

SUMMARY OF SUBMISSIONS

Revised as at 2 June 2016 —submissions made pursuant to amended directions issued 16 May 2016 are highlighted in red text

This summary does not include comments on the Plain language draft (revised 21 April 2016).

| | | | |
|----------------|---|--|---|
| Status: | A = Agreed (changes made to Exposure draft) | C = referred to Common issue Full Bench | O = Outstanding technical/drafting issue |
| | R = Resolved by previous Full Bench decision | S = Substantive issue | W = Withdrawn/Not pressed |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status |
|-----------------------|-------------|-----------------------------------|-------------------------|------------------------|---|--------------|---|--------|
| General issues | | | | | | | | |
| 1 | PGA | Sub-28Jan15 | | | New draft award Engaging services of Plain English Drafting Association to provide plain English draft of award. Will be ready by end of March. | Page 1 | Plain English award to be further considered by Commission | O |
| | | Reply-sub-4Mar15 | | | First set of recommendations will be circulated shortly. Review by Plain English Foundation is not inconsistent with the Exposure Draft review process. | Page 4-5 | | |
| | | Sub-31Mar15 | | | Submission of plain-English draft of award. | Attachment A | | |
| | Business SA | Reply-sub-28Aug15 | | | Cautious of proposal and cannot support it at this stage. | Para 21 | Parties submit that, if the draft is not withdrawn as a submission, it should be referred to a separately constituted Full Bench. | |
| | APESMA | Reply-sub-17Feb15 | | | Strongly opposes PGA proposal. Will result in serious issues and delay process of finalising new award. | Paras 4-12 | | |
| | | Reply-sub-1Apr15 | | | | Page 1 | | |
| | | Reply-sub-20Aug15 | | | Paras 10–14 | | | |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status |
|------|--------|--|----------------------------|---------------------------|--|---|--|--------|
| | SDA | Reply-sub-18Feb15 Reply-sub-1Apr15 Reply-sub-21Aug15 | | | Opposes PGA proposal. Greatly concerned about appropriateness. | Paras 6-20 Pages 1-2 Paras 5–11 | | |
| | HSU | Reply-sub-1Apr15 Sub-16Jul-15 | | | Opposes plain-English draft. | Page 1-2 Paras 10-11 | | |
| 2 | APESMA | Sub-28Jan15 | | | Submission only addresses matters affecting employee pharmacists. Supports SDA submission in relation to interests of employees, other than pharmacists, covered by award. | Para 3 | | W |
| 3 | APESMA | Sub-28Jan15 | | | Generally notes 23 December 2014 Full Bench decision [[2014] FWCFB 9412] and requests changes referred to in Decision also be incorporated into exposure draft (ED). | Para 45 | See Full Bench decision [2014] FWCFB 9412 23 December 2014 para [29] | R |
| | HSU | Sub-28Jan15 | | | Supports submissions made by APESMA and SDA. | Para 38 | | |
| 4 | APESMA | Sub-28Jan15 | | | NES summaries – Supports inclusion of explanations/ NES summaries; recommends wording be developed and | Paras 6; 40–41; 44 | Issue may have been dealt with by [2014] FWCFB | R |

| ITEM | PARTY | DOCUMENT | CLAUSE (expos ure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status |
|----------|--------|-----------------------------------|--------------------------------|------------------------------|---|-------------------------|--|--------|
| | | | | | agreed with relevant industry parties prior to inclusion in award. | | 9412 | |
| | SDA | Sub-28Jan15 | | | Supports approach set out in Full Bench decision, but urges cautious and consultative approach to drafting annotated versions of each modern award; summaries must not be seen as substitute for referencing NES. | Paras 31–32 | | |
| | HSU | Sub-28Jan15 | | | Welcomes inclusion of NES summaries and examples in annotated versions of awards; willing to work with parties to determine appropriate examples. | Paras 7; 10–11 | | |
| | PGA | Sub-28Jan15 | | | Supports inclusion of summaries; more generally wherever there is reference to legislation, PGA supports inclusion of a notation that provides a general understanding of the relevant provision. | Page 1 | | |
| 5 | PGA | Sub-28Jan15 | | | Illustrative examples – Marked-up ED attached to submission indicates where several illustrative examples are proposed to be inserted, to illustrate operation of certain clauses. | Page 2 and attachment A | Issue may have been dealt with by [2014] FWC FB 9412 | R |
| | APESMA | Reply-sub-17Feb15 | | | Opposes PGA proposal. Does not support use of examples in legal award, would support use of examples in annotated version. | Paras 13-15 | | |
| | SDA | Reply-sub-18Feb15 | | | Opposed to use of illustrative examples as set out through PGA submission. Recommends cautious approach. | Paras 21-23 | | |
| | PGA | Reply-sub-4Mar15 | | | Submits that employers and employees in the community pharmacy sector would | Page 5 | | |

| ITEM | PARTY | DOCUMENT | CLAUSE (expos ure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status |
|------|--------|----------------------------------|--------------------------------|------------------------------|--|-----------------|--|--------|
| | | | | | benefit from examples. Will circulate proposed examples for comments. | | | |
| 6 | APESMA | Sub-28Jan15 | | | Payslips provision – Strongly supports inclusion of payslips provision; recommends wording be developed and agreed with relevant industry parties prior to inclusion in award. | Paras 40–41; 44 | Issue may have been dealt with by [2014] FWC FB 9412 | R |
| | SDA | Sub-28Jan15 | | | Strongly supports inclusion in annotated version | Paras 41–44 | | |
| | HSU | Sub-28Jan15 | | | Welcomes additional payslip provision; reference to legislation and regulations particularly welcome. | Para 9 | | |
| | PGA | Reply-sub-4Mar15 | | | Submits that this issue has been dealt with by Commission | Page 3 | | |
| | PGA | Reply-sub-4Mar15 | | | Support SDA submissions | Page 4 | | |
| 7 | APESMA | Sub-28Jan15 | | | Expression of pay rates – Supports inclusion of pay rates expressed as hourly and weekly amounts, and for there to be tables showing pay rates inclusive of casual loadings, penalty rates and overtime | Para 7 | <i>See item 61</i> | O |
| | HSU | Sub-28Jan15 | | | Notes Commission’s preference for using term “minimum hourly rate” instead of “ordinary hourly rate” where award does not provide for allowances and loadings to be paid for all purposes; submits when awards do not include all-purpose allowances or loadings, ED should use same language throughout; notes some | Para 12 | | |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status |
|------|-------------|----------------------------------|-------------------------|------------------------|---|-------------|--|--------|
| | | | | | EDs mix the terms. | | | |
| | PGA | Sub-28Jan15 | | | PGA would like to discuss formatting of pay rate information in conference. | Page 3 | | |
| | Business SA | Reply-sub-4Mar15 | | | Submits that there is apparent confusion about the use of term 'minimum hourly rates' and 'ordinary hourly rates', refer to FWCFB 9412, submits that a general review would be useful to ensure consistency | Page 4 | | |
| 8 | HSU | Sub-28Jan15 | 1.2 | | Supersession – Wording sits comfortably with HSU; though not considered necessary, HSU do not oppose PHIEA proposal (submitted in relation to other awards) that clause should reference award review process. | Para 6 | Determined in Full Bench Decision [2014] FWCFB 9412 at paras [9]-[10] | R |
| 9 | APESMA | Sub-28Jan15 | | 2.4 | Take-home pay provisions – Believes not appropriate to remove current take home pay provisions. | Paras 8–9 | <i>Being dealt with in accordance with [2015] FWBFB 4658</i> | R |
| | PGA | Reply-sub-4Mar15 | | | Oppose APESMA submission as submission is obsolete and unnecessary | Page 2 | | |
| 10 | APESMA | Sub-28Jan15 | 2.3 | 5 and 6 | Provision of copies of award and NES – Believes current requirements for copies of award to be made available should be retained; submitted wording from Full Bench decision appropriate. | Paras 10–13 | See SDA sub-15Jul15 See also Full Bench decision [2014] FWCFB 9412 23 | A |
| | SDA | Sub-28Jan15 | | | Submits combining current award clauses 5 and 6 and removing word 'access' from | Paras 7–13 | | |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status |
|-----------|--------|----------------------------------|-------------------------|------------------------|---|--------------|-------------------------|--------|
| | | | | | clause title changes substantive provisions in clause 5; change appears to remove necessity to provide physical copy; believes reference to use of noticeboards should remain. Supports wording adopted by Full bench preference to wording proposed in ED. | | December 2014 para [29] | |
| | HSU | Sub-28Jan15 | | | Submits unclear how copies of award will be made available to employees or how employees can ask for copies of award and NES. | Para 7 | | |
| | PGA | Reply-sub-4Mar15 | | | Submits words in Exposure Draft should be adopted as most community pharmacies are small businesses who don't have notice boards | Page 2 and 3 | | |
| 11 | APESMA | Sub-28Jan15 | 5 | | Facilitative provision – Agrees with ACTU submission that facilitative provision contained in Manufacturing Award (and related ED) be adopted as appropriate facilitative provision. | Paras 14–16 | | A |
| | SDA | Sub-28Jan15 | | | Does not object to inclusion of facilitative provision; supports ACTU submission as model for all awards. Supports use of clause 8.1 from Manufacturing Award as introductory paragraph as clearer than that used in ED; supports use of clause 8.2 and 8.3 from Manufacturing Award. | Paras 14–20 | | |
| | HSU | Sub-28Jan15 | | | Adopts ACTU submissions in relation to general issues concerning facilitative provisions. | Para 8 | | |
| | PGA | Reply-sub- | | | Oppose use of term “facilitative | Page 2 and 3 | | |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status |
|------|-------------|----------------------------------|-------------------------|------------------------|--|-------------|---|--------|
| | | 4Mar15 | | | provisions” as term is not likely to be understood by small businesses, and community pharmacies will not look for the term to find out how application of award can be altered. | | | |
| | ABI & NSWBC | Reply-sub-5Mar15 | | | Disagree with the submissions of SDA at [17]-[20] and APESMA at [14]-[16]. Submits that the provision in the Exposure Draft is sufficiently clear to identify the facilitative provisions in the Award. | Para 75 | | |
| 12 | HSU | Sub-28Jan15 | 6.5 | | Casual employment – not convinced necessary to insert standardised clause purporting to identify entitlements covered, or not, by casual loading in modern awards in order to achieve modern awards objective; supports position of ACTU and AMWU that any consideration to include such standard clause should not be considered without rigorous examination and if considered during this review process, should be dealt with as part of casual/part-time common issue proceedings. | Paras 15–23 | Proposal that matter that may potentially be dealt with as part of casual and part-time common issue proceedings - AM2014/197–Casual Employment | C |
| 13 | APESMA | Sub-28Jan15 | Schedule B | | Summary wages tables – Supports inclusion of summary tables to clarify minimum pay entitlements and application of overtime and penalty rates, but agrees with SDA submission that tables require notes explaining application and referring to relevant award clauses for explanation | Para 38 | <i>Awards to contain wages tables in accordance with [2015] FWC FB 4658</i> | R |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status |
|------|----------------|-----------------------------------|-------------------------|------------------------|--|-------------|---|--------|
| | | | | | of when various forms of rates apply. | | | |
| | HSU | Sub-28Jan15 | | | Adopts submissions of ACTU in relation to Group 1 EDs on this issue; notes award rates are minimum wage rates only and that employees may be entitled to higher rates as part of a contract of employment. | Paras 13–14 | | |
| | PGA | Reply-sub-28Aug15 | | | Supports inclusion of summary tables, but has concerns about the use of the term ‘minimum hourly rate’. | Page 1 | <i>See also item 61</i> | |
| 14 | APESMA | Sub-28Jan15 | Schedule G | 3.1 | Definitions – Submits would be more appropriate for definitions to remain at start of award | Para 39 | <i>Commission determined that Definitions to be final schedule in all EDs</i> | R |
| | SDA | Sub-28Jan15 | | | Submits necessary to have definitions at beginning of award; should remain at clause 3 and precede substantive award provisions. Submits would be more logical and user friendly. | Paras 3–5 | Withdrawn – sub-15Jul15 – para 9 | |
| | PGA | Reply-sub-4Mar15 | | | Disagree with APESMA and SDA, submits that definitions should be at the end of document, as it is more common for definitions to be at the end of a document. | Page 3 | | |
| | SDA and others | Sub-24May16 | | | Definitions – Submits would be more appropriate for definitions to be in the body of the award, preferably at the beginning | Para 16 | | |

| ITEM | PARTY | DOCUMENT | CLAUSE (expos ure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status |
|------------------------------|-------------|--|--------------------------------|------------------------------|--|---|---|--------|
| Award specific issues | | | | | | | | |
| 15 | SDA | Sub-25Nov14 Sub-15Jul15 | 6.3 | 11 | Full-time employment – Seeks to vary clause to include requirement for agreement in writing at time of engagement on regular pattern of work. | Paras 4–6 Paras 52–54 | ABI&NSWBC submits this should be determined by a separately constituted Full Bench. | S |
| | Business SA | Reply-sub-28Aug15 | | | Oppose claim. | Paras 17–18 | | |
| | SDA | Sub-24May16 | 6.3 | 11 | Draft determination submitted | Paras 92-93, 27–29, 30–33 and Appendix 2 | | |
| 16 | SDA | Sub-25Nov14 Sub-15Jul15 | 6.3 | 11 | Full-time employment –Seeks to vary award to include minimum shift of 4 hours for full-time employees. | Paras 7–9 Para 55–59 | Not agreed | S |
| | PGA | Reply-sub-28Aug15 | | | Oppose SDA claim. | Pages 3–4 | | |
| | Business SA | Reply-sub-28Aug15 | | | Oppose SDA claim | Paras 17–18 | | |
| | SDA | Sub-24May16 | 6.3 | 11 | Draft determination submitted | Paras 94– 96, and Appendix 2 | | |
| 17 | PGA | Sub-25Nov14 | 6.3 | 11 | Full-time employment – Requires full-time definition. | Item d | Not pressed – see PGA sub 15/7 | W |
| 18 | PGA | Sub-25Nov14 | 6.4 | 12 | Part-time employment – Review clause to provide more flexible work practices. | Item 3 | Referred to Casual/Part-time Full Bench | C |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status |
|------|-------------|----------------------------------|-------------------------|------------------------|---|-------------------------|---|--------|
| 19 | APESMA | Sub-28Jan15 | 6.4(a)(i) | 12.1 | Part-time employment – Requests word “and” be added after semicolon at end of clause 6.4(a)(i). | Paras 17–20 | “and” will be inserted in ED | A |
| | SDA | Sub-28Jan15 | | | Submits removal of word “and” substantively changes part-time definition and clause should not refer to 6.5(d), but rather 10.1. | Paras 45–47 | | |
| | PGA | Reply-sub-4Mar15 | | | Submits removal of word “and” does not vary clause, but is not opposed to its retention | Page 2 | | |
| | PGA | Reply-sub-4Mar15 | | | Supports SDA submission | Page 4 | | |
| | Business SA | Reply-sub-4Mar15 | | | Does not object to retaining ‘and’ between provisions | Page 10 | | |
| | ABI & NSWBC | Reply-sub-5Mar15 | | | Disagree with the submissions of SDA at [45]-[47] and APESMA at [17]- [20], that the removal of the word 'and' changes the definition of 'part-time employee.' | Para 76 | | |
| 20 | SDA | Sub-28Jan15 | 6.4(d) | | Part-time rate of pay – Cross-reference to clause 6.5(d) incorrect should refer to clause 10.1 | Paras 48; 96–97 | Cross reference will be changed to 10.1 in ED | A |
| | PGA | Reply-sub-4Mar15 | | | Supports SDA submission | Page 4 | | |
| | ABI & NSWBC | Reply-sub-5Mar15 | | | SDA submissions at [48] are correct and should be accepted. | Para 77 | | |
| 21 | PGA | Sub-28Jan15 | 6.4(d) | | Part-time rate of pay – Propose to remove words “no less than”, which are not in existing award, so no argument is created about current over-award amounts becoming award rate. | Page 2 and attachment A | Words “no less than” to be deleted in ED | A |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status |
|-----------|-------------|-----------------------------------|----------------------------|---------------------------|---|-------------------------|--|--------|
| | APESMA | Sub-28Jan15 | | | Oppose PGA proposal. No need to delete words. Such variation could lead to disputes in relation to overaward payments. | Paras 16-19 | | |
| | SDA | Reply-sub-18Feb15 | | | Does not support PGA proposed amendment. | Para 28. | | |
| | Business SA | Reply-sub-4Mar15 | | | Supports PGA submission | Page 10 | | |
| | ABI & NSWBC | Reply-sub-5Mar15 | | | Support the submissions of the PGA in respect of deleting the words 'no less than' in clause 6.4(d). | Para 78 | | |
| 22 | APESMA | Sub-28Jan15 | 6.4(f)(i) | 12.8(a) | Part-time rosters – Request to retain existing requirement to give 48 hours' <u>written</u> notice for roster change in case of an emergency. | Paras 21–23 | “written” to be inserted in ED | A |
| | SDA | Sub-28Jan15 | | | | Paras 50–54 | | |
| | PGA | Reply-sub-4Mar15 | | | | Page 2 and page 4 | | |
| | Business SA | Reply-sub-4Mar15 | | | | Page 10 | | |
| | ABI & NSWBC | Reply-sub-5Mar15 | | | | Para 80 | | |
| 23 | PGA | Sub-28Jan15 | 6.4(f) | | Part-time rosters – Propose to reinstate existing provisions that roster can be altered by <u>employer</u> giving notice to <u>employee</u> (and not the reverse). | Page 2 and attachment A | “employer” and “employee” to be inserted in ED | A |
| | APESMA | Sub-28Jan15 | | | Do not oppose PGA proposal, however, | Paras 20-21 | | |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status |
|------|-------------|---|-------------------------|------------------------|--|----------------------------|---|--------|
| | | | | | notes PGA does not have same concerns APESMA raised previously re requirement for employer to give written notice | | | |
| | SDA | Reply-sub-18Feb15 | | | Not opposed. | Para 30 | | |
| | ABI & NSWBC | Reply-sub-5Mar15 | | | Support PGA submission | Para 78 | | |
| 24 | SDA | Sub-28Jan15 Sub-15Jul15 | 6.5(c)(i) | | Casual loading – change in use of term “actual” to “minimum” provides different entitlement, particularly where hours worked attract penalty; submits clause should reflect existing terminology and entitlements in current award. | Paras 55–60 Paras 19-27 | See also [2015] FWCFB 4658 | O |
| | PGA | Reply-sub-4Mar15 Reply-28Aug15 | | | Oppose SDA submission | Page 4 Page 2 | | |
| | Business SA | Reply-sub-4Mar15 Reply-sub-28Aug15 | | | Submits that the entitlement to penalty rates for casuals is not altered by the propose changed of wording. | Page 10 | | |
| | ABI & NSWBC | Reply-sub-5Mar15 Sub-21Aug15 | | | Submission by SDA is opposed. | Para 13 | | |
| | | | | | Disagree with SDA submission and consider that the language used in the Exposure Draft has the same meaning and effect as the current Award provisions | Para 81 Para 2.9 | | |
| 25 | SDA | Sub-28Jan15 | 6.5(c)(ii) and (iii) | | Casual employment – <i>Parties were asked to provide a list of provisions that do not apply to casual employees</i> SDA does not support inclusion of model | Paras 61–69 | Agreement to delete 6.5(c)(ii) & (iii) See also Full | A |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status |
|-----------|-------------|--|-------------------------|------------------------|--|-----------------------------|---|--------|
| | | | | | award provision of nature prescribed in these clauses; issue of what does and does not apply to casuals should continue to be specified within award. SDA supports submissions of ACTU on issue and submits conclusion reached in paras [68]–[69] of Decision be applied to ED | | Bench decided to remove sub-clause and the note from EDs in Decision [2014] FWCFB 9412 , see para [69]. | |
| | PGA | Reply-sub-4Mar15 | | | PGA understands that the Commission has dealt with this issue | Page 4 | | |
| | ABI & NSWBC | Reply-sub-5Mar15 | | | disagree with the SDA submissions and contend that there is merit in identifying the purpose of casual loadings | Para 82 | | |
| 26 | PGA | Sub-28Jan15 | 6.5(c)(ii) | | Proposes to delete “paid personal leave” | Attachment A | Agreement to delete 6.5(c)(ii) | A |
| | ABI & NSWBC | Sub-2Feb15 | | | Proposes to delete “paid personal leave” as already included in “paid personal/carer’s leave”. | Para 58 | See also [2014] FWCFB 9412 | |
| | APESMA | Reply-sub-17Feb15 | | | Generally agrees with ABI&NSWBC submission | Para 31 | | |
| | SDA | Reply-sub-18Feb15 | | | Does not oppose deletion. | Para 49 | | |
| | PGA | Reply-sub-4Mar15 | | | Support ABI&NSWBC submission | Page 1 | | |
| 27 | PGA | Sub-25Nov14 Sub-23May16 | 8 | 25 | Hours of work – Proposes two hour minimum engagement for school students | Item 4 Para 34(c) | Referred to the Part-time employment Full Bench | C |
| | PGA | Sub-15Jul15 | | | Hours of work – Propose daily minimum engagement for secondary students of 90 mins, subject to certain circumstances. | Paras 18–24 | | |
| | HSU | Reply-sub- | | | Opposes PGA proposal. | Paras 4–5, | | |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status |
|------|-------------|-----------------------------------|-------------------------|------------------------|---|-------------|--|--------|
| | | 21Aug15 | | | | 11–12 | | |
| | SDA | Reply-sub-21Aug15 | | | Opposes PGA proposal. | Paras 33–35 | | |
| | APESMA | Reply-sub-20Aug15 | | | Opposes PGA proposal. | Para 7 | | |
| 28 | PGA | Sub-25Nov14 | 8.1(a) and (b) | 25.4(a)(i v) | Rostering—Permanent employees – Seeks definition of “regularly works Sundays” | Item c | Reword as agreed by parties – see SDA sub-15Jul15 | A |
| 29 | PGA | Sub-25Nov14 | 8.2(d)-(f) | 25.3 | Hours of work – Seeks to address FWO interpretation issue. | Item a | <i>PGA to provide clarification of issue</i> | O |
| 30 | ABI & NSWBC | Sub-2Feb15 | 8.2(f) | | Hours of work – Submits subclause has tendency to suggest other provisions of clause 8.2 do not apply to part-time and casual employees; should consider whether to retain or re-draft | Para 59 | <i>Parties agree there is an issue; need to propose alternative wording</i> | O |
| | APESMA | Reply-sub-17Feb15 | | | Both agree with ABI & NSWBC submission. | Para 31 | | |
| | SDA | Reply-sub-18Feb15 | | | | Para 50 | | |
| | PGA | Reply-sub-4Mar15 | | | Support ABI & NSWBC submission. | Page 1 | | |
| | Business SA | Reply-sub-4Mar15 | | | Support redrafting of clause to remove any ambiguity | Page 11 | | |
| 31 | ABI & NSWBC | Sub-2Feb15 | 8.3(a) | 25.4(a) | Rostering—Permanent employees – Submits formatting, particularly of subclauses (iii) and (iv) creates unnecessary ambiguity; wording of clause 25.4(a)(iii) of current award should be retained. | Para 60 | <i>Parties (apart from PGA) agree there is an issue; need to propose alternative wording</i> | O |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status |
|-----------|-------------|-----------------------------------|-------------------------|------------------------|--|---------------|---|--------|
| | APESMA | Reply-sub-17Feb15 | | | Agree with ABI & NSWBC submission. | Para 31 | | |
| | SDA | Reply-sub-18Feb15 | | | | Para 51 | | |
| | PGA | Reply-sub-4Mar15 | | | Oppose ABI & NSWBC submission as clause is not ambiguous | Page 1 | | |
| | Business SA | Reply-sub-4Mar15 | | | Support redrafting of clause to remove potential confusion | Page 11 | | |
| 32 | PGA | Sub-28Jan15 | 9.3 | | Breaks – Proposes to insert table identifying break/s employees are entitled to for various hours worked. | Attachment A | Reword as agreed by parties – see SDA sub-15Jul15 | A |
| | APESMA | Reply-sub-17Feb15 | | | Generally agree with PGA proposal to include a number of tables. Particularly in relation to 9.3. However, note some inaccuracies in their proposed tables. | Para 30 | | |
| | SDA | Reply-sub-18Feb15 | | | Not opposed, however second line of table needs to be amended, should read as ‘More than 5 up to less than 7.6’. | Paras 37-38 | | |
| 33 | SDA | Sub-15Jul15 | 10; 14 | | Wage tables – while some agreement has been reached regarding inclusion of these tables, the award would benefit from a definition of ‘minimum hourly rate’ and ‘ordinary hours’. | Paras 12–22 | Reword as agreed by parties – see SDA sub-15Jul15 | A |
| | Business SA | Reply-sub-28Aug15 | | | SDA proposal is not supported. | Para 12. | | |
| | ABI&NSWBC | Sub-21Aug15 | | | Do not oppose SDA submission in respect of proposed clause 14.1(b), but oppose inclusion of definitions. | Paras 2.5–2.8 | | |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status |
|------|-------------|--|-------------------------|------------------------|---|-------------------------------|---|--------|
| 34 | APESMA | Sub-25Nov14 Sub-15Jul15 | 10.1 | 17 | Minimum wages – Seeks to have rates for Pharmacists and Pharmacy students increased. | Page 2 Para 16.1 | Has held discussions with other parties and they agreed this should be dealt with by a separate Full Bench. | S |
| | Business SA | Reply-sub-28Aug15 | | | Oppose claim. | Paras 15–16 | | |
| | APESMA | Sub-24May16 | | | Minimum wages – Work value increase in rates of pay for Intern, Pharmacist, Experienced Pharmacist, Pharmacist in Charge and Pharmacy Manager. Also seeks new classification of Accredited Pharmacist. Draft determination submitted | Paras 111–114 and Appendix 5. | | |
| 35 | PGA | Sub-25Nov14 | 10.1 | 17 | Minimum wages – Seeks specification as to when a pharmacy student moves up to next pay point. | Item b | See item 33 | A |
| 36 | Business SA | Reply-sub-4Mar15 | 10.1 | 17 | Minimum wages – proposes the inclusion of specific clause regarding the calculation of hourly rates, which defines method of calculating hourly rates | Page 4 | | W |
| 37 | SDA | Sub-25Nov14 Sub-15Jul15 | 10.2 | 18 | Junior employees – Seeks to vary clause to provide for payment of junior rates to Level 1 employees only. | Paras 10–12 Paras 60–63 | ABI&NSWBC submits this should be determined by a separately constituted Full Bench. | S |
| | PGA | Reply-sub-28Aug15 | | | Oppose claim. | Page 4 | | |
| | Business SA | Reply-sub-28Aug15 | | | Oppose claim. | Para 19 | | |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status |
|------|--------|--|-------------------------|------------------------|--|-------------------------------------|---|--------|
| | SDA | Sub-24May16 | 10.2 | 18 | Draft determination submitted | Paras 98–100 and Appendix 3. | | |
| 38 | PGA | Sub-28Jan15 | 10.2 | 18 | Junior employees – Propose to include following note after rates table: “Note: Junior employees will move to next pay point on their birthday.” | Attachment A | | W |
| 39 | SDA | Proposed variation-25Nov14 | 10.3 | 22 | Payment of wages – Seeks to vary clause so that all wages shall be paid on regular pay day within 4 days of end of pay period. | Paras 13–19 | Reword as agreed by parties – see SDA sub-15Jul15 | A |
| 40 | PGA | Proposed variation-25Nov14 and Sub-28Jan15 | 10.3 | | Hours of work – Seeks conference to discuss potential ambiguity created by operation and interaction of award clauses providing averaging hours over two weeks and payment on weekly or fortnightly basis. | Item A and; Page 2 and attachment A | Not pressed – see PGA sub 15/7 | W |
| 41 | APESMA | Sub-28Jan15 | 10.4(a) and (b) | 27.1 and 27.2 | Annualised salary (pharmacists only) – Proposes current annualised salary provisions for pharmacists should be retained. Make it clear that employee’s annualised salary agreement must provide compensation for all provisions they have agreed to annualise; ED wording may be interpreted differently. Notes current provision has been in operation since 1998. | Paras 24–28 | Withdrawn – sub-15Jul15 – para 9 | W |
| | SDA | Sub-28Jan15 | | | Change to wording substantively changes current provision; annual salary must be in | Paras 77–85 | | |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status |
|------|-------------|----------------------------------|----------------------------|---------------------------|--|----------------|-------|--------|
| | | | | | satisfaction of <u>all</u> of provisions, not <u>any</u> . SDA does not oppose change in format of clause but strongly opposes changes to wording provided in current award; strongly argues existing provisions should be retained to provide more appropriate safety net. | | | |
| | HSU | Sub-28Jan15 | | | Supports retention of annualised salary provisions contained in current award and not those in ED. | Para 39 | | |
| | PGA | Reply-sub-4Mar15 | | | Oppose APESMA, SDA and HSU, submit that annualised salary clause in Exposure Draft doesn't alter meaning of current clause. | Page 2,3 and 4 | | |
| | Business SA | Reply-sub-4Mar15 | | | Propose to retain current clause, with the addition of 'applicable provisions' i.e. 'the annual salary may be in satisfaction of the applicable provision of the award' | Page 11 | | |
| | ABI & NSWBC | Reply-sub-5Mar15 | | | Disagree that the Exposure Draft has changed the entitlement to and rules surrounding the use of an annualised salary. Oppose SDA at [80]-[85] and APESMA at [24]-[28]. The format and wording of the Exposure Draft at clause 10.4 is much clearer and simpler than clause 27 of the current Award. | Para 83 | | |

| ITEM | PARTY | DOCUMENT | CLAUSE (expos ure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status | |
|------|-------------|-----------------------------------|--------------------------------|------------------------------|---|--|---|--------|--------------------------------------|
| 42 | PGA | Sub-25Nov14 | 10.4 | | Annualised salary – propose to delete “(Pharmacists only)” from clause title; seeks annualised salary for pharmacy assistants. | Item 2 | No agreement | S | |
| | | Sub-28Jan15 | | | | Attach A | | | |
| | | Sub-15Jul15 | | | | Paras 14–17 | | | |
| | Business SA | Reply-sub-28Aug15 | | | | Support proposal. | | | Para 23 |
| | SDA | Reply-sub-18Feb15 | | | | Strongly opposes PGA proposal. Substantial change. Issue should be addressed at conference and hearing, not in relation to ED. | | | Paras 41-45 Paras 12–13, 29–32 |
| | | Reply-sub-21Aug15 | | | | | | | |
| | HSU | Reply-sub-21Aug15 | Oppose PGA proposal. | Paras 4–5, 9–10 | | | | | |
| | APESMA | Reply-sub-20Aug15 | | Oppose PGA proposal. | Para 7 | | | | |
| | PGA | Sub-23May16 | 10.4 | 27 | Draft determination submitted | Paras 34–39 and Annexure A. | | | |
| 43 | ABI & NSWBC | Sub-2Feb15 | 10.5 | | Supported wage system – Propose to delete words “because of the effects of a disability” to avoid leading employers into error in relation to eligibility for supported wage; if additional words are considered necessary, it should be done in annotated version of award. | Para 61 | <i>While parties have agreed to change wording, this wording is standard to all EDs</i> | O | |
| | APESMA | Reply-sub-17Feb15 | | | | Generally agrees with ABI & NSWBC submission. | | | Para 31 |
| | PGA | Reply-sub-4Mar15 | | | | Support ABI & NSWBC submission. | | | Page 1 |
| 44 | APESMA | Sub-28Jan15 | 11.2(a) | 19.1(b) | Meal allowance – | Para 30 | Reword as agreed | A | |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status |
|------|-------------|-----------------------------------|-------------------------|------------------------|---|--------------|--|--------|
| | SDA | Sub-28Jan15 | (iii) | | Parties were asked to clarify whether clause 11.2(a)(iii) applies to both clause 11.2(a)(i) and 11.2(a)(ii) or just 11.2(a)(i). APESMA and SDA submit clause 11.2(a)(iii) applies to both 11.2(a)(i) and 11.2(a)(ii). | Paras 87–89 | by parties – see SDA sub-15Jul15 | |
| | HSU | Sub-28Jan15 | | | Supports submissions of SDA and APESMA. | Para 40 | | |
| | PGA | Sub-28Jan15 | | | Proposes to change “This provision” to “11.2(a)(i) and (ii)”. | Attachment A | | |
| | APESMA | Reply-sub-17Feb15 | | | Agrees with PGA submission. | Paras 23, 29 | | |
| | SDA | Reply-sub-18Feb15 | | | Does not oppose PGA amendment. | Para 47 | | |
| | ABI & NSWBC | Sub-2Feb15 | | | Clear from current award exclusion clause is meant to apply to both meal allowances; if Commission considers formatting of ED makes clause unclear, proposes following amendment: “ <i>The meal allowances in this provision will not apply when the employer has advised the employee of the requirement to work overtime on the previous day.</i> ” | Para 62 | | |
| | SDA | Reply-sub-18Feb15 | | | Does not oppose wording provided by ABI & NSWBC. | Para 52 | | |
| | PGA | Reply-sub-4Mar15 | | | Support ABI & NSWBC submission. | Page 1 | | |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status |
|------|-------------|----------------------------------|-------------------------|------------------------|---|-------------|---|--------|
| | PGA | Reply-sub-4Mar15 | | | Support APESMA submission | Page 3 | | |
| | Business SA | Reply-sub-4Mar15 | | | Supports the submission of ABI and NSWBC that the permanent change to part-time roster creates new ordinary hours for the employee. | Page 11 | | |
| | ABI & NSWBC | Reply-sub-5Mar15 | | | agree the submissions made by SDA, APESMA and the PGA in relation to the questions asked by the Commission in clause 11.2 of the Exposure Draft | Para 84 | | |
| 45 | APESMA | Sub-28Jan15 | 11.2(a)(v) | | Meal allowance – <i>Parties were advised that clause 6.4(c) permits a permanent change to a part-time employee's regular hours, and asked how clause 11.2(a)(v) interacts with clause 6.4(b)(vi)</i> APESMA submits clause 11.2(a)(v) has no relationship with clauses 6.4(b)(vi) or 6.4(c) because clause 11.2(a)(v) is meant to cover situations where employee has been asked to perform additional hours without notice. | Para 31 | <i>Agreed that there will be no change to wording</i> | A |
| | SDA | Sub-28Jan15 | | | Submits there is no interaction between clause 11.2(a)(v) and 6.4(b)(vi). | Paras 90–95 | | |
| | HSU | Sub-28Jan15 | | | Supports submissions of SDA and APESMA. | Para 40 | | |
| | ABI & NSWBC | Sub-2Feb15 | | | Submits there is no ambiguity in this clause; no change necessary. | Para 63 | | |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status |
|------|-----------|-----------------------------------|-------------------------|-------------------------|--|--------------|---|--------|
| | APESMA | Reply-sub-17Feb15 | | | Generally agrees with ABI & NSWBC submission. | Para 31 | | |
| | PGA | Reply-sub-4Mar15 | | | Support SDA, HSU and ABI & NSWBC submission. | Page 1 and 4 | | |
| 46 | PGA | Sub-25Nov14 | 11.2(c)(ii) | 19.3(b) | Special clothing allowance – Seeks review of allowance so it applies fairly, having regard to number of days an employee works. | Item 5 | Not pressed | W |
| 47 | PGA | Sub-28Jan15 | 12 | | Superannuation – Proposes to include annotation in clause 12.1 that notes clause refers to what is commonly known as compulsory superannuation contributions and that it applies regardless of whether employer is small or large business; also proposes to include note that describes who gets superannuation at end of clause 12. | Attachment A | | W |
| 47A | SDA | Sub-15Jul15 | 13.2 | 26.2 | Overtime – Exposure draft fails to reference all of the clauses in 8.2 which are currently included in the award. | Paras 28–35 | Cross references to be updated in accordance with SDA sub-15Jul15 | A |
| | ABI&NSWBC | Sub-21Aug15 | | | Agree with SDA | Para 2.10 | | |
| | PGA | Reply-sub-28Aug15 | | | Not opposed to SDA submission | Page 2 | | |
| 48 | FWO | Corr-24Nov14 | 13.1(a) | 26.1(a); 26.1(a)(ii) | Overtime – Unclear whether casual employees are able to work overtime and whether they are entitled to overtime rates for this work. | Item 18 | To be dealt with by Casual employment Full Bench | C |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status |
|------|-------------|---|-------------------------|------------------------|---|----------------------------|---|--------|
| | SDA | Sub-28Jan15 | | | Overtime for casuals – <i>Parties were asked whether the award should state when a casual is entitled to overtime</i> SDA strongly submits that the award needs to state that casual is entitled to overtime. Overtime in award applies to all employees performing work beyond times and patterns considered ‘ordinary’, including casuals, and as such strongly opposes change in definition of overtime included in ED. | Paras 70–76 | SDA submits issue of overtime may be more appropriately dealt with as part of the common issues dealing with casual and part-time employment (para 76). | C |
| | APESMA | Sub-28Jan15 | | | Supports inclusion of provision clarifying casual employees are entitled to receive overtime; requests ED be varied to reflect provisions in existing award. | Paras 32–34 | | |
| | HSU | Sub-28Jan15 | | | Supports making it clear that casuals are entitled to overtime. | Para 41 | | |
| | ABI & NSWBC | Sub-2Feb15 | | | Clause 13.2, in combination with clause 13.1(a), indicates casual employees are not entitled to overtime payments. | Para 64 | | |
| | APESMA | Reply-sub-17Feb15 | | | Disagree with ABI & NSWBC submission. | Paras 32-33 | | |
| | PGA | Reply-sub-4Mar15 Reply-sub-28Aug15 | | | Oppose ABI & NSWBC and SDA submission, submits casual employees only entitled to overtime if they work outside the spread of hours or more than 12 hours per day (refer to clause 25.2) | Page 1 and 4 Page 3 | | |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status |
|-----------|-------------|-----------------------------------|----------------------------|---------------------------|--|-------------------------|-----------------------------------|--------|
| | PGA | Reply-sub-4Mar15 | | | APEMSA submits current award provides overtime for casuals if they work more than daily hour in clause 25.2 only | Page 3 | | |
| | PGA | Reply-sub-4Mar15 | | | Supports HSU submission | Page 4 | | |
| | Business SA | Reply-sub-4Mar15 | | | Supports the view that any change to wording would change the current entitlements of the award and will have a significant effect on the industry | Page 11 | | |
| | ABI & NSWBC | Reply-sub-5Mar15 | | | Support PGA submission | Para 85 | | |
| | SDA | Sub-15Jul15 | 13.2(a) | 26.2 | Overtime – Payment for overtime should also occur when an employee works out “ordinary” hours. | Paras 36–39 | | |
| | ABI&NSWBC | Sub-21Aug15 | | | Opposed SDA submission. | Para 2.11 | | |
| | PGA | Reply-sub-28Aug15 | | | Oppose SDA submission | Pages 2–3 | | |
| | SDA | Reply-sub-18Feb15 | | | Strongly opposes ABI & NSWBC submission. Rely on submission 28 January 2015. | Paras 53-54 | See Sub-28Jan15 . | |
| 50 | PGA | Sub-28Jan15 | 13.2 | | Overtime – Proposes to make clear overtime is only payable when worked at <u>direction</u> (replacing “discretion”) of employer; this has same meaning as current award which provides overtime is payable on <u>authorised</u> additional hours. | Page 2 and attachment A | | A |
| | APESMA | Reply-sub-17Feb15 | | | Agrees with PGA submission. | Para 24 | | |
| | SDA | Reply-sub-18Feb15 | | | Does not oppose PGA submission. | Paras 31-32. | | |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status |
|------|-------------|---|-------------------------|------------------------|---|---|---|--------|
| 51 | PGA | Sub-25Nov14 Sub-23May16 | 13.3; 14.1 | 26.2; 31.3 | Overtime and penalty rates – seeks reduction to weekend and public holiday penalty rates. | Item 1 Para 34 | Referred to Penalty Rates Full Bench | C |
| 52 | SDA | Sub-25Nov14 Sub-15Jul15 Sub-24May16 | 13.3(a) | 26.2(a)(i) | Payment for overtime – Seeks to vary clause to ensure no ambiguity as to payment of overtime for all permanent and casual employees performing work. | Para 3 Paras 40–51 Paras 88–90 and Appendix 1 | Being dealt with as part of Casual employment Full Bench proceedings. | C |
| | ABI&NSWBC | Sub-21Aug15 | | | Do not agree that any changes have been made to substantive entitlements. | Paras 2.12-2.13 | | |
| | PGA | Reply-sub-28Aug15 | | | Disagree that an ambiguity exists, and oppose claim. | Page 3 | | |
| | Business SA | Reply-sub-28Aug15 | | | Oppose SDA claim. | Para 14 | | |
| 53 | PGA | Sub-28Jan15 | 13.4(d) | | Time off instead of overtime payment – Proposes to remove entitlement being “for each hour worked”, to avoid argument overtime is not payable for less than an hour’s work; proposes to insert note indicating an employee cannot be forced to take time off in lieu of payment at overtime rates and that time off in lieu applies to overtime but not other penalties. | Page 2 and attachment A | <i>Being dealt with by Award flexibility Full Bench – see [2015] FWCFB 4466</i> | R |
| | APESMA | Reply-sub-17Feb15 | 13.4(d) | | Does not support PGA submission. Believes wording necessary to describe rate at will employee will receive time off. | Paras 25-28 | | |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status |
|------|--------|-----------------------------------|-------------------------|------------------------|--|-------------------------|---|--------|
| | | | | | Essential to retain option for employees to elect to take time off instead of being paid for overtime. Removal of words remove decision to elect from employee to employer, not consistent with the current award. | | | |
| | SDA | Reply-sub-18Feb15 | | | Opposes PGA proposal to remove words 'for each hour worked'. Wording necessary to describe rate at which they will receive time off. Also oppose removal of wording 'elects to' | Para 33-36 | | |
| 54 | PGA | Sub-28Jan15 | 14.2 | | Meal break – propose to delete clause as already dealt with in clause 11.2(b). | Page 2 and attachment A | Clause to be deleted in ED | A |
| 55 | SDA | Sub-28Jan15 | 18 | | Public holidays – Summary is an oversimplification of NES provision and does not provide sufficient information | Paras 35–40 | See [2014] FWCFCB 9412 | R |
| 56 | PGA | Sub-28Jan15 | 20.2 | | Notice of termination – Proposes to include table setting out relevant notice periods. | Attachment A | Reword as agreed by parties – see SDA sub-15Jul15 | A |
| | APESMA | Reply-sub-17Feb15 | | | Generally agree with PGA proposal to include a number of tables. Particularly in relation to 20.2. However, note some inaccuracies in their proposed tables. | Para 30 | | |
| | SDA | Reply-sub-18Feb15 | | | Not opposed to inclusion of table. | Para 40. | | |
| 57 | SDA | Sub-28Jan15 | 21.2 | | Redundancy – Proposed definition of 'small business employer' is unnecessary as is already contained in definitions clause. | Para 34 | Reword as agreed by parties – see SDA sub-15Jul15 | A |
| | PGA | Reply-sub- | 21.2 | | Support SDA submission, however 'small | Page 4-5 | | |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status |
|------|-------------|----------------------------------|-------------------------|------------------------|---|-------------|---|--------|
| | | 4Mar15 | | | business' should be bolded and hyperlinked to definition. | | | |
| 58 | HSU | Sub-25Nov14 | Schedule A | Schedule B | Classification definitions – Seeks to amend definitions of Pharmacists and Pharmacy Intern. | Para 26 | | W |
| 59 | PGA | Sub-25Nov14 | Schedule A | Schedule B | Classification definitions – Seeks review of classification descriptions, payment for offsite training and replace out of date terminology. | Item e | Training packages alignment – Employer directed training paid by employer | W |
| 60 | APESMA | Sub-28Jan15 | Schedule A | 14; Schedule B | Classification definitions – Requests ED be varied to reflect current classification structure sequential order, specifically in relation to student and intern pharmacists. | Paras 35–37 | Reword as agreed by parties – see SDA sub-15Jul15 | A |
| | ABI & NSWBC | Reply-sub-5Mar15 | | | Do not oppose APESMA submissions | Para 86 | | |
| 61 | APESMA | Sub-28Jan15 | Schedule B | | Summary wages tables – Supports inclusion of summary tables to clarify minimum pay entitlements and application of overtime and penalty rates, but agrees with SDA submission that tables require notes explaining application and referring to relevant award clauses for explanation of when various forms of rates apply. | Para 38 | See also [2015] FWCFB 4658 | O |
| | HSU | Sub-28Jan15 | | | Adopts submissions of ACTU in relation to Group 1 EDs on this issue; notes award rates are minimum wage rates only and that employees may be entitled to higher rates as part of a contract of employment. | Paras 13–14 | | |
| | PGA | Reply-sub- | | | Supports inclusion of summary tables, but | Page 1 | | |

| ITEM | PARTY | DOCUMENT | CLAUSE (expos ure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status |
|-----------|-------------|-----------------------------------|--------------------------------|------------------------------|---|-------------|--|--------|
| | | 28Aug15 | | | has concerns about the use of the term 'minimum hourly rate'. | | | |
| | SDA | Sub-28Jan15 | Schedule B | | Summary wages tables – Tables not consistent with use of term 'minimum hourly rate' and 'ordinary hours'; submits heading in column 2 of tables B.1.1 and B.2.1 should read "Ordinary hours worked where the minimum hourly rate applies" to be consistent with use of "% of minimum hourly rate" used below in same tables. | Paras 28–30 | | |
| | APESMA | Sub-28Jan15 | | | Disclaimer at start of wages tables should be included advising readers to refer to relevant award clauses | Para 38 | | |
| | PGA | Reply-sub-4Mar15 | | | Disagree with APESMA, hourly rates tables assist in payment of correct wages, and they are available from PGA and FWO | Page 3 | | |
| 62 | SDA | Sub-28Jan15 | Schedule G | 3.1 | Definition of default fund employee – notes definition deleted from ED | Para 6 | <i>Definition to be re-inserted</i> | A |
| | ABI & NSWBC | Sub-2Feb15 | | | Submits although term not used in award, notes that Full Bench decided to include definition in all awards; consideration should be given to retaining definition in accordance with decision. | Para 65 | See also Full Bench decision [2013] FWCFCB 10016 | |
| | APESMA | Reply-sub-17Feb15 | | | Generally agree with ABI & NSWBC submission. | Para 31 | | |
| | SDA | Reply-sub-18Feb15 | | | Supports ABI & NSWBC submission. | Para 55 | | |
| | PGA | Reply-sub-4Mar15 | | | Support ABI & NSWBC submission. | Page 1 | | |
| | PGA | Reply-sub- | | | Support SDA | Page 3 | | |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status |
|-----------------------------|-------------|--|-------------------------|------------------------|---|--------------------------------------|---|--------|
| | | 4Mar15 | | | | | | |
| | Business SA | Reply-sub-4Mar15 | | | Supports ABI and NSWBC in retaining definition of 'default fund employee' based on FWCFB 10016 | Page 11 | | |
| 63 | PGA | Sub-28Jan15 | Schedule G | 3.1 | Definitions – Proposes to insert note explaining term “national system”. | Attachment A | | W |
| Proposed new clauses | | | | | | | | |
| 64 | SDA | Sub-25Nov14 Sub-15Jul15 | | | Blood donor leave – Seeks inclusion of new clause to provide all employees with 2 hours paid leave on maximum of 4 occasions per year. Casuals would be entitled to be absent for 2 hours, up to 4 occasions per year without pay. | Paras 21–22 Paras 66–67 | Being considered. SDA to provide draft clause | S |
| | PGA | Reply-sub-28Aug15 | | | Oppose claim. | Page 4 | | |
| | Business SA | Reply-sub-28Aug15 | | | Oppose claim | Para 20 | | |
| | SDA | Sub-24May16 | | | Draft determination submitted | Paras 102–106 and Appendix 4. | | |
| 65 | SDA | Sub-25Nov14 Sub-15Jul15 | | | Bone marrow donor leave – Seeks inclusion of new clause to provide all employees with 2 hours paid leave on maximum of 2 occasions per year. Casuals would be entitled to be absent for equivalent time, without pay. | Paras 23–27 Paras 68-71 | Being considered. SDA to provide draft clause | S |
| | PGA | Reply-sub-28Aug15 | | | Oppose claim. | Page 4 | PGA | |
| | Business SA | Reply-sub-28Aug15 | | | Oppose claim | Para 20 | Business SA | |

| ITEM | PARTY | DOCUMENT | CLAUSE (expos ure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status |
|------|-------------|-----------------------------------|--------------------------------|------------------------------|--|--|-------|--------|
| | SDA | Sub-24May16 | | | Draft determination submitted | Paras 102– 104, 107-108 and Appendix 4. | | |
| 66 | APESMA | Sub-25Nov14 | | | Professional services allowance – Seeks inclusion of new allowance to cover additional duties. | Page 2 | | S |
| | PGA | Reply-sub-28Aug15 | | | Oppose claim. | Page 4 | | |
| 67 | APESMA | Sub-25Nov14 | | | Reimbursement of expenses – Seeks inclusion of new clause providing reimbursement for Professional Insurance costs and Registration Fees. | Page 2 | | S |
| | PGA | Reply-sub-28Aug15 | | | Oppose claim. | Pages 4–5 | | |
| | Business SA | Reply-sub-28Aug15 | | | Oppose claim. | Paras 15–16 | | |
| 68 | APESMA | Sub-25Nov14 | | | CPD training and study leave – Seeks inclusion of new clause providing for employers to provide financial and time assistance. | Page 2 | | S |
| | PGA | Reply-sub-28Aug15 | | | Oppose claim. | Page 5 | | |
| | Business SA | Reply-sub-28Aug15 | | | Oppose claim. | Paras 15–16 | | |
| | APESMA | Sub-24May16 | | | Draft determination submitted | Paras 116– 118 and Appendix 6. | | |

| ITEM | PARTY | DOCUMENT | CLAUSE (exposure draft) | CLAUSE (current award) | SUMMARY OF ISSUE | Reference | NOTES | Status |
|------|-------------|--|----------------------------|---------------------------|---|---------------------------------|--|--------|
| 69 | APESMA | Sub-25Nov14 Sub-15Jul15 | | | Workloads – Seeks inclusion of new provision restricting number of prescriptions pharmacists may dispense in one day. | Page 3 Para 16.5 | Subject to separate discussions | S |
| 70 | PGA | Sub-15Jul15 and Sub-23May16 | | | Direction to take annual leave – Seek inclusion of a clause permitting an employer to direct an employee to take annual leave during close-down. | Paras 7–13 Para 34(a) | Dealt with by Annual leave Full Bench –See [2015] FWCFB 3406 | C |
| | Business SA | Reply-sub-28Aug15 | | | Support proposal. | Para 22 | | C |
| | APESMA | Reply-sub-20Aug15 | | | Opposed to submission. | Para 7 | | |
| | SDA | Reply-sub-21Aug15 | | | Opposed to submission. | Paras 12–13, 15–28 | | |
| | HSU | Reply-sub-21Aug15 | | | Opposed to submission. | Paras 6–8 | | |
| | | | | | | | | |

List of abbreviations (in alphabetical order)

| | |
|----------------|---|
| ABI & NSWBC | Australian Business Industrial and the New South Wales Business Chamber Ltd |
| APESMA | The Association of Professional Engineers, Scientists and Managers, Australia |
| FWO | Fair Work Ombudsman |
| HSU | Health Services Union |
| NES | National Employment Standards |
| PGA | Pharmacy Guild of Australia |
| PHIEA | Private Hospital Industry Employers' Association |
| SDA | Shop, Distributive and Allied Employees Association |
| SDA and others | SDA, APESMA and HSU |

| | | | |
|----------------|--|--|---|
| Status: | A = Agreed (changes will be made to Exposure draft) | C = referred to Common issue Full Bench | O = Outstanding technical/drafting issue |
| | R = Resolved by previous Full Bench decision | S = Substantive issue | W = Withdrawn/Not pressed |