

SUMMARY OF SUBMISSIONS – TECHNICAL AND DRAFTING

This table is a summary of proposed variations lodged for this award on or before 5.00pm on 29 November 2016.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1	TWU	Sub-30/06/16	2	Definitions Definition of ‘permanent night shift’ should be deleted.	Paras 2-3	
	ASU	Sub-30/06/16		Opposes inclusion of this definition.	Para 7	
	ASU	Reply-20/07/16		Supports TWU submission.	Para 2	
	Qantas	Reply-21/07/16		Agree, given the definition is replicated in clause 17.1(d).	Para 9	
	AIG	Reply-22/07/16		Not opposed.	Para 94	
2	AMWU	Sub-30/06/16	2	Definitions Definition of ‘airline operations industry’ is unclear. Either leave per current award or add ‘or’ to read: ‘(a) and/or (b)’.	Pg 2	
	Qantas	Reply-21/07/16		Supports AMWU’s primary submission. Current award wording should be retained.	Para 12	
	ASU	Reply-20/07/16		Supports AMWU submission.	Para 3	
3	AWU	Sub-30/06/16	2, 4	Definitions / Coverage Not necessary to repeat definition of ‘Airline operations industry’ in both clauses. Prefer only clause 4.2.	Para 4	
	AMWU	Reply-21/07/16		Supports AWU’s submission.	Para 5	
	AIG	Reply-22/07/16		Not opposed to AWU submission, but do not oppose its retention in its current form.	Paras 91-92	
4	AIG	Sub-30/06/16	2	Definitions Ordinary hourly rate definition should refer to clause 18.	Para 218	

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	Qantas	Reply-21/07/16		Agree with AIG.	Para 3	
	AMWU	Reply-21/07/16		Agree with AIG.	Para 6	
	AWU	Reply-21/07/16		Agree with AIG.	Para 4	
	ASU	Reply-20/07/16		Seeks clarification if the wording ‘clause 18.3’ is an error or if the intention was to only reference the engineering and maintenance stream.	Para 4	
5	AWU	Sub-30/06/16	7.2	Facilitative provisions – facilitation by individual agreement Clause 28.4(b) should be listed in this clause.	Para 5	
	Qantas	Reply-21/07/16		Do not agree. Support the clause being included as proposed by Commission at table 7.3.	Para 17	
	AMWU	Reply-21/07/16		Should contain clauses 14.2(f) – ordinary hours of work – day work on weekend, 15.1, 16.1(b), 16.2(c).	Para 7	
	TWU	Reply-21/07/2017		Agree with AWU submission.	Para 3	
6	AWU	Sub-30/06/16	7.3	Facilitative provisions – facilitation by majority or individual agreement Clauses 14.2(c), 14.2(d), 16.1(d), 16.2(e), 28.4(a) and 28.4(b) should be deleted.	Para 5	
	Qantas	Reply-21/07/16		Do not agree. Support terms in ED.	Para 18	
	AMWU	Reply-21/07/16		Clauses 14.2(c) and 14.2(d) should be deleted. Clause 15.1 as a whole should be included. Clauses 16.1(b) and 16.1(c) should be included.	Para 7	

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	AIG	Reply-22/07/16		Do not agree 16.1(d) and 16.2(e) should be deleted.	Para 95	
7	AWU	Sub-30/06/16	7.4	Facilitative provisions – facilitation by majority agreement Clauses 16.1(d), 16.2(e) and 28.4(a) should be added.	Para 5	
	Qantas	Reply-21/07/16		Do not agree with AWU. Support terms in ED.	Para 19	
	TWU	Reply-21/07/2017		Agrees with AWU that 28.4(a) should be included.	Para 4	
	AMWU	Reply-21/07/16		Should include clauses 16.1(d) and 16.2(e).	Para 8	
8	AWU	Sub-30/06/16	10.2(b)	Part-time day workers ED drafting does not reflect the operation of clauses 7.4 and 15.1. Propose to amend the start of clause 10.2(b) to ‘subject to the employer’s rights in clause 15.1, changes in hours may only be made by agreement in writing ...’	Para 6	
	Qantas	Reply-21/07/16		Do not agree. ED drafting reflects current award.	Para 20	
	AMWU	Reply-21/07/16		Supports AWU’s submission.	Para 9	
	AIG	Reply-22/07/16		Opposed to suggested deletion. Reference to clause 7.4 should remain.	Paras 100-101	
9	ASU	Sub-30/06/16	11	Casual employment Clause 11.5(c) of current award has been moved to payment of wages (18.7 ED). The ED should contain wording referring	Para 10	

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				to the new location.		
	AIG	Reply-22/07/16		Does not consider necessary.	Para 102	
10	AMWU	Sub-30/06/16	11.1	Casual employment Do not object to definition of casual employee in ED.	Pg 2	
	AIG	Sub-30/06/16		Definition of casual in current award should be reinstated – change substantially alters meaning of casual employee	Paras 219-223	
	ASU	Reply-20/07/16		Supports AMWU submission. Do not agree with AIG submission.	Para 5	
	Qantas	Reply-21/07/16		Definition of a casual in current award should be preferred. Agree with AIG submission.	Para 4 and 13	
	AWU	Reply-21/07/16		Do not see any issued with wording in ED.	Para 5	
11	AIG	Sub-30/06/16	11.2(b)	Casual employment ED increases rate of pay for casuals. Results in the 25% loading being calculated on an amount that includes all purpose allowances. This is different from the current award which requires it to be calculated on a proportion of the relevant minimum weekly rate. Rely on earlier submissions made on a similar issue in the <i>Exposure Draft – Aircraft Cabin Crew Award 2016</i> .	Paras 224-226	
	ASU	Reply-20/07/16		ED wording should be maintained.	Para 5	
	AMWU	Reply-21/07/16		This issue was determined in the decision [2015] FWCFB 6656 (September 2015	Paras 11-15	

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				decision). AIG has not established a case for departing from the general approach previously determined.		
	Qantas	Reply-21/07/16		Support AIG submission.	Para 5	
12	AWU	Sub-30/06/16	11.3	Casual employment Wording does not express the intention to prescribe a minimum engagement period for each occasion an employee is required to attend work. Suggest redrafting to <i>'Casual employees are entitled to a minimum payment of four hours' work at the appropriate rate on each occasion they are required to attend work'</i> .	Para 7	
	AMWU	Reply-21/07/16		Support AWU submission.	Para 15	
13	TWU	Sub-30/06/16	12.16	Apprentices – travel payment for block release training Clause 12.6(b) and (c) are identical, one should be removed.	Para 4	Note: TWU refer to 12.6(b) and (c) in their submission. Assume the intended reference is 12.16(c) and (d).
	AWU	Sub-30/06/16		Clauses 12.16(c) and (d) are identical. 12.16(d) preferred.	Para 8	
	Qantas	Reply-21/07/16		Agree with TWU. 12.16(c) can be deleted.	Para 11	
	AIG	Reply-22/07/16		Not opposed.	Para 104	
14	AMWU	Sub-30/06/16	12.17	Apprentices – Reduction of payment The clause functions as a subclause of the text above. Either retain as subclause or add 'for travel payment' to the heading.	Pg 2	
	AIG	Reply-22/07/16		Not opposed. If heading is amended, it should read 'Reduction of travel payment	Paras 105, 107	

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				for block release training’.		
15	AMWU	Reply-21/07/16	14.2(c)	Ordinary hours of work – day work Reference to clause 31 (Consultation regarding change of hours) should be inserted.	Para 16	
16	AWU	Sub-30/06/16	15.1(a)	Method of arranging ordinary hours Wording of clause in current award is preferred over ED.	Para 9	AWU referred to clause 18.4(a) of current award – assume 28.4(a) was intended.
	AMWU	Reply-21/07/16		Supports AWU submission.	Para 17	
	Qantas	Reply-21/07/16		Do not agree with AWU. Support terms of ED.	Para 22	
	AIG	Reply-22/07/16		Not opposed to reversion to current clause.	Para 107	
17	AWU	Sub-30/06/16	15.1(a)(i)	Method of arranging ordinary hours Reference to clause 14.2(c) should be clause 14.2.	Para 9	
	Qantas	Reply-21/07/16		Do not agree with AWU.	Para 22	
	AMWU	Reply-21/07/16		Do not agree with AWU.	Para 19	
18	TWU	Sub-30/06/16	17.1(d)	Special provisions for shiftworkers Word ‘permanent’ should be removed and the clause moved to clause 17.4.	Paras 2-3 and 5	
	ASU	Reply-20/07/16		Supports TWU submission.	Para 2	
	AIG	Reply-21/07/16		Not opposed.	Para 94	
	Qantas	Reply-21/07/16		Issue identified by TWU can be remedied by replacing ‘an employee on permanent night shift’ with ‘If, during a period of engagement a shiftworker works permanent night shift, the employee ...’	Paras 9-10	
	TWU	Reply-		‘Permanent’ should be replaced with	Para 5	

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		21/07/2017		‘consecutive’.		
	AIG	Reply-21/07/16		If ‘permanent’ is deleted, clause 17.4 ED should be replaced with clause 30.4 of current award.	94	
19	AIG	Sub-30/06/16	17.3	Special provisions for shiftworkers – shift rates Replace ‘rates’ with ‘loadings’ and replace percentages in final column of table in ED with those found in current award clause.	Para 227	
	Qantas	Reply-21/07/16		Do not agree with submission unless the Commission proposes to take this approach across all awards.	Para 6	
	AWU	Reply-21/07/16		Do not see an issue with expressions used in ED.	Para 7	
20	AMWU	Reply-21/07/16	17.4	Special provisions for shiftworkers – shift rates Propose a heading ‘permanent night shift’ be added. Alternatively, the table at 17.3 could be amended by inserting ‘permanent ordinary hours on night shift (refer Clause 17.1(d))	Para 20	
21	TWU	Sub-30/06/16	17.4	Special provisions for shiftworkers – shift rates Word ‘permanent’ should be removed.	Para 6	
		Reply-21/07/2017	17.4	‘Permanent’ should be replaced with ‘consecutive’.	Para 6	
22	AWU	Sub-30/06/16	17.5 and Sch B	Special provisions for shiftworkers – continuous afternoon and night shifts	Para 10	

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				Heading should be amended to ‘non-successive afternoon and night shifts’		
	Qantas	Reply-21/07/16		Do not agree with proposed amendments to the wording of the clauses.	Para 23	
23	ASU	Sub-30/06/16	17.6	Multiple shift allowance Amended wording in ED is unclear. Do not oppose removal of clause 30.6(c) of current award.	Paras 16-17	
	Qantas	Reply-21/07/16		Wording of current award should be retained.	Para 31	
	AMWU	Reply-21/07/16		Supports ASU submission. Propose to add ‘in addition to the amount at 17.1(a), an additional’ to after ‘for the fourth and subsequent shifts’	Para 21	
	AIG	Reply-22/07/16		Not opposed to the retention of current award clauses 30.6(a) and (b).	Para 108	
24	AIG	Sub-30/06/16	18	Minimum wages Suggest ‘full-time employees’ be inserted directly below ‘minimum weekly rate’ in the tables.	Paras 228-230	
	AWU	Reply-21/07/16		Not opposed.	Para 8	
	Qantas	Reply-21/07/16		Agree with AIG.	Para 7	
25	AMWU	Sub-30/06/16	18	Minimum wages Retain separate clause numbering for minimum wages sections, or replace bullet points with current style (e.g. see 18.5(e)(i))	Pg 3	
26	AWU	Sub-30/06/16	18.5	Apprentice minimum weekly wages	Para 11	

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				Heading should read ‘apprentice minimum wages’		
	AIG	Reply-22/07/16		Not opposed.	Para 110	
27	AWU	Sub-30/06/16	18.5(b)(i)	Apprentice minimum weekly wages Reference to clause 16.3 should be to 18.5(c).	Para 12	
	AIG	Reply-22/07/16		Agree.	Para 111	
28	AWU	Sub-30/06/16	18.5(b)(ii)	Apprentice minimum weekly wages Reference to clause 16.3 should be to 18.5(c).	Para 13	
	AIG	Reply-22/07/16		Agree.	Para 112	
29	AWU	Sub-30/06/16	18.5(b)(ii)	Apprentice minimum weekly wages Reference to clause 15.3 should be to clause 18.3.	Para 13	
	AIG	Reply-22/07/16		Agree.	Para 112	
30	AWU	Sub-30/06/16	18.5(b)(ii)	Apprentice minimum weekly wages Reference to ‘ordinary weekly wage rate’ should be ‘ordinary hourly rate’.	Para 13	
31	AWU	Sub-30/06/16	18.5(e)(i)	Apprentices – competency based progression First dot point should refer to clause 18.5(d) as opposed to just (d).	Para 14	
	AIG	Reply-22/07/16		Agree.	Para 113	
32	AWU	Sub-30/06/16	18.6(b)	Junior rates Yes, the reference to ‘trades assistant’ should be to ‘Aircraft Worker 3’	Para 15	
	Qantas	Sub-30/06/16		Yes – reference should be to ‘Aircraft	Pg 2, Item 1 of	

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				Worker 3'	table	
	AMWU	Sub-30/06/16		Agree the heading 'adult trades assistant' should be 'Aircraft Worker 3'.	Pg 3	
	AIG	Reply-22/07/16		Not opposed.	Para 114	
33	AWU	Sub-30/06/16	18.7(c)	Payment of wages Reference to 'full-time employees' should be 'permanent employees'	Para 16	
	Qantas	Reply-21/07/16		Reference to 'full-time' is appropriate. Support terms of ED.	Para 24	
34	ASU	Sub-30/06/16	19.6(a)	Laundry allowance Do not oppose change to drafting.	Para 13	
35	Qantas	Reply-21/07/16	19.7(a)	Maintenance and engineering workers – wage related allowances Tool allowance should be added.	Para 28	
36	Qantas	Sub-30/06/16	19.7(e)(i)	Maintenance and engineering workers – wage related allowances Reference to CAO 104.1.3.2 In process of confirming and will advise Commission when correct reference is ascertained.	Pg 2. Item 2 of the table	
	AMWU	Reply-21/07/16		CASA advised CAO 104.1 was repealed about 15 years ago. This CAO may still be relevant for CAR 1988 operated aircraft.	Para 23	
37	AWU	Sub-30/06/16	19.7(e)(i)	Allowances – special appointments – additional payments Bullet three - the reference to '1.38% of the standard rate' should be '\$10.56 per week'	Para 17	

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	AIG	Reply-22/07/16		Not opposed. Schedule C should also be amended to include allowances in current award clause 21.24.	Paras 115-116	
38	AMWU	Reply-21/07/16	19.7(a)(iii)	Maintenance and engineering workers – wage related allowances Reference to clause ‘19.7(d)’ should be to clause 19.7(e).	Para 22	
39	AMWU	Sub-30/06/16	21	Indemnity/insurance The rates should be updated, as it appears there has been no change to them since 2010.	Pg 3	
	AWU	Sub-30/06/16		It would be appropriate for the amounts to be increased.	18	
	Qantas	Reply-21/07/16		Rates should remain as they are.	Para 14	
40	AWU	Sub-30/06/16	23.1	Overtime – payment for working overtime Current award clause has been omitted from ED. Should be retained.	Para 20	
	Qantas	Reply-21/07/16		Do not think it is necessary to reinstate the clause.	Para 27	
	AIG	Reply-22/07/16		Not opposed to the inclusion of this provision, but do not consider it necessary.	Para 119-121	
41	AWU	Sub-30/06/16	23.1(b)	Overtime Reference to clause 14.2(c) should be to clauses 14 and 15.	Para 19	
	Qantas	Reply-21/07/16		Do not agree. ED wording better reflects current award.	Para 26	

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42	ASU	Sub-30/06/16	25.1	Annual leave Support inclusion of note referencing ss. 16 and 90 of the Fair Work Act.	Para 18	
43	AWU	Sub-30/06/16	25.5(b)	Annual leave loading Provision should be deleted given the Full Federal Court's decision in <i>Centennial Northern Mining Services Pty Ltd v Construction, Forestry, Mining and Energy Union</i> [2015] FAF 100.	Para 23	
44	AIG	Sub-30/06/16	Sch B	Summary of Hourly Rates of Pay The tables in the ED set out hourly rates that are payable, however the structure of the tables suggests they reflect a percentage of the ordinary hourly rate. This will be inaccurate in some instances. The structure is likely to mislead readers. Suggest '% of ordinary hourly rate' is replaced with '% of the minimum hourly rate', or note in each table that different rates may apply where an employee is entitled to an allowance pursuant to clause 19.7(a).	Paras 231-235	
	Qantas	Reply-21/07/16		Do not agree with AIG's suggested changes. It is not appropriate to refer to or incorporate all purposes allowances in these tables.	Para 8	
45	AMWU	Reply-21/07/16		AIG's concern could be alleviated by: 1. Adding 'refer to B.1.1' in all table rows following '% of ordinary hourly rate' or	Para 24	

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				2. Adding '(relevant all purpose allowances from 19.7(a) and 19.9(b)) in all table rows following '% of ordinary hourly rate'.		
46	AWU	Sub-30/06/16	Sch B.1.1	Summary of Hourly Rates of Pay A reference to clause 19.9(a) of ED should be added.	Para 24	
	AIG	Reply-22/07/16		Not opposed.	Para 125	
47	TWU	Sub-30/06/16	Sch B.2.2	Classification Definitions Word 'permanent' should be removed.	Para 7	
	ASU	Reply-21/07/16		Supports TWU submission.	Para 2	
	TWU	Reply-21/07/16		'Permanent' should be replaced with 'consecutive'.	Para 7	
48	AWU	Sub-30/06/16	Sch B.2.4, B.3.4, B.4.4 and B.5.4	Overtime – shiftworkers Do not agree the rate payable for overtime by shiftworkers on Sunday is 150% for the first 2 hours and 200% for after 2 hours. Clause 17.7(a) means all overtime by shiftworkers on a Sunday is 200%.	Para 25	
	AMWU	Reply-21/07/16		Support AWU submission.	Paras 25-29	
	Qantas	Reply-21/07/16		Do not agree with AWU. Support terms of ED.	Para 29	
49	AMWU	Reply-21/07/16	Sch B.6- B.9	Summary of Hourly Rates of Pay Schedules should contain overtime rates for casuals.	Para 30	

List of abbreviations (in alphabetical order)

AIG	Australian Industry Group
AMWU	Australian Manufacturing Workers' Union
ASU	Australian Services Union
AWU	Australian Workers Union
ED	Exposure Draft
Qantas	Qantas Group
TWU	Transport Workers' Union of Australia