c)(iii) and 14.1(c) | Pg 3 | |
| | BusSA | Sub-30/06/16 | | Supports proposed amendments | Pg 11 | |
| | AIG | Reply-22/07/16 | | Supports FWC amendment | Pg 35 | |
| 30 | CEPU | Sub-23/06/16 | 14.1, 13.11(c)(iii)) | Meal breaks – question re inconsistency Supports proposed clause. Does not believe there is an inconsistency. | Pg 7 | |
| | NECA | Sub-30/06/16 | | Did not comment on this part of question | Pg 3 | |
| | FPAA | Sub-30/06/16 | | Sufficient distinction between day workers and shitworkers (cl. 14.1 and 13.10). Retain current wording. | Pg 6 | |
| | MEA | Sub-30/06/16 | | Does not believe there is an inconsistency between clauses, seeks to insert new definition for ‘rest break’ and ‘meal break’ in cl 2.2 for clarity. | Pg 3 | |
| | BusSA | Sub-30/06/16 | | Notes inconsistency and suggests amendment to provide clarity regarding which elements do not apply to shiftworkers. Suggested wording in submission. | Pg 11 | |
| | AIG | Reply-22/07/16 | | Disagrees with inconsistency | Pg 35 | |

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| 31 | CEPU | Sub-23/06/16 | 15 | Inclement weather Clause is clear and scope should not be narrowed to clause 15.2 alone. | Pg 8 | Agreed clause should remain as is. See Transcript-6Dec16 [PN356]. |
| | NECA | Sub-30/06/16 | | Scope extends beyond clause 15.2. | Pg 3 - 4 | |
| | FPAA | Sub-30/06/16 | | Seeks amendment to include mention of clauses 15.2 and 15.3 | Pg 6 | |
| | NECA SA | Sub-30/06/16 | | Does not support amendment, seeks to retain current wording. Scope extends beyond clause 15.2. | Pg 3 | |
| | MEA | Sub-30/06/16 | | Submits can refer specifically to clause 15.2. Plain meaning of 'this clause' suggests term only refers to clause 15.2. | Pg 4 | |
| | BusSA | Sub-30/06/16 | | Supports FWC amendment | Pg 12 | |
| 32 | CEPU | Sub-23/06/16 | 16.4(a)(iii), 16(a)(iv) | Apprentice minimum wages – interaction of clauses 16.4(a)(iii) directs reader to additional allowance and 16.4(iv) informs reader of how weekly all-purpose rate is calculated. | Pg 8 | Agreed to variation proposed by AIG group dated 22/07/16. Also add additional sentence immediately before the words, "Any other special allowances," in cl.16.4(a)(iii) and delete cl.(iv). See Transcript-23Jan17 [PN178] |
| | NECA | Reply-21/07/16 | | Agrees with CEPU submissions | Pg 1 – 2 | |
| | NECA SA | Reply-21/07/16 | | NECA SA agrees with interpretation, however favours their re-wording in their own submission | Pg 2 | |
| | NECA | Sub-30/06/16 | | Paragraphs say the same thing. Proposes to delete clause 16.4(a)(iii), retain 16.4(a)(iv) with additional wording added. | Pg 4 | |
| | AIG | Reply-25/07/16 | | Does not support NECA submission | Pg 36 | |
| | FPAA | Sub-30/06/16 | | Seeks to leave wording unless definitions of the two clauses are improved | Pg 6 | |

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| | NECA SA | Sub-30/06/16 | | Paragraphs say the same thing. Proposes to delete clause 16.4(a)(iii), retain 16.4(a)(iv) with additional wording added. | Pg 4 | |
| | AIG | Reply-25/07/16 | | Does not support NECA SA submission | Pg 36 | |
| | MEA | Sub-30/06/16 | | Provides explanation of clauses and provided suggested re-wording. | Pg 4 | |
| | BusSA | Sub-30/06/16 | | Seeking member feedback | Pg 12 | |
| | AIG | Reply-22/07/16 | | 16.54(a)(iii) directs reader to additional allowance and 16.4(iv) informs reader of how weekly all-purpose rate is calculated. Alternative wording proposed. | Pg 36 | |
| 33 | NECA | Sub-30/06/16 | 16.4 | Apprentice minimum wages Notes table at 16.4(b)(ii) only applies to adult apprentices in Queensland, submits paragraph should refer to this. | Pg 5 | Withdrawn. See Transcript-23Jan17 [PN179, 181, 188]. |
| | AIG | Reply-25/07/16 | | Does not support NECA submission | Pg 36 | |
| | MEA | Reply-21/07/16 | | Supports NECA submission | Pg 1 | |
| 34 | CEPU | Sub-23/06/16 | 17.1(b) | Allowances – identification of cumulative allowances Special allowances which are not cumulative are those provided for disability purposes. First aid is not a disability allowance. | Pg 9 | Agreed to proper interpretation of provision, no change to clause advanced. See Transcript-6Dec16 [PN356]. |
| | NECA | Sub-30/06/16 | | Skill and disability allowances are not cumulative. However, one skill allowance and one disability allowance can accumulate. | Pg 4 | |
| | AIG | Reply-25/07/16 | | Supports NECA proposal | Pg 37 | |
| | FPAA | Sub-30/06/16 | | Need to identify relationship between allowances. Where allowances are similar or inter-related, all the allowances are not payable. | Pg 7 | |

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| | NECA SA | Sub-30/06/16 | | Seeks to move first aid allowance in separate part to wage related special allowances to improve clarity. | Pg 4 | |
| | AIG | Reply-25/07/16 | | Support NECA SA submission | Pg 37 | |
| | MEA | Sub-30/06/16 | | Provides explanation of when allowances would be cumulative. I.e. some allowances compensate for the same thing and therefore not cumulative. Employee not entitled to more than one allowance for the same ability, responsibility or disability. | Pg 5 | |
| | BusSA | Sub-30/06/16 | | Seeking member feedback | Pg 12 | |
| 35 | BusSA | Sub-30/06/16 | 17.2(f)(ii) | Allowances – ordering materials Word ‘only’ should be inserted into first bullet point to reflect language of current award. | Pg 9 | Withdrawn. See Transcript–6Dec16 [PN356] |
| | AIG | Reply-25/07/16 | | No objection to BusSA submission | | |
| | AIG | Sub-08/07/16 | 17.2(f)(ii) | Cross reference should be to clause 17.2(f)(iii) | Pg 25 | Agreed. See Transcript–6Dec16 [PN356]. |
| | BusSA | Reply-21/07/16 | | Supports submission | Pg 14 | |
| | MEA | Reply-21/07/16 | | Supports AIG Submission | Pg 2 | |
| 36 | BusSA | Sub-30/06/16 | 17.3(b)(ii) | Allowances – towers allowance Reference to this clause should appear in table of facilitative provisions. | Pg 9 | Agreed. See Transcript–6Dec16 [PN356]. |
| | AIG | Reply-25/07/16 | | Does not agree that provision is facilitative | Pg 38 | No longer pressed. See Transcript–6Dec16 [PN356]. |
| 37 | NECA | Sub-30/06/16 | 17.4 | Allowances – special allowances – expense related ED wording less clear than current wording. Current wording should be retained. | Pg 5 | Agreed to keep current wording in 17.3(a)(iii) of the modern award as 17.4(a)(iv) of the ED. See Transcript-23Jan17 |
| | AIG | Reply-25/07/16 | | Amendment not required | Pg 38 | [PN215] . |

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| 38 | MEA | Sub-30/06/16 | 17.5(d)(ii) | Allowances – payment for travelling time Seeking additional wording to confirm payment for travelling is at ordinary rates – “at the ordinary rate” | Pg 6 | Agreed. See Transcript-23Jan17 [PN227]. |
| | AIG | Reply-25/07/16 | | Support proposed amendment | Pg 38 | |
| 39 | MEA | Sub-30/06/16 | 17.5(d)(iii) | Allowances – employer provided transport Propose change to clarify when allowances payable. Wording contained in submission. | Pg 7 | Agreed, however instead of \$18.80, insert “instead of the amount in cl.17.5(d)(i). See Transcript-23Jan17 [PN236-237]. |
| | AIG | Reply-25/07/16 | | Support MEA proposal | Pg 36 | |
| | BusSA | Reply-21/07/16 | | Support MEA proposal | Pg 14 | |
| 40 | CEPU | Sub-23/06/16 | 17.5(e) | Allowances – travel & expenses Explains allowances that are not applicable under clause 17.5(e). Party clarifies 17.5(b), (c) and (d) do not apply. | Pg 9 | Agreed, proper interpretation of the provision. See Transcript-6Dec16 [PN356]. |
| | NECA | Reply-21/07/16 | | Agrees with CEPU submission | Pg 2 | |
| | AIG | Reply-25/07/16 | | Support CEPU submission | Pg 38 | |
| | NECA | Sub-30/06/16 | | Employee not entitled to clarifies 17.5(b), (c) and (d). | Pg 4 | |
| | FPAA | Sub-30/06/16 | | Employee not entitled to clarifies 17.5(b), (c) and (d). | Pg 7 | |
| | MEA | Sub-30/06/16 | | Employee not entitled to clarifies 17.5(b), (c) and (d). Also suggests amendments to clause to improve clarity. | Pg 5 | |
| | BusSA | Reply-21/07/16 | | Support MEA submission | Pg 14 | |
| | AIG | Reply-25/07/16 | | AIG does not support MEA proposal | Pg 38 | |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | SUMMARY OF ISSUE | THEIR REFERENCE | NOTES |
|------|---------|--------------------------------|-------------------------------|--|--------------------|--|
| 41 | BusSA | Sub-30/06/16 | 17.6(b)(i) | Allowances – regular return home Seeks inclusion of the wording “except as provided in clause 17.6(b)(ii)” to maintain current meaning. | Pg 9 | Agreed. See Transcript–6Dec16 [PN356]. |
| | AIG | Reply-25/07/16 | | AIG supports proposal | Pg 39 | |
| 42 | FPAA | Sub-30/06/16 | Part 3 | Proposed new shiftwork clause Proposes new ‘shift work’ clause. Would make award more user friendly. | Pg 7 | FPAA to discuss with parties and report back, see Transcript-28Feb17 [PN36-42] and Submission dated 3Mar17 |
| | NECA SA | Reply-21/07/16 | | NECA SA notes FPAA’s submission however believe inadequacies exist in party’s proposal to amend the award | Pg 2 | |
| | MEA | Sub-30/06/16 | | Proposes new ‘shift work’ clause including individual subclauses for ordinary hours, breaks, overtime, shift allowances, minimum breaks between shifts and Sunday and public holiday work. | Pg 6 | |
| | NECA SA | Reply-21/07/16 | | Supports MEA submission | Pg 2 | |
| | AIG | Reply-25/07/16 | | Does not support submission on basis it is unnecessary | Pg 33 | |
| | | | | | | |
| 43 | AIG | Sub-08/07/16 | 19.1(a) | Payment for working overtime Seeks to amend wording to insert words “of the ordinary hourly rate” after “200%” | Pg 26 | Agreed. See Transcript–6Dec16 [PN356]. |
| | BusSA | Reply-21/07/16 | | Supports AIG submission | Pg 14 | |
| | MEA | Reply-21/07/16 | | Supports AIG submission | Pg 2 | |
| 44 | MEA | Sub-30/06/16 | 21 | Personal/careers leave Do not agree with amendment in clause from “all-purpose rate” to “ordinary hourly rate”. Retain current wording. | Pg 7 | Withdrawn. See Transcript–6Dec16 [PN356]. |
| | AIG | Reply-25/07/16 | | Do not support MEA submission | Pg 39 | |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | SUMMARY OF ISSUE | THEIR REFERENCE | NOTES |
|------|----------------|--------------------------------|-------------------------------|--|--------------------|---|
| | ABI & NSWBC | Submission in reply- | | Oppose MEA submission | Pg 6 | |
| 45 | AIG | Sub-08/07/16 | 30 | Transfer to lower paid job on redundancy Seeks to amend heading to 'transfer to lower paid duties by reason of redundancy'. | Pg 26 | Might be dealt with by plain language drafting Full Bench. See Transcript-6Dec16 [PN356] |
| | BusSA | Reply-21/07/16 | | Support AIG submission | Pg 14 | |
| 46 | AIG | Sub-08/07/16 | 31 | Employee leaving during redundancy notice period Seeks to have cross-reference to 29 and 30 rather than to clause 31. | | Might be dealt with by plain language drafting Full Bench. See Transcript-6Dec16 [PN356] |
| 47 | AIG | Sub-08/07/16 | Schedule B.1.1 | Definition of ordinary hourly rate Definition of ordinary hourly rate inconsistent with clause 2, suggest amendments. | Pg 27 | AIG to prepare proposed note on amendments and circulate it to parties within one week. Parties to indicate positions. See Transcript-23Jan17 [PN328-330, 336, 350, 352, 356]. Draft determination received from AIG. See Corr-14/02/17 NECA SA raised concerns however not provided further response |
| | AIG | Sub-08/07/16 | | Description is misleading and gives reasons for this as indicates that rates set out in schedule include tool allowance wherever payable but this is not the case. | Pg 27 | |
| | CEPU | Reply-8/3/17 | | Merit in MEA and NECA argument and AiG overstating risk | Para 8 | |
| | BusSA | Reply-21/07/16 | | Support AIG submission | Pg 14 | |
| | MEA | Sub-27/02/17 | | Proposes that Sched B be removed completely. | Pg 1 | |
| | NECA SA | Reply-21/07/16 | | Support AIG submission | Pg 2 | |
| | NECA | Reply-3/03/17 | | Supports MEA's submission that schedule be removed | Pg 1 | |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | SUMMARY OF ISSUE | THEIR REFERENCE | NOTES |
|------|---------|--------------------------------|-------------------------------|---|--------------------|-------|
| | AIG | Reply-07/03/17 | | Supports MEA's submission that schedule be removed. | Para 1 | |
| 48 | AIG | Sub-08/07/16 | Schedule B.2.1 | Full-time and part-time ordinary and penalty rates Clause inconsistent with terms of current award. Submits award does not contain a penalty for ordinary hours on public holiday. | Para 116 | |
| | NECA SA | Reply-21/07/16 | | Support AIG submission | Pg 2 | |
| | MEA | Sub-27/02/17 | | If Sched B is not completely removed then propose the following: Replace "Other than shiftworkers" from title with "Day workers" Replace "penalty rates" from title with "public holiday rates" | Para 1-4 | |
| | FPAA | Reply-10/03/17 | | Support MEA proposal | Para (a) | |
| | NECA | Reply-3/03/17 | | Support MEA's proposal | Pg 1 | |
| | AIG | Reply-07/03/17 | | Agree with replacing "other than shiftworkers" with "day workers". Oppose replacing "penalty rates" with "public holiday rates" Oppose public holiday column remaining | Para 1 & 6 | |
| | FPAA | Reply-10/03/17 | | Delete public holiday column | Para (f) | |
| 49 | AIG | Sub-08/07/16 | Schedule B.2.2 | Full-time and part-time SW ordinary overtime Believes explanation of how rates are derived is necessary for clarity | Pg 28 | |
| | NECA SA | Reply-21/07/16 | | Support AIG submission | Pg 2 | |
| | MEA | Sub-27/02/17 | | If Sched B is not completely removed then propose the following: | Para 5-7 | |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | SUMMARY OF ISSUE | THEIR REFERENCE | NOTES |
|------|---------|--------------------------------|-------------------------------|--|---------------------|-------|
| | | | | Replace "Other than continuous shiftworkers" from title with "Day workers" Remove "public holiday" column | | |
| | FPAA | Reply-10/03/17 | | Support MEA proposal, does not support removal of public holiday column as removes reference to what payments day workers may receive on such days. Proposes to include a column providing basis for calculating weekend and public holiday rates | Para (a), (e), (f) | |
| | NECA | Reply-3/03/17 | | Retain public holiday column | Pg 2 | |
| | AIG | Reply-07/03/17 | | Agrees with replacing "other than continuous shiftworkers" with "day workers" Agrees with NECA that public holiday column should be retained. | Para 1, 6 and 16 | |
| | CEPU | Reply-8/3/17 | | Support NECA submission, also support AIG submission to retain public holidays columns for table that deals with payment on public holiday for overtime purposes. | Para 10 | |
| 50 | AIG | Sub-08/07/16 | Schedule B.2.3 | Full-time and part-time SW ordinary and penalty rates No explanation how rates derived. Inclusion of tool allowance of classifications above grade 5 may cause confusion. | Pg 29 | |
| | NECA SA | Reply-21/07/16 | | Support AIG submission | Pg 2 | |
| 51 | AIG | Sub-08/07/16 | Schedule B.2.4 | Full-time and part-time SW overtime Sunday rates in table are incorrect | Pg 29 | |
| | AIG | Sub-08/07/16 | | Row containing '% of ordinary hourly rate' is missing from table. | Pg 29 | |
| | AIG | Sub-08/07/16 | | Unclear how rates are derived | Pg 29 | |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | SUMMARY OF ISSUE | THEIR REFERENCE | NOTES |
|------|---------|--------------------------------|-------------------------------|---|--------------------|-------|
| | NECA SA | Reply-21/07/16 | | Support AIG submission | Pg 2 | |
| 52 | AIG | Sub-08/07/16 | Schedule B.3.1 | Casual rates Believes clause is confusing as no explanation for how rates derived. | Pg 30 | |
| | AIG | Sub-08/07/16 | | Clause inconsistent with terms of current award. Award does not contain a penalty to work ordinary hours on a public holiday. | Pg 30 | |
| | NECA SA | Reply-21/07/16 | | Support AIG submission | Pg 2 | |
| | MEA | Sub-27/02/17 | | If Sched B is not completely removed then propose the following: Replace "Other than shiftworkers" in title with "day workers" Replace "penalty rates" with "public holiday rates" in the title | Para 10-11 | |
| | NECA | Reply-3/03/17 | | Supports MEA's proposal | | |
| | AIG | Reply-07/03/17 | | Agrees with replacing "other than shiftworkers" with "day workers" Opposes replacing "penalty rates" with "public holiday rates" Oppose public holiday column remaining | Para 1 & 6 | |
| 53 | AIG | Sub-08/07/16 | Schedule B.3.2 | Casual SW rates Column with the heading 'day' should be deleted as its purpose is unclear. | Pg 30 | |
| | AIG | Sub-08/07/16 | | No explanation how rates derived. Inclusion of tool allowance of classifications above grade 5 may cause confusion. | Pg 30 | |
| | NECA SA | Reply-21/07/16 | | Support AIG submission | Pg 2 | |
| | MEA | Sub-27/02/17 | | If Sched B is not completely removed then propose the following: | Par 12-13 | |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | SUMMARY OF ISSUE | THEIR REFERENCE | NOTES |
|------|---------|------------------------------------|-------------------------------|--|--------------------|---|
| | | | | Change title to read: "Casual shiftworkers—ordinary, penalty and public holiday rates" Remove "day" column | | |
| | NECA | Reply-3/03/17 | | Day column should be retained | Pg 2 | |
| | AIG | Reply-07/03/17 | | Agrees with MEA's submission. Disagrees with NECA's submission | Para 1 and 17 | |
| | CEPU | Reply-8/3/17 | | Support NECA submission | Para 11 | |
| 54 | AIG | Sub-08/07/16 | Schedule B.4 | Apprentice rates Rates have not been calculated accurately, unable to identify basis of calculation for rates in B.4.9. | Pg 30-31 | |
| | NECA SA | Reply-sub-21/07/16 | | Support AIG submission | Pg 2 | |
| 55 | MEA | Sub-27/02/17 | Sched B.4.1 | If Sched B is not completely removed then propose the following: Replace "other than shiftworkers" in title with "ordinary "day workers" Replace "penalty rates" in title with "public holidays rates" | Para 3-4 | Moved to substantive issues. See transcript 27Mar17 [PN40]. |
| | FPAA | Reply-10/03/17 | | Support MEA proposal | Para (a) | |
| | AIG | Reply-07/03/17 | | Agree with replacing "Other than shiftworkers" with "day workers" Oppose replacing "penalty rates" with "public holiday rates" Oppose public holiday column remaining | Para 1 & 6 | |
| 56 | MEA | Sub-27/02/17 | B.4.2 | If Sched B is not completely removed then propose the following: Replace "other than continuous shiftworkers" from title and replace with "day workers" Remove public holiday column | Para 7-8 page 3 | Moved to substantive issues. See transcript 27Mar17 [PN40]. |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | SUMMARY OF ISSUE | THEIR REFERENCE | NOTES |
|------|-------|--------------------------------|-------------------------------|--|--------------------|---|
| | FPAA | Reply-10/03/17 | | Support MEA proposal | Para (a) | |
| | AIG | Reply-07/03/17 | | Agree with replacing “other than continuous shiftworkers” with “day workers” Oppose removing public holiday column | Para 1 | |
| | CEPU | Reply-8/3/17 | | Support AIG submission to retain public holiday columns for table that deals with payment on public holiday for overtime purposes. | Para 12 | |
| 57 | MEA | Sub-27/02/17 | B.4.3 | If Sched B is not completely removed then propose the following: Change title to read “Adult apprentice—shiftworkers—ordinary, penalty and public holiday rates” | Para 10 | Moved to substantive issues. See transcript 27Mar17 [PN40]. |
| | AIG | Reply-07/03/17 | | Agree with MEAA | Para 1 | |
| 58 | MEA | Sub-27/02/17 | B.4.5 | If Sched B is not completely removed then propose the following: Remove “other than shiftworkers” from title and replace with “day workers” Replace “penalty rates” with “public holiday rates” in table | Para 13-14 | Moved to substantive issues. See transcript 27Mar17 [PN40]. |
| | FPAA | Reply-10/03/17 | | Support MEA proposal | Para (a) | |
| | AIG | Reply-07/03/17 | | Agree with replacing “other than shiftworkers” with “day workers” Oppose replacing “penalty rates” with “public holiday rates” Oppose public holiday column remaining | Para 1 & 6 | |
| 59 | MEA | Sub-27/02/17 | B.4.6 | If Sched B is not completely removed then propose the following: Remove “other than shiftworkers” from title and replace with “day workers” | Para 17-18 | Moved to substantive issues. See transcript 27Mar17 [PN40]. |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | SUMMARY OF ISSUE | THEIR REFERENCE | NOTES |
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| | | | | Remove public holiday column | | |
| | FPAA | Reply-10/03/17 | | Support MEA proposal | Para (a) | |
| | AIG | Reply-07/03/17 | | Agree with replacing “other than shiftworkers” with “day workers” | Para 1 & 6 | |
| | CEPU | Reply-8/3/17 | | Oppose removing public holiday column | | |
| | | | | Support AIG submission to retain public holiday columns for table that deals with payment on public holiday for overtime purposes. | | |
| 60 | MEA | Sub-27/02/17 | B.4.7 | If Sched B is not completely removed then propose the following: Change title to read: “Junior apprentice— shiftworkers—commencing on or after 1 January 2014—ordinary, penalty and public holiday rates” | Para 20 | Moved to substantive issues. See transcript 27Mar17 [PN40]. |
| | AIG | Reply-07/03/17 | | Agree with MEAA | Para 1 | |
| 61 | MEA | Sub-27/02/17 | B.4.9 | If Sched B is not completely removed then propose the following: Remove “other than shiftworkers” from title and replace with “day workers” Replace “penalty rates” with “public holiday rates” in title | Para 23-24 | Moved to substantive issues. See transcript 27Mar17 [PN40]. |
| | FPAA | Reply-10/03/17 | | Support MEA proposal | Para (a) | |
| | AIG | Reply-07/03/17 | | Agree with replacing “other than shiftworkers” with “day workers” Oppose replacing “penalty rates” with “public holiday rates” Oppose public holiday column remaining | Para 1 & 6 | |
| 62 | MEA | Sub-27/02/17 | B.4.10 | If Sched B is not completely removed then propose the following: | Para 27-28 | Moved to substantive issues. See transcript 27Mar17 |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | SUMMARY OF ISSUE | THEIR REFERENCE | NOTES |
|------|-------|--------------------------------|--|---|--------------------|---|
| | | | | Remove “other than shiftworkers: from title and replace with “day workers” Remove public holiday column | | [PN40]. |
| | FPAA | Reply-10/03/17 | | Support MEA proposal | Para (a) | |
| | AIG | Reply-07/03/17 | | Agree with replacing “other than shiftworkers” with “day workers” Oppose removing the public holiday column. | Para 1 & 6 | |
| | CEPU | Reply-8/3/17 | | Support AIG submission to retain public holidays columns for table that deals with payment on public holiday for overtime purposes. | | |
| 63 | MEA | Sub-27/02/17 | B.4.11 | If Sched B is not completely removed then propose the following: Change title to read “Junior apprentice— shiftworkers—commencing before 1 January 2014—ordinary, penalty and public holiday rates” | Para 30 | Moved to substantive issues. See transcript 27Mar17 [PN40]. |
| | NECA | Reply-3/03/17 | | Supports MEA’s above proposals | Pg 1 | |
| | AIG | Reply-07/03/17 | | Agree with MEAA | Para 1 | |
| 64 | MEA | Sub-27/02/17 | B.2.1, B.2.2, B.2.3, B.2.4, B.3.1, B.3.2, B.4.1, B.4.2, B.4.3, | If Sched B is not completely removed then propose the following: Insert note at the bottom of table: “These amounts do not include the allowances in cl.17.2(b), 17.2(c), 17.2(d), 17.2(e), and 17.2(f)” | Various | Moved to substantive issues. See transcript 27Mar17 [PN40]. |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | SUMMARY OF ISSUE | THEIR REFERENCE | NOTES |
|------|-------|-------------------------------|--|--|--------------------|---|
| | | | B.4.4, B.4.5, B.4.6, B.4.7, B.4.8, B.4.9, B.4.10, B.4.11, B.4.12 | | | |
| | NECA | Reply-3/03/17 | B.2.1 and/or B.1.3 | <p>Supports MEA in that may lead readers into error. Further suggest adding at B.2.1 and point 3 of MEA's submission:</p> <p>'Electrician's Licence allowance' after '17.2(b)' 'Leading hands allowance' after '17.2(c)' 'Nominee allowance' after '17.2(d)' 'Electrical distribution line maintenance and tree clearing allowance' after '17.2(e)' 'Rate ordering materials' after '17.2(f). Also add 'Each of these allowances will form part of an employee's ordinary hourly rate if the allowance is payable to the employee'.</p> <p>Or at B.1.3 in addition or in the alternative a statement about what is included in an employee's ordinary rate such as: 'An employee's ordinary hourly rate also includes any of the following allowances that apply to the employee: Electricians licence allowance, leading hands</p> | Pg 1 | Moved to substantive issues. See transcript 27Mar17 [PN40]. |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | SUMMARY OF ISSUE | THEIR REFERENCE | NOTES |
|------|-------|--------------------------------|--|--|--------------------|--|
| | | | | allowance, nominee allowance, electrical distribution line maintenance and tree clearing allowance and rate for ordering materials.' | | |
| | FPAA | Reply-10/03/17 | | Support MEA proposal however support NECA proposal as a fuller proposition that assists the MEA proposal. Also suggests proposal reads: '...the following <u>all-purpose</u> allowances...' | Para (b)-(d) | |
| | AIG | Reply-07/03/17 | B.2.1, B.2.2, B.3.1, B.3.2, B.4.1, B.4.2, B.4.3, B.4.5, B.4.6, B.4.7, B.4.9, B.4.10, B.4.11. | Disagree with MEA's proposal of insertion of notes. Does not agree with NECA's proposition that reliance on table would lead to underpayment. Do not agree with NECA's new proposed B.1.3. | Para 2, 13 | |
| 65 | FPAA | Reply-10/03/17 | | Provides draft table to replace existing tables to be placed at the commencement of the Schedules. | Para (g) | CEPU not adverse to proposal. See transcript 27/3/17 [PN19]. |

List of abbreviations (in alphabetical order)

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|-------------|---|
| ABI & NSWBC | Australian Business Industrial and the NSW Business Chamber |
| AIG | Australian Industry Group |
| BusSA | Business SA, the Chamber of Commerce and Industry South Australia |

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|------|--|
| CEPU | Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia |
| ED | Exposure draft |
| FPAA | Fire Protection Association Australia |
| MEA | Master Electricians Australia |
| NECA | The National Electrical Contractors Association |