

### 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 conference on 7 April 2017 ([Transcript](#)).

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1	AIG	<a href="#">Sub-18/01/17</a>	1.2	<b>Title and commencement</b> Clause should read: This modern award commenced operation on 1 January 2010. The award has been varied since that date.	Para 55	This issue will be determined by the Award Stage–Group 3 Full Bench and applied generally.
	ABI & NSWBC	<a href="#">Sub-18/01/17</a>		‘as varied’ should be deleted from sentence	Para 2.2	
2	AFEI	<a href="#">Sub-18/01/17</a>	2.1	<b>Definitions - communications</b> The word ‘or’ should be deleted at the end of point (e) and inserted at the end of point (d). The sentence at (f) should stand alone.	Para 40	Parties to reconsider their positions and discuss item at next conference, see <a href="#">Transcript-070417</a> [PN52-PN60]. Confirmed in <a href="#">draft report</a> .
	AIG	<a href="#">ReplySub-22/02/17</a>		Agree with AFEI’s submission.	Para 118	
3	AIG	<a href="#">Sub-18/01/17</a>	2.2	<b>Engineering stream—Experienced Engineer</b> Definition in current award cl.3.2 should be retained.	Paras 254-257	Agreed, current award wording to be reinstated, see <a href="#">Transcript-070417</a> [PN67-PN76]. Confirmed in <a href="#">draft report</a> .
	APESMA	<a href="#">ReplySub-22/02/17</a>		Supports AIG’s proposal.	Para 4	
4	AIG	<a href="#">Sub-18/01/17</a>	2.2	<b>Engineering stream—Graduate Engineer</b> Word ‘testamur’ should not be replaced with ‘certificate’.	Paras 258-260	Agreed, ‘testamur’ to be reinserted in place of ‘certificate’, see <a href="#">Transcript-070417</a> [PN83-PN90]. Confirmed in <a href="#">draft report</a> .
	APESMA	<a href="#">ReplySub-22/02/17</a>		Supports AIG’s proposal.	Para 5	

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5	AIG	<a href="#">Sub-18/01/17</a>	2.2	<b>Professional Engineering Duties</b> Current clause should remain.	Paras 261-262	Agreed, current award wording to be reinstated, see <a href="#">Transcript-070417</a> [PN93-PN99]. Confirmed in <a href="#">draft report</a> .
	BusSA	<a href="#">ReplySub-22/02/17</a>		Agrees with AIG's submission.	Para 5.1	
6	ABI & NSWBC	<a href="#">Sub-18/01/17</a>	2.2	<b>Professional engineering duties</b> Full-stop missing from the end of sentence.	Para 10.1	Agreed, full-stop to be inserted at end of sentence, see <a href="#">Transcript-070417</a> [PN100-PN104]. Confirmed in <a href="#">draft report</a> .
	AIG	<a href="#">ReplySub-22/02/17</a>		Agree with ABI & NSWBC's submission.	Para 119	
	BusSA	<a href="#">ReplySub-22/02/17</a>		Agrees with ABI & NSWBC's submission.	Para 5.2	
7	AIG	<a href="#">Sub-18/01/17</a>	2.3	<b>Information technology and telecommunications services stream— Experienced information technology employee</b> Retain definition in current award cl. 3.3.	Paras 263-264	Agreed, current award wording to be reinstated, see <a href="#">Transcript-070417</a> [PN106-PN110]. Confirmed in <a href="#">draft report</a> .
	APESMA	<a href="#">ReplySub-22/02/17</a>		Supports AIG's proposal.	Para 6	
8	AIG	<a href="#">Sub-18/01/17</a>	2.3	<b>Information technology and telecommunications services stream— Telecommunications service</b> Final sentence of definition of 'telecommunications service' be replaced with 'carrying includes transmitting, switching or receiving.'	Paras 265-268	Agreed per AIG proposal, see <a href="#">Transcript-070417</a> [PN118-PN121]. Confirmed in <a href="#">draft report</a> .
	APESMA	<a href="#">ReplySub-22/02/17</a>		Supports AIG's proposal.	Para 7	
	BusSA	<a href="#">ReplySub-22/02/17</a>		Agrees with AIG's submission.	Para 5.3	

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9	AIG	<a href="#">Sub-18/01/17</a>	2.4	<b>Scientist stream—Experienced scientist</b> Clause should be amended as follows: ‘possessing the following qualifications and’ to be inserted after ‘professional scientist’ and just before ‘engaged in employment’.	Paras 269-270	Agreed, current award wording to be reinstated, see <a href="#">Transcript-070417</a> [PN123-PN126]. Confirmed in <a href="#">draft report</a> .
	APESMA	<a href="#">ReplySub-22/02/17</a>		Submits it would be appropriate to restore the current award preamble. Retain existing award definition for ‘experienced scientist’.	Para 8	
10	APESMA	<a href="#">Sub-21/12/16</a>	2.4	<b>Definitions—Scientist stream</b> The professional scientific bodies referenced in the Academic schedule and Experienced scientist sections have altered the title of their grades of membership. Award should reflect this. Provided proposed amendments.	Para 8	APESMA to provide information to parties before next conference, see <a href="#">Transcript-070417</a> [PN141- PN144]. Confirmed in <a href="#">draft report</a> .
	AIG	<a href="#">ReplySub-22/02/17</a>		Could be significant cost implications as a result of APESMA’s submission. If issue not agreed, should be dealt with as a substantive claim.	Paras 120-122	
11	AIG	<a href="#">Sub-18/01/17</a>	2.4(a)	<b>Scientist stream—Experienced scientist</b> Wording should be consistent with current award provision	Paras 271-273	Agreed, current award wording to be reinstated, see <a href="#">Transcript-070417</a> [PN145-PN152]. Confirmed in <a href="#">draft report</a> .
	BusSA	<a href="#">ReplySub-22/02/17</a>		Agrees with AIG’s submission.	Para 5.4	
12	AIG	<a href="#">Sub-18/01/17</a>	2.5(a)(ii)	<b>Quality auditing stream—educational requirements</b> Wording should be consistent with current award provision.	Paras 274-276	Agreed, current award wording to be reinstated, see <a href="#">Transcript-070417</a> [PN154-PN158]. Confirmed in <a href="#">draft report</a> .
	APESMA	<a href="#">ReplySub-22/02/17</a>		AIG’s concerns would be resolved by retaining current award provision.	Para 9	

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13	AIG	<a href="#">Sub-18/01/17</a>	4.1	<b>Coverage</b> Words 'industry and occupational award' should be deleted.	Paras 277-280	APESMA to provide information to parties before next conference, see <a href="#">Transcript-070417</a> [PN187]. Confirmed in <a href="#">draft report</a> .
	APESMA	<a href="#">ReplySub-22/02/17</a>		Does not agree with AIG's submission.	Para 10	
	BusSA	<a href="#">ReplySub-22/02/17</a>		Agrees with AIG's submission.	Para 5.5	
	AFEI	<a href="#">ReplySub-22/02/17</a>		Agrees with AIG's submission.	Para 53	
14	ABI & NSW BC	<a href="#">Sub-18/01/17</a>	5	<del><b>Effect of variations made by the FWC</b></del> Clause should be made a subclause of Clause 1—'Title and Commencement'.	Para 2.1	Provision is contained as a discrete clause in all Group 4 EDs in accordance with plain language principles <a href="#">[2016 FWC 2924]</a> , see para [4].  Claim withdrawn, see <a href="#">Transcript-070417</a> [PN191]. Confirmed in <a href="#">draft report</a> .
15	AFEI	<a href="#">Sub-18/01/17</a>	7.2	<b>Facilitative provisions for flexible working practices</b> Reference should be made to cl.13.2.	Para 41	Agreed, reference to 13.2 to be inserted in table, see <a href="#">Transcript-070417</a> [PN211-PN218]. Confirmed in <a href="#">draft report</a> .
	AIG	<a href="#">ReplySub-22/02/17</a>		Does not oppose AFEI's submission.	Para 126	

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16	AIG	<a href="#">Sub-18/01/17</a>	7.2	<b>Facilitative provisions for flexible working practices</b> Reference to cl.13.7 should be deleted.	Paras 281-283	Parties agree ED drafting amounts to a substantive change and discussions will take place in technical and drafting conferences but item may be moved to substantive issues list, see <a href="#">Transcript-070417</a> [PN260]. Confirmed in <a href="#">draft report</a> .
	APESMA	<a href="#">ReplySub-22/02/17</a>		Disagrees with AIG. 13.7 should be included.	Para 11(a)	
	AFEI	<a href="#">ReplySub-22/02/17</a>		Agrees with AIG's submission.	Para 54	
17	AIG	<a href="#">Sub-18/01/17</a>	7.2	<b>Facilitative provisions for flexible working practices</b> Reference to cl.17.5 should be deleted.	Paras 284-285	Item to be subject to further discussion between the parties, see <a href="#">Transcript-070417</a> [PN278-PN281]. Confirmed in <a href="#">draft report</a> .
	APESMA	<a href="#">ReplySub-22/02/17</a>		Disagrees with AIG. Clause falls within 'flexible provisions for flexible working practices'.	Para 11(b)	
	AFEI	<a href="#">ReplySub-22/02/17</a>		Agrees with AIG's submission.	Para 55	
18	AIG	<a href="#">Sub-18/01/17</a>	7.2	<b>Facilitative provisions for flexible working practices</b> Reference to cl.17.6 should be deleted.	Paras 286-287	Item to be subject to further discussion between the parties, see <a href="#">Transcript-070417</a> [PN278-PN281]. Confirmed in <a href="#">draft report</a> .
	APESMA	<a href="#">ReplySub-22/02/17</a>		Disagrees with AIG. Clause falls within 'flexible provisions for flexible working practices'.	Para 11(b)	
	AFEI	<a href="#">ReplySub-22/02/17</a>		Agrees with AIG's submission.	Para 55	

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19	BusSA	<a href="#">Sub-18/01/17</a>	7.2	<b>Facilitative provisions for flexible working practices</b> Current cl.8.4 needs to be reproduced in ED.	Para 5.1	AIG retains objection to proposal, APESMA to consider position prior to next conference. see <a href="#">Transcript-070417</a> [PN292]. Confirmed in <a href="#">draft report</a> .
	AIG	<a href="#">ReplySub-22/02/17</a>		Does not agree with BusSA.	Paras 123-125	
	APESMA	<a href="#">ReplySub-22/02/17</a>		Agrees with BusSA.	Para 20	
20	AIG	<a href="#">Sub-18/01/17</a>	11.1(a)	<b>Casual employment</b> Insert 'prescribed in clause 14—Minimum wages' after 'classification'.	Paras 288-290	Agreed per AIG proposal, however noted BusSA not present at conference to confirm its agreement, see <a href="#">Transcript-070417</a> [PN306]. Confirmed in <a href="#">draft report</a> .
	APESMA	<a href="#">ReplySub-22/02/17</a>		Agrees with AIG's proposal.	Para 12	
	BusSA	<a href="#">ReplySub-22/02/17</a>		Agrees with AIG's submission.	Para 5.6	
	AFEI	<a href="#">ReplySub-22/02/17</a>		Agrees with AIG's submission.	Para 56	
21	AIG	<a href="#">Sub-18/01/17</a>	11.1(a)	<b>Casual employment</b> 'A casual employee is an employee engaged and paid as a casual employee' should be inserted as cl.11.1(a) and other clauses renumbered.	Paras 291-292	APESMA to provide information to parties before next conference, see <a href="#">Transcript-070417</a> [PN306-PN329]. Confirmed in <a href="#">draft report</a> .
	APESMA	<a href="#">ReplySub-22/02/17</a>		Opposes AIG's proposal.	Para 13	
	AFEI	<a href="#">ReplySub-22/02/17</a>		Agrees with AIG's submission.	Para 56	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
22	APESMA	<a href="#">Sub-21/12/16</a>	13	<b>Ordinary hours of work</b> <i>In response to question raised by Commission</i> ED does not specify a maximum number of weeks in a cycle. May impact on application of award. Requires clarification and should be a substantive issue.	Para 3	Agreed, item may need to be moved to substantive issues. Parties to discuss matter further and report back at next conference, see <a href="#">Transcript-070417</a> [PN341]. Confirmed in <a href="#">draft report</a> .
	BusSA	<a href="#">Sub-18/01/17</a>		No 'cycle' specified in award. Appropriate to average ordinary hours of work over a 12 month period.	Para 5.2	
	AFEI	<a href="#">Subs-18/01/17</a>		Current award does not specify a maximum number of weeks over which 38 hours may be averaged. If specified, would be substantive change.	Para 44	
	ABI&NS WBC	<a href="#">Sub-18/01/17</a>		Does not consider it necessary or appropriate to impose an arbitrary cap.	Para 10.2	
	AIG	<a href="#">ReplySub-22/02/17</a>		Agrees with submissions of AFEI, ABI & NSWBC. Opposes BusSA's and APESMA's submissions.	Paras 127-129	
	APESMA	<a href="#">ReplySub-22/02/17</a>		Supports insertion of 'time to time' after 'from'.	Para 14	
	APESMA	<a href="#">ReplySub-22/02/17</a>		Proposes 'of 152 hours in 28 days' be added after 'average'.	Para 22	
23	AIG	<a href="#">Sub-18/01/17</a>	13.5	<b>Ordinary hours of work.</b> Words 'time to time' should be inserted after 'from', as per the current cl.18.3.	Para 293	Agreed per AIG proposal, see <a href="#">Transcript-070417</a> [PN350]. Confirmed in <a href="#">draft report</a> .
	BusSA	<a href="#">ReplySub-22/02/17</a>		Agrees with AIG's submission.	Para 5.7	

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24	APESMA	<a href="#">Sub-21/12/16</a>	14.1	<b>Minimum wages</b> Appears to be a ‘rounding up’ issue with Level 3 (Professional/senior (lead)-quality auditor) rate. Should be \$30.42.	Para 5	Claim withdrawn, see <a href="#">Transcript-070417</a> [PN353]. Confirmed in <a href="#">draft report</a> .
	BusSA	<a href="#">ReplySub-22/02/17</a>		Disagrees with APESMA’s submission. Rates in ED are correct.	Para 5.9	
25	AIG	<a href="#">Sub-18/01/17</a>	14.1	<b>Minimum wages</b> Words ‘full-time employee’ should be inserted under ‘Annual wages’ in table.	Paras 294-296	Agreed per AIG proposal, see <a href="#">Transcript-070417</a> [PN357-PN364]. Confirmed in <a href="#">draft report</a> .
	BusSA	<a href="#">ReplySub-22/02/17</a>		Agrees with AIG’s submission.	Para 5.8	
26	AIG	<a href="#">Sub-18/01/17</a>	14.1	<b>Minimum wages</b> Final column in table should be deleted.	Paras 297-299	To be discussed at next conference, see <a href="#">Transcript-070417</a> [PN373-PN378]. Confirmed in <a href="#">draft report</a> .
	APESMA	<a href="#">ReplySub-22/02/17</a>		Actual rates for casual employees should be prescribed in the award.	Para 16	
27	APESMA	<a href="#">Sub-21/12/16</a>	14.2	<b>Minimum wages — calculation</b> <del>There is an argument that past custom and practice used 365/7(52.14). Propose the issue be further considered.</del>	Para 6	APESMA claim withdrawn, BusSA not present at conference to confirm its position, see <a href="#">Transcript-070417</a> [PN380-PN385].
	BusSA	<a href="#">Sub-18/01/17</a>		Correct calculation method is: Hourly rate = (annual wage x 6/313)/38.	Para 5.3	
	AFEL	<a href="#">ReplySub-22/02/17</a>		Does not support APESMA’s submission.	Para 58	



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28	AIG	<a href="#">Sub-18/01/17</a>	15.3	<b>Vehicle allowance</b> Wording in current cl.16.2 should be retained.	Paras 300-303	Parties to report back at next conference, see <a href="#">Transcript-070417</a> [PN413]. Confirmed in <a href="#">draft report</a> .
	BusSA	<a href="#">Sub-18/01/17</a>		Agrees with AIG.	Para 5.4	
	APESMA	<a href="#">ReplySub-22/02/17</a>		Supports ED drafting.	Para 17	
	AFEI	<a href="#">ReplySub-22/02/17</a>		Supports submissions of AIG and BusSA.	Para 59	
29	APESMA	<a href="#">Sub-21/12/16</a>	17.2	<b>Annual leave</b> <i>In response to question raised by the Commission</i> The key variable is not whether annual leave is progressively accrued or accrues on 12 months' completion of service. Application of this clause needs to relate to when annual leave is taken and the loading cap which would apply at that time.	Para 7	APESMA not seeking variation to clause 17.2. Parties to discuss further and report back at next conference, see <a href="#">Transcript-070417</a> [PN424-PN431]. Confirmed in <a href="#">draft report</a> .
	AIG	<a href="#">Sub-18/01/17</a>		Employee will not be entitled to be paid a separate annual leave loading if the total 'amount' that they are paid for the relevant period of annual leave is greater than 'the ABS average weekly earnings for all males (Australia) for the preceding September quarter of the year. Clause should be retained	Paras 304-306	
	BusSA	<a href="#">Sub-18/01/17</a>		Cap on annual leave applies on the date when annual leave is taken, rather than when annual leave is accrued.	Para 5.5	
	APESMA	<a href="#">ReplySub-22/02/17</a>		Supports ED drafting of clause.	Para 18	

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30	AIG	<a href="#">Sub-18/01/17</a>	17.2(a)	<b>Annual leave</b> Words 'the year' should be inserted after 'preceding'	Para 307	Agreed per AIG proposal, see <a href="#">Transcript-070417</a> [PN433-PN437]. Confirmed in <a href="#">draft report</a> .
31	AFEI	<a href="#">Sub-18/01/17</a>	17.4	<b>Annual close-down</b> ED drafting has changed the effect. Words 'in that enterprise, section or sections' should be inserted to the end of clause. Otherwise current wording should remain.	Paras 42-43	Parties agree clause 19.4 of current award is preferred to ED clause drafting subject to the use of the word 'will' or 'may'. Parties to discuss further, see <a href="#">Transcript-070417</a> [PN466-PN475]. Confirmed in <a href="#">draft report</a> .
	BusSA	<a href="#">ReplySub-22/02/17</a>		Agrees with AFEI's submission.	Para 5.10	
32	AIG	<a href="#">Sub-18/01/17</a>	17.4	<b>Annual close-down</b> ED drafting is a substantive change. Submits 'may' should be inserted before 'also'.	Para 315-316	AIG references clause 19.4 in submission. However there is no clause 19.4 in ED.  Parties agree clause 19.4 of current award is preferred to ED clause drafting subject to the use of the word 'will' or 'may'. Parties to discuss further, see <a href="#">Transcript-070417</a> [PN466-PN475]. Confirmed in <a href="#">draft report</a> .
	APESMA	<a href="#">ReplySub-22/02/17</a>		AIG's concerns are addressed by the re-drafted clause.	Para 19	

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33	AIG	<a href="#">Sub-18/01/17</a>	17.4(a)	<b>Annual close-down</b> Redrafting of clause unnecessary.	Para 308	Parties agree clause 19.4 of current award is preferred to ED clause drafting subject to the use of the word 'will' or 'may'. Parties to discuss further, see <a href="#">Transcript-070417</a> [PN466-PN475]. Confirmed in <a href="#">draft report</a> .
34	AIG	<a href="#">Sub-18/01/17</a>	17.4(a)	<b>Annual close-down</b> 'a section or more of the enterprise' in the first line should be replaced with 'the enterprise, or a section or sections thereof'.	Para 309	Parties agree clause 19.4 of current award is preferred to ED clause drafting subject to the use of the word 'will' or 'may'. Parties to discuss further, see <a href="#">Transcript-070417</a> [PN466-PN475]. Confirmed in <a href="#">draft report</a> .
	BusSA	<a href="#">ReplySub-22/02/17</a>		Agrees with AIG's submission.	Para 5.11	
	AFEI	<a href="#">ReplySub-22/02/17</a>		Supports AIG's submission.	Para 60	
35	AIG	<a href="#">Sub-18/01/17</a>	17.4(a)	<b>Annual close-down</b> Clause be replaced with 'An employer may close down the enterprise, or a section or sections thereof for the purpose of allowing annual leave to all or the majority of employees in the enterprise, section or sections concerned'.	Paras 310-312	Parties agree clause 19.4 of current award is preferred to ED clause drafting subject to the use of the word 'will' or 'may'. Parties to discuss further, see <a href="#">Transcript-070417</a> [PN466-PN475]. Confirmed in <a href="#">draft report</a> .
	BusSA	<a href="#">ReplySub-22/02/17</a>		Agrees with AIG's submission.	Para 5.11	
	AFEI	<a href="#">ReplySub-22/02/17</a>		Supports AIG's submission.	Para 60	

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36	APESMA	<a href="#">Sub-21/12/16</a>	Sched A	<b>Classification Structure and Definitions</b> Historically the entry rate for Professional Engineer (4 year degree) or Professional Scientist (4 or 5 year degree) was higher than the rate of the Professional Scientist (3-year degree). Submit the entry rate of a 4 or 5-year degree should be Pay Point 1.2.	Para 8	Claim withdrawn, see <a href="#">Transcript-070417</a> [PN476-PN477]. Confirmed in <a href="#">draft report</a> .
	AFEI	<a href="#">ReplySub-22/02/17</a>		Does not support APESMA's proposal.	Para 61	
37	AFEI	<a href="#">Subs-18/01/17</a>	Sched A.1.2(a)	<b>Graduate professional – appointment and progression</b> <i>In response to question raised by the Commission</i> Does not oppose the inserting reference to a five year degree.	Para 45	Agreed, reference to five-year degree to be inserted, see <a href="#">Transcript-070417</a> [PN483-PN488]. Confirmed in <a href="#">draft report</a> .
	AIG	<a href="#">ReplySub-22/02/17</a>		Does not agree with AFEI's proposal to amend clause. Alignment is consistent with current award.	Paras 133-136	

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

ABI & NSWBC	Australian Business Industry and New South Wales Business Chamber
AFEI	Australian Federation of Employers and Industries
AIG	Australian Industry Group
APESMA	Association of Professional Engineers, Scientists and Managers, Australia
BusSA	Business South Australia
ED	Exposure draft