

Table of Contents (structure)

This comparison document follows the sequence of the **Revised exposure draft (22 July 2016)** (2nd column).

This comparison document contains plain language award-specific clauses. Plain language versions of clauses that are common to other modern awards and standard provisions (as described at paragraph 5 of the [Statement](#) of 15 July 2016) will be subject to broader consultation than the *Pharmacy Industry Award 2010*. The plain language drafts of these clauses are not reproduced in this comparison document.

CURRENT AWARD—Pharmacy Industry Award 2010	Revised exposure draft (22 July 2016)	Drafter comments
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<p>29. Annual leave</p> <p>30. Personal/carer’s leave and compassionate leave</p> <p>31. Public holidays</p> <p>32. Community service leave</p> <p>...</p> <p>Schedule B—Classification Definitions</p> <p>Schedule C—Supported Wage System</p> <p>Schedule D—National Training Wage</p> <p>Schedule E—Part-day Public Holidays</p>	<p>28. Consultation about changes to rosters or hours of work</p> <p>29. Dispute resolution</p> <p>Part 8—Termination of employment and Redundancy</p> <p>30. Termination of employment</p> <p>31. Redundancy</p> <p>32. Transfer to lower paid job on redundancy</p> <p>33. Employee leaving during redundancy notice period</p> <p>34. Job search entitlement</p> <p>Schedule A—Classification Definitions</p> <p>Schedule B—Summary of Hourly Rates of Pay</p> <p>Schedule C—Summary of Monetary Allowances</p> <p>Schedule D—Supported Wage System</p> <p>Schedule E—National Training Wage</p> <p>Schedule F—Part-day Public Holidays</p>	

CURRENT AWARD—Pharmacy Industry Award 2010	Revised exposure draft (22 July 2016)	Drafter comments
<p>Part 1—Application and Operation</p> <p>1. Title</p> <p>This award is the <i>Pharmacy Industry Award 2010</i>.</p> <p>2. Commencement and transitional</p> <p>2.1 This award commences on 1 January 2010.</p> <p>2.2 The monetary obligations imposed on employers by this award may be absorbed into overaward payments. Nothing in this award requires an employer to maintain or increase any overaward payment.</p> <p>...</p> <p>2.4 Neither the making of this award nor the operation of any transitional arrangements is intended to result in a reduction in the take-home pay of employees covered by the award. On application by or on behalf of an employee who suffers a reduction in take-home pay as a result of the making of this award or the operation of any transitional arrangements, the Fair Work Commission may make any order it considers appropriate to remedy the situation.</p> <p>...</p>	<p>Part 1—Application and Operation of this award</p> <p>1. Title and commencement</p> <p>1.1 This is the <i>Pharmacy Industry Award [2016]</i>.</p> <p>1.2 This modern award commenced operation on 1 January 2010.</p> <p>1.3 Neither the making of this award nor the operation of any transitional arrangements is intended to result in a reduction in the take-home pay of employees covered by the award. On application by or on behalf of an employee who suffers a reduction in take-home pay as a result of the making of this award or the operation of any transitional arrangements, the Fair Work Commission may make any order it considers appropriate to remedy the situation.</p> <p><i>Note: some transitional arrangements removed — obsolete</i></p>	<p>The term “as varied,” has been omitted because this would seem to give amendments made after 1 July 2010 retrospective effect.</p> <p>Subclause 1.3 of the revised exposure draft is common to other modern awards. It does not apply plain language principles and styles. It has been created by removing clause 35 (and Part 9 —Miscellaneous matters) from the 21 April 2016 plain language draft. It appeared as clause 1.5 of the initial exposure draft.</p> <p>The plain language re-draft of this subclause will be subject to broader consultation in 2017 with other clauses of the Pharmacy Industry Award that are <i>common</i> to other modern as outlined in the Statement of 15 July 2016.</p>
<p>3. Definitions and interpretation</p> <p>3.1 In this award, unless the contrary intention appears:</p> <p>Act means the <i>Fair Work Act 2009</i> (Cth)</p> <p>agreement-based transitional instrument has the meaning in the <i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i> (Cth)</p> <p>award-based transitional instrument has the meaning in the <i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i> (Cth)</p> <p>community pharmacy means any business conducted by the employer in premises:</p> <p>(a) that are registered under the relevant State or Territory legislation for the regulation of pharmacies; or</p> <p>(b) are located in a State or Territory where no legislation operates</p>	<p>2. Definitions</p> <p>In this award:</p> <p>Act means the <i>Fair Work Act 2009</i> (Cth)</p> <p>community pharmacy, see clause 4.1.</p> <p>employee means a national system employee as defined by section 13 of the Act.</p> <p>employer means a national system employer as defined by section 14 of the Act.</p> <p>enterprise instrument has the meaning given by subitem 2(1) of Schedule 6 to the <i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i> (Cth).</p> <p>Fair Work Regulations means the <i>Fair Work Regulations 2009</i> (Cth)</p> <p>National Employment Standards (NES), see Part 2-2 of the Act.</p>	<p>Minor edits have been made to this clause, including the insertion of Fair Work Regulations and standard rate.</p> <p>The expression “unless the contrary intention appears” have been removed as they are unnecessary and have the potential to create confusion and uncertainty for award users.</p> <p>The definition and references to the Fair Work Act have been revised due to [2016] FWCFB 4258 decision to refer to ‘the Act’, rather than ‘Fair Work Act’ because ‘the Act’ is the defined term in all modern awards (see paragraph 55). The term ‘Fair Work Act’ was used in the plain language draft of this Pharmacy Industry Award exposure draft and was well received in user-testing. It gave users greater confidence in their understanding of the interaction between awards and legislation and where to locate the relevant information. This issue will be considered when clauses that are common to other awards/exposure drafts are dealt with in 2017 (as outlined in the Statement of 15 July 2016). Further user-testing may be conducted.</p>

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<p>to provide for the registration of pharmacies;</p> <p>and</p> <p><input type="checkbox"/> that are established either in whole or in part for the compounding or dispensing of prescriptions or vending any medicines or drugs; and</p> <p><input type="checkbox"/> where other goods may be sold by retail</p> <p>default fund employee means an employee who has no chosen fund within the meaning of the <i>Superannuation Guarantee (Administration) Act 1992</i> (Cth)</p> <p>defined benefit member has the meaning given by the <i>Superannuation Guarantee (Administration) Act 1992</i> (Cth)</p> <p>Division 2B State award has the meaning in Schedule 3A of the <i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i> (Cth)</p> <p>Division 2B State employment agreement has the meaning in Schedule 3A of the <i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i> (Cth)</p> <p>employee means national system employee within the meaning of the Act</p> <p>employer means national system employer within the meaning of the Act</p> <p>enterprise award-based instrument has the meaning in the <i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i> (Cth)</p> <p>exempt public sector superannuation scheme has the meaning given by the <i>Superannuation Industry (Supervision) Act 1993</i> (Cth)</p> <p>MySuper product has the meaning given by the <i>Superannuation Industry (Supervision) Act 1993</i> (Cth)</p> <p>NES means the National Employment Standards as contained in sections 59 to 131 of the <i>Fair Work Act 2009</i> (Cth)</p> <p>on-hire means the on-hire of an employee by their employer to a client, where such employee works under the general guidance and instruction of the client or a representative of the client</p> <p>standard rate means the minimum weekly wage for a Pharmacy Assistant Level 3 in clause 17. Where an allowance is specified as payable on an hourly basis, a reference to standard rate means 1/38th of the weekly wage referred to above.</p> <p>transitional minimum wage instrument has the meaning in the <i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i> (Cth)</p>	<p>Divisions 3 to 12 of the <u>Act</u> constitute the National Employment Standards. An extract of section 61 of the <u>Act</u> is reproduced below.</p> <p>The National Employment Standards are minimum standards applying to employment of employees. The minimum standards relate to the following matters:</p> <p>(a) maximum weekly hours (Division 3);</p> <p>(b) requests for flexible working arrangements (Division 4);</p> <p>(c) parental leave and related entitlements (Division 5);</p> <p>(d) annual leave (Division 6);</p> <p>(e) personal/carer's leave and compassionate leave (Division 7);</p> <p>(f) community service leave (Division 8);</p> <p>(g) long service leave (Division 9);</p> <p>(h) public holidays (Division 10);</p> <p>(i) notice of termination and redundancy pay (Division 11);</p> <p>(j) Fair Work Information Statement (Division 12).</p> <p>on-hire employer means a person who carries on a business of employing individuals for the purpose of on-hiring them to an end-user employer.</p> <p>on-hire employee means an employee of an on-hire employer who is on-hired to an employer covered by this award.</p> <p>standard rate means the minimum wage for a pharmacy assistant level 3 in clause 16—Minimum wages.</p> <p>State reference public sector modern award has the meaning given by subitem 3(2) of Schedule 6A to the <i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i> (Cth).</p> <p>State reference public sector transitional award has the meaning given by subitem 2(1) of Schedule 6A to the <i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i> (Cth).</p> <p>Table 2—Entitlements to meal and rest breaks means the Table in clause 15.2.</p> <p>Table 3—Minimum wages means the Table in clause 16.1.</p> <p>Table 4—Overtime rates means the Table in clause 20.3.</p> <p>Table 5—Penalty rates means the Table in clause 21.3.</p>	<p>References to Table 1 and Table 6 in the 21 April plain language draft have been removed because these tables appear in clauses that are common to other awards and will be subject to broader consultation in 2017 as outlined in the Statement of 15 July 2016.</p>

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<p>5. Access to the award and the National Employment Standards The employer must ensure that copies of this award and the NES are available to all employees to whom they apply either on a noticeboard which is conveniently located at or near the workplace or through electronic means, whichever makes them more accessible.</p> <p>6. The National Employment Standards and this award The NES and this award contain the minimum conditions of employment for employees covered by this award.</p>	<p>3. The National Employment Standards and this award</p> <p>3.1 The National Employment Standards (NES) and this award contain the minimum conditions of employment for employees covered by this award.</p> <p>3.2 Where this award refers to a condition of employment provided for in the NES, the NES definition applies.</p> <p>3.3 The employer must ensure that copies of this award and the NES are available to all employees to whom they apply, either on a notice board which is conveniently located at or near the workplace or through accessible electronic means.</p> <p>3.4 Where a pharmacy does not have a notice board, the award and the NES may be kept at an alternative location on the premises that is accessible to employees, including being kept with the pharmacy communication book.</p>	<p>Clause 3 of the revised exposure draft is <i>common</i> to other modern awards. This clause does not apply plain language principles and styles. The plain language re-draft of this clause will be subject to broader consultation in 2017 as outlined in the Statement of 15 July 2016.</p>

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<p>4. Coverage</p> <p>4.1 This award covers employers throughout Australia in the community pharmacy industry, and their employees in the classifications listed in clause 16—Classifications of this award to the exclusion of any other modern award. The award does not cover employment in a pharmacy owned by a hospital or other public institution, or operated by government, where their goods or services are not sold by retail to the general public.</p> <p>4.2 The award does not cover an employee excluded from award coverage by the Act.</p> <p>4.3 The award does not cover employees who are covered by a modern enterprise award, or an enterprise instrument (within the meaning of the <i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i> (Cth)), or employers in relation to those employees.</p> <p>4.4 The award does not cover employees who are covered by a State reference public sector modern award, or a State reference public sector transitional award (within the meaning of the <i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i> (Cth)), or employers in relation to those employees.</p> <p>4.5 This award covers any employer which supplies labour on an on-hire basis in the industry set out in clause 4.1 in respect of on-hire employees in classifications covered by this award, and those on-hire employees, while engaged in the performance of work for a business in that industry. This subclause operates subject to the exclusions from coverage in this award.</p> <p>4.6 This award covers employers which provide group training services for trainees engaged in the industry and/or parts of industry set out at clause 4.1 and those trainees engaged by a group training service hosted by a company to perform work at a location where the activities described herein are being performed. This subclause operates subject to the exclusions from coverage in this award.</p>	<p>4. Coverage</p> <p>4.1 In this industry award community pharmacy means a business to which each of the following applies:</p> <p>(a) the business is established wholly or partly for compounding or dispensing prescriptions or selling medicines or drugs by retail to the general public from the premises on which the business is conducted, whether or not other goods are so sold from those premises;</p> <p>(b) if required to be registered under legislation for the regulation of pharmacies in force in the place in which the premises on which the business is conducted are located, the business is so registered;</p> <p>(c) the business is not owned by a hospital or other public institution, or operated by government, unless medicines or drugs are sold by retail to the general public from the premises on which the business is conducted.</p> <p>4.2 This industry award covers, to the exclusion of any other modern award:</p> <p>(a) employers in the community pharmacy industry throughout Australia; and</p> <p>(b) employees (with a classification defined in <u>Schedule A—Classification Definitions</u>) of employers mentioned in paragraph (a).</p> <p>4.3 This industry award also covers:</p> <p>(a) on-hire employees working in the community pharmacy industry (with a classification defined in <u>Schedule A—Classification Definitions</u>) and the on-hire employers of those employees; and</p> <p>(b) trainees employed by a group training employer and hosted by an employer covered by this award to work in the community pharmacy industry (with a classification defined in <u>Schedule A—Classification Definitions</u>) and the group training employers of those trainees.</p> <p>4.4 However, this industry award does not cover any of the following:</p> <p>(a) employees excluded from award coverage by the Act;</p> <p>NOTE: See section 143(7) of the Act.</p> <p>(b) employees covered by a modern enterprise award or an enterprise instrument;</p> <p>(c) employees covered by a State reference public sector modern award or a State reference public sector transitional award;</p> <p>(d) employers of employees mentioned in paragraph (a), (b) or (c).</p>	<p>Several interested parties have suggested that improvements could be made to the clarity of this clause, although more information would be beneficial to determine how the clause can be revised to improve clarity while retaining precision. The plain language draft refers to ‘the premises’ in 4.1 (a)—(c). As outlined in the report from the pilot, section 90 of the <i>National Health Act 1953</i> provides for the Secretary (of the Department of Health) to approve a pharmacist to supply pharmaceutical benefits at particular <u>premises</u>. The Secretary can generally only approve a pharmacist if the Authority has recommended approval, and the pharmacist is permitted under the relevant State or Territory law to carry on business as a pharmacist.¹</p> <p>Most user testing participants found layout of the plain language version much easier to use. Changes were made following feedback from users to avoid a confusing sequence of ‘is, is not, is’.</p> <p>Several interested parties have suggested that the re-draft could disturb the coverage or create confusion. More information would be beneficial to determine how the clause can be revised to improve clarity of the coverage while retaining precision.</p>

¹ *National Health Act 1953* (Cth) s 90; [Pharmacy Location Rules Applicant’s Handbook](#), Version 1.2 (November 2015) page 3.

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<p>4.7 Where an employer is covered by more than one award, an employee of that employer is covered by the award classification which is most appropriate to the work performed by the employee and to the environment in which the employee normally performs the work.</p> <p>NOTE: Where there is no classification for a particular employee in this award it is possible that the employer and employee are covered by an award with occupational coverage.</p>	<p>4.5 If an employer is covered by more than one award, an employee of the employer is covered by the award that is most appropriate to the work performed by the employee and the industry in which they work.</p> <p>NOTE: An employee working in the community pharmacy industry who is not covered by this industry award may be covered by an award with occupational coverage.</p>	<p>User testing conducted during the pilot found that the note about ‘occupational coverage’ was not helpful to employers and employees. Although the coverage clause is ‘award-specific’ this particular provision is common to other awards/exposure drafts. Further consideration of provisions about multiple modern award coverage and user-testing would be beneficial, perhaps as part of the broader consultation to be undertaken in 2017 (as outlined in the Statement of 15 July 2016) to promote consistency across awards.</p>						
<p><i>No provisions in current award.</i></p>	<p>5. Effect of variations made by the Fair Work Commission</p> <p>A variation of this award made by the Fair Work Commission does not affect any right, privilege, obligation or liability acquired, accrued or incurred under this award.</p>	<p>Clause 5 of the revised exposure draft is <i>common</i> to other modern awards. This clause does not apply plain language principles and styles. The plain language re-draft of this subclause will be subject to broader consultation in 2017 as outlined in the Statement of 15 July 2016.</p>						
<p>7. Award flexibility</p> <p><i>Standard clause - no change - provision not reproduced</i></p>	<p>6. Award flexibility for individual arrangements</p> <p><i>Standard clause - no change - provision not reproduced</i></p>	<p>Clause 6 of the revised exposure draft is a <i>standard</i> clause. Plain language draft standard clauses will be dealt with in matter AM2016/15 as outlined in the Statement of 15 July 2016.</p>						
<p><i>No clause in current award.</i></p>	<p>7. Facilitative provisions for flexible working practices</p> <p>7.1 This award contains facilitative provisions which allow agreement between an employer and an individual employee on how specific award provisions are to apply at the workplace.</p> <p>7.2 The following clauses have facilitative provisions:</p> <table border="1" data-bbox="1130 1010 1855 1205"> <thead> <tr> <th>Clause</th> <th>Provision</th> </tr> </thead> <tbody> <tr> <td>13.4(c)</td> <td>Time off instead of payment</td> </tr> <tr> <td>18.3</td> <td>Substitution of public holidays</td> </tr> </tbody> </table> <p>7.3 The agreement must be kept by the employer as a time and wages record.</p>	Clause	Provision	13.4(c)	Time off instead of payment	18.3	Substitution of public holidays	<p>Clause 7 of the revised exposure draft is <i>common</i> to other modern awards. This clause does not apply plain language principles and styles. The plain language re-draft of this subclause will be subject to broader consultation in 2017 as outlined in the Statement of 15 July 2016.</p>
Clause	Provision							
13.4(c)	Time off instead of payment							
18.3	Substitution of public holidays							
<p>Part 3—Types of Employment and Classifications</p> <p>10. Employment categories</p> <p>10.1 Employees under this award will be employed in one of the following categories:</p> <p>(a) full-time employees;</p> <p>(b) part-time employees; or</p> <p>(c) casual employees.</p> <p>10.2 At the time of engagement an employer will inform each employee of the terms of their engagement and, in particular, whether they are to be full-time, part-time or casual.</p> <p><i>Note: Clause 12.10 reproduced here for comparative purposes.</i></p> <p>12.10 Conversion of existing employees</p> <p>No full-time or casual employee will be transferred by an employer to part-time</p>	<p>Part 2—Types of employment and classifications</p> <p>8. Types of employment</p> <p>8.1 An employee covered by this award must be one of the following:</p> <p>(a) a full-time employee;</p> <p>(b) a part-time employee;</p> <p>(c) a casual employee.</p> <p>8.2 At the time of engaging an employee, the employer must inform the employee of the terms on which they are engaged, including whether they are engaged as a full-time, part-time or casual employee.</p> <p>8.3 Moving between types of employment</p> <p>(a) A full-time or casual employee can only become a part-time employee with the employee’s written consent.</p> <p>(b) Moving to part-time employment does not affect the continuity</p>	<p>The moving between types of employment provisions have been incorporated as a subclause of clause 8. This limits the number of clauses in Part 2 (a priority for award users) and it is useful for them to directly follow the list of the 3 employment types. It is not necessary for the provisions about moving between</p>						

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<p>employment without the written consent of the employee. Provided that where such transfer occurs all leave entitlements accrued will be deemed to be continuous. A full-time employee who requests part-time work and is given such work may revert to full-time employment on a specified future date by agreement with the employer and recorded in writing.</p>	<p>of any leave entitlements.</p> <p>(c) A full-time employee:</p> <p>(i) may request to become a part-time employee; and</p> <p>(ii) may return to full-time employment at a date agreed in writing with the employer.</p> <p>NOTE: See section 65 of the <u>Act</u> for information about requests for flexible working arrangements.</p>	<p>types of employment to appear after the provisions detailing the 3 types of employment. This is because users ‘dip into the award to find relevant information’ rather than reading it from beginning to end. As the provisions for the 3 types of employment would be easily accessible to users as a separate clause (i.e. would appear in the table of contents/navigation) this change has the benefit of making the award more concise and the provisions more meaningful.</p> <p>The note about flexible work arrangements has been added following the suggestion from PGA (paras 13 and 14).</p>
<p>11. Full-time employees</p> <p>A full-time employee is an employee who is engaged to work an average of 38 hours per week.</p>	<p>9. Full-time employment</p> <p>An employee who is engaged to work 38 ordinary hours per week (or 76 ordinary hours over 2 consecutive weeks) is a full-time employee.</p>	<p>SDA is pursuing changes to the effect of this clause (see items 15 and 16 of the submissions summary).</p>
<p>12. Part-time employees</p> <p>12.1 A part-time employee is an employee who:</p> <p>(a) works less than 38 hours per week; and</p> <p>(b) has reasonably predictable hours of work.</p> <p>12.2 At the time of engagement, the employer and the part-time employee will agree, in writing, on a regular pattern of work, specifying at least:</p> <p>(a) the hours worked each day;</p> <p>(b) which days of the week the employee will work;</p> <p>(c) the actual starting and finishing times of each day;</p> <p>(d) that any variation will be in writing;</p> <p>(e) that the minimum daily engagement is three hours;</p> <p>(f) all time worked in excess of agreed hours is paid at the overtime rate; and</p> <p>(g) the times of taking and the duration of meal breaks.</p> <p>12.3 Any agreement to vary the regular pattern of work will be made in writing before the variation occurs. Any agreement to vary the agreed hours may also be either a permanent agreed variation to the pattern of work or may be a temporary agreed variation, e.g. a single shift or roster period. Such a variation will be agreed hours for the purposes of clause 12.2(f).</p> <p>12.4 The agreement and variation to it will be retained by the employer and a copy given by the employer to the employee.</p> <p>12.5 An employer is required to roster a part-time employee for a minimum of three consecutive hours on any shift.</p> <p>12.6 An employee who does not meet the definition of a part-time employee and who is not a full-time employee will be paid as a casual employee in accordance with clause 13—Casual employment.</p> <p>12.7 A part-time employee employed under the provisions of this clause will be paid for ordinary hours worked at the rate of 1/38th of the weekly rate prescribed for the class of work performed.</p>	<p>10. Part-time employment</p> <p>10.1 An employee who is engaged to work for fewer ordinary hours than mentioned in clause <u>9—Full-time employment</u> and whose hours of work are reasonably predictable is a part-time employee.</p> <p>10.2 This award applies to a part-time employee in the same way that it applies to a full-time employee except as otherwise provided by this award.</p> <p>10.3 A part-time employee is only entitled to payments in respect of annual leave, personal/carer’s leave, compassionate leave or public holidays on a proportionate basis.</p> <p>10.4 At the time of engaging a part-time employee, the employer must agree in writing with the employee to each of the following:</p> <p>(a) the number of hours to be worked each day;</p> <p>(b) the days of the week on which the employee will work;</p> <p>(c) the times at which the employee will start and finish work each day;</p> <p>(d) when meal breaks may be taken and their duration.</p> <p>10.5 Any agreement under clause <u>10.4</u> must state that any variation agreed by the employer and the employee to any of the matters mentioned in clause <u>10.4(a)</u> to <u>(d)</u> must be in writing.</p> <p>10.6 An agreement under clause <u>10.4</u> must also state each of the following:</p> <p>(a) the minimum period for which the employee may be rostered to work on any shift is 3 consecutive hours;</p> <p>(b) for each ordinary hour worked, the employee must be paid in accordance with clause <u>16—Minimum wages</u> and in accordance with clause <u>21—Penalty rates</u> for ordinary hours worked during periods specified in <u>Table 5—Penalty rates</u>;</p> <p>(c) for each hour worked in excess of the number of ordinary hours agreed under clause <u>10.4</u> and <u>10.10</u>, the employee must be paid at the overtime rate in accordance with clause <u>20.2—Application</u></p>	<p>PGA are pursuing changes to the effect of this clause, including new subclauses via the part-time employment common issue matter.</p> <p>Subclause 2 from the 21 April 2016 plain language draft has been split into 2 subclauses and re-drafted closer to the expressions used in the current award. Numbering of subsequent subclauses has been updated.</p>

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<p>12.8 Rosters</p> <p>(a) A part-time employee’s roster, but not the agreed number of hours, may be altered by the giving of notice in writing of seven days or in the case of an emergency, 48 hours, by the employer to the employee. The rostered hours of part-time employees may also be altered at any time by mutual agreement between the employer and the employee.</p> <p>(b) Rosters will not be changed from week to week, or fortnight to fortnight, nor will they be changed to avoid any award entitlements.</p> <p>12.9 Award entitlements</p> <p>A part-time employee will be entitled to payments in respect of annual leave, public holidays, personal/carer’s leave and compassionate leave arising under the NES, or this award, on a proportionate basis. Subject to the provisions contained in this clause all other provisions of the award relevant to full-time employees will apply to part-time employees.</p> <p>12.10 Conversion of existing employees</p> <p>No full-time or casual employee will be transferred by an employer to part-time employment without the written consent of the employee. Provided that where such transfer occurs all leave entitlements accrued will be deemed to be continuous. A full-time employee who requests part-time work and is given such work may revert to full-time employment on a specified future date by agreement with the employer and recorded in writing.</p> <p>12.11 Additional hours as casual hours</p> <p>A part-time employee who has worked their agreed hours may agree to work additional hours which are not reasonably predictable up to the daily, weekly or fortnightly maximum ordinary hours of work provided by the award, as a casual employee and subject to the casual employee provisions of this award. Nothing in this clause prevents such agreement between the parties.</p>	<p style="text-align: center;"><u>of overtime for part-time employees.</u></p> <p>10.7 The employer must keep a copy of any agreement under clause <u>10.4</u> or variation of it and give another copy to the employee.</p> <p>10.8 The roster of a part-time employee, but not the number of hours agreed under clause <u>10.4</u>, may be changed:</p> <p>(a) by the employer giving the employee 7 days, or in an emergency 48 hours, written notice of the change; or</p> <p>(b) at any time by the employer and employee by mutual agreement.</p> <p>10.9 However, the roster of a part-time employee must not be changed:</p> <p>(a) from pay period to pay period; or</p> <p>(b) so as to avoid any award entitlement.</p> <p>10.10 A part-time employee who has worked the number of hours agreed under clause <u>10.4</u> may agree to work additional hours that are not reasonably predictable. The additional hours may be worked on the terms applicable to a casual employee.</p> <p>10.11 However, the total number of hours agreed under clauses <u>10.4</u> and <u>10.10</u> must not exceed the maximum daily hours specified in clause <u>13.3</u> or full-time employment hours specified in <u>9—Full-time employment</u>.</p> <p>NOTE: See clause <u>20—Overtime</u> for rates applicable when agreed additional hours exceed the maximum daily hours or full-time employment hours.</p>	<p>Clause 10.8 and 10.9 have been revised to avoid using the expression “subject to”.</p> <p>Clause 10.10 and 10.11 have been revised to split a long sentence into 2, clarify the effect of the provisions and to apply the cross-referencing style used throughout. A note has been added to refer to the overtime provisions that would apply when the agreed hours exceed maximum daily/weekly hours.</p>
<p>13 Casual employment</p> <p>13.1 A casual employee is an employee engaged as such and who does not have an expectation or entitlement to reasonably predictable hours of work.</p> <p>13.2 A casual will be paid both the actual hourly rate paid to a full-time employee and an additional 25% of the ordinary hourly rate for a full-time employee.</p> <p>13.3 Casual employees will be paid at the termination of each engagement, but may agree to be paid weekly or fortnightly.</p> <p>13.4 The minimum daily engagement of a casual is three hours.</p>	<p>11. Casual employment</p> <p>11.1 An employee who is not covered by clause <u>9—Full-time employment</u> or clause <u>10—Part-time employment</u> may be engaged and paid as a casual employee.</p> <p>11.2 A casual employee does not have an entitlement to reasonably predictable hours of work.</p> <p>11.3 The minimum number of hours for which a casual employee may be rostered to work on any day is 3.</p> <p>11.4 An employer must pay a casual employee for each hour worked a loading of 25% on top of the minimum hourly rate otherwise applicable under clause <u>16—Minimum wages</u>.</p> <p>NOTE: Column 2 of <u>Table 3—Minimum wages</u> shows the minimum hourly rate to which the casual loading applies. If an employee is classified as a Pharmacy Assistant, and aged under 21 years see also clause <u>16.2—Junior wages (Pharmacy Assistants only)</u>.</p>	<p>As outlined at paragraph 75 of the report from the pilot, provisions for casual employment in regard to overtime are unclear.</p> <p>The SDA addressed the issue of when casuals should be entitled to payment for overtime in their submission and that they are pursuing changes via the casual employment common issue matter. The PGA are also pursuing changes to the effect of this clause, including new subclauses via the casual employment common issue matter.</p> <p>We note at this stage that further changes to these provisions may be required.</p>

CURRENT AWARD—Pharmacy Industry Award 2010	Revised exposure draft (22 July 2016)	Drafter comments				
	<p>11.5 An employer must pay a casual employee for each ordinary hour worked during the periods specified in clause <u>21—Penalty rates</u> the casual penalty rate (inclusive of casual loading) specified in column 3 of <u>Table 5—Penalty rates</u>.</p> <p>NOTE: The 25% loading for casual employees applies to ordinary hours worked. The casual loading is not payable on overtime worked as specified in clause <u>20—Overtime</u>.</p> <p>11.6 The pay period of a casual employee is as determined under clause <u>16.4—Pay period</u>.</p>	<p>Subclause added to refer to the casual penalty rates listed in Table 5 and clarify that penalty rates apply to hours worked on days and times specified in the penalty rates clause.</p> <p>Note added to clarify that casual loading is not payable on overtime. SDA are pursuing changes to the effect of these provisions via the casual employment common issue matter which could result in revisions to this note.</p>				
<p>16. Classifications</p> <p>16.1 All employees covered by this award must be classified according to the structure set out in Schedule B—Classification Definitions. Employers must advise their employees in writing of their classification and of any changes to their classification.</p> <p>16.2 The classification by the employer must be according to the skill level or levels required to be exercised by the employee in order to carry out the principal functions of the employment as determined by the employer.</p>	<p>12. Classification</p> <p>12.1 An employer must classify an employee covered by this award in accordance with <u>Schedule A—Classification Definitions</u>.</p> <p>12.2 The classification must be based on the skill level that the employee is required to exercise in order to carry out the principal functions of the employment.</p> <p>12.3 Employers must notify employees in writing of their classification and of any change to it.</p>					
<p>Part 5—Ordinary Hours of Work</p> <p>25. Hours of work</p> <p>25.1 This clause does not operate to limit, increase or in any way alter the trading hours of any employer as determined by the relevant State or Territory legislation.</p> <p>25.2 Ordinary hours</p> <p>(a) Ordinary hours may be worked, within the following spread of hours:</p> <table border="0" data-bbox="201 1438 1006 1528"> <thead> <tr> <th style="text-align: left;">Days</th> <th style="text-align: left;">Spread of Hours</th> </tr> </thead> <tbody> <tr> <td>Monday to Sunday</td> <td>7.00 am – midnight</td> </tr> </tbody> </table> <p>(b) Hours of work on any day will be continuous, except for rest pauses and meal breaks and must not be more than 12 hours per day.</p> <p>25.3 38 hour week rosters</p> <p>A full-time employee will be rostered for an average of 38 hours per week, worked in any of the following forms:</p> <p>(a) 38 hours in one week; or</p> <p>(b) 76 hours in two consecutive weeks.</p>	Days	Spread of Hours	Monday to Sunday	7.00 am – midnight	<p>Part 3—Hours of Work</p> <p>13. Ordinary hours of work</p> <p>13.1 Ordinary hours may be worked on any day between 7.00 am and midnight.</p> <p>13.2 Ordinary hours of work are continuous, except for rest breaks and meal breaks as specified in clause <u>15—Breaks</u>.</p> <p>13.3 The maximum number of ordinary hours that can be worked on any day is 12.</p> <p>13.4 The maximum number of ordinary hours of work for a full-time employee per week (or as averaged over 2 consecutive weeks) are as set out in clause <u>9—Full-time employment</u>.</p> <p>13.5 The maximum number of ordinary hours of work for a part-time employee per week are as agreed under clause <u>10—Part-time employment</u>.</p>	<p>As outlined at paragraph 75 of the report from the pilot, interaction between provisions for casual employment and overtime are unclear.</p> <p>SDA are pursuing changes to the effect of these provisions via the casual employment common issue matter which could result in revisions/additions to this clause.</p> <p>The order of subclauses changed to more closely reflect the original exposure draft.</p>
Days	Spread of Hours					
Monday to Sunday	7.00 am – midnight					

CURRENT AWARD—Pharmacy Industry Award 2010	Revised exposure draft (22 July 2016)	Drafter comments
<p>25.4 Rostering—Permanent employees</p> <p>(a) The following roster requirements will apply to permanent employees:</p> <p>(i) Ordinary hours will be rostered so as to provide an employee with two consecutive days off each week or three consecutive days off in a two week period.</p> <p>(ii) Ordinary hours and any reasonable additional hours may not be rostered over more than six consecutive days.</p> <p>(iii) Ordinary hours may not be rostered over more than five days in a week, provided that ordinary hours may be rostered on six days in one week where ordinary hours are rostered on no more than four days in the following week.</p> <p>(iv) An employee who regularly works Sundays will be rostered so as to have three consecutive days off each four weeks and the consecutive days off will include Saturday and Sunday.</p> <p>(b) A requirement will not apply where the employee requests in writing and the employer agrees to other arrangements, which are to be recorded in the time and wages records. It cannot be made a condition of employment that an employee make such a request.</p> <p>(c) An employee can terminate the agreement by giving four weeks' notice to the employer. The notice need not be given where the agreement terminates on an agreed date or at the end of an agreed period. For the avoidance of doubt this provision does not apply to part-time employees' agreed pattern of work under clause 12.2.</p> <p>(d) The rostering provision of clause 25.4(a)(iv) does not apply to a part-time employee whose agreed hours under clause 12.2(b) provides that the employee will work on either or both Saturday and Sunday each week and where the agreement provides that the employee will have at least two consecutive days off work each week.</p>	<p>14. Rostering arrangements—full-time and part-time employees</p> <p>14.1 The following rostering arrangements apply to full-time and part-time employees:</p> <p>(a) employees must be rostered to work ordinary hours in such a way that they have:</p> <p>(i) 2 consecutive days off each week; or</p> <p>(ii) 3 consecutive days off over 2 consecutive weeks;</p> <p>(b) employees must not be rostered to work ordinary hours on more than 5 days in a week;</p> <p>(c) despite paragraph (b), employees may be rostered to work ordinary hours on 6 days one week if they are rostered to work ordinary hours on no more than 4 days the following week;</p> <p>(d) employees must not be rostered to work (whether ordinary hours or overtime) on more than 6 consecutive days;</p> <p>(e) employees rostered to work (whether ordinary hours or overtime) on up to 3 Sundays in a 4 week cycle must be rostered to have 3 consecutive days off every 4 weeks, including a Saturday and Sunday.</p> <p>14.2 Clause <u>14.1(e)</u> does not apply to a part-time employee who has agreed under clause <u>10—Part-time employment</u> to work Saturday or Sunday (or both) each week and have at least 2 consecutive days off.</p> <p>14.3 At the written request of the employee, the employer and the employee may agree to rostering arrangements that are different to those in clause <u>14.1</u>.</p> <p>14.4 Different arrangements agreed under clause <u>14.3</u> must be recorded in the time and wages record.</p> <p>14.5 The employee may end an agreement under clause <u>14.3</u> at any time by giving the employer 4 weeks written notice unless the agreement was made under clause <u>10.4</u> (part-time arrangements agreed in writing on engagement).</p> <p>14.6 An agreement under clause <u>14.3</u> may provide that it ends on a particular day or at the end of a particular period.</p> <p>14.7 An employee cannot be required as a condition of employment to agree to an arrangement under clause <u>14.3</u>.</p>	<p>Paragraphs (b) and (c) have been revised to avoid using the expression “subject to”.</p> <p>Clause 14.1(e) was addressed in a submission by the SDA and discussed in the conference on 17 December 2015. The wording “whether ordinary hours or overtime” was adopted by the submission of the SDA, despite other changes that they proposed.² In the conference the meaning of the clause was discussed in detail and parties clarified that employees rostered to work up to three Sundays in a roster cycle must have at least three consecutive days off, including a Saturday and Sunday.³ The parties did not raise any issues with the term “whether ordinary hours or overtime” and so it has been retained in the revised exposure draft.</p> <p>Clause 14.3 has been recast to avoid using the expression “subject to”.</p>

² Shop Distributive and Allied Employees' Association, Submissions on the Exposure Draft - Pharmacy Industry Award – Plain Language Draft – specific clauses (10 December 2015) <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/am2014209-sub-plainlanguage-sda-101215.pdf>, para 59–61.

³ Four yearly review of modern awards, [Transcript of Proceedings](#), AM2014/209, 17 December 2015, paras 800–823.

CURRENT AWARD—Pharmacy Industry Award 2010	Revised exposure draft (22 July 2016)	Drafter comments												
<p>28. Breaks</p> <p>28.1 All employees working four or more hours on any day will be entitled to a 10 minute paid rest pause.</p> <p>28.2 All employees working more than five hours on any day will be entitled to an unpaid meal break of not less than 30 minutes and no greater than one hour duration plus a 10 minute paid rest pause.</p> <p>28.3 All employees working 7.6 or more hours on any day will be entitled to an unpaid meal break of not less than 30 minutes and no greater than one hour duration plus two 10 minute paid rest pauses.</p> <p>Provided that:</p> <p>(a) the meal breaks are to be taken after at least 2.5 hours and not later than five hours work;</p> <p>(b) the rest pauses are not to be taken in the first hour of work or in the first hour after the meal break.</p>	<p>15. Breaks</p> <p>15.1 Clause 15 gives an employee an entitlement to meal breaks and rest breaks.</p> <p>15.2 An employee who works the number of hours on any one day specified in an item of column 1 of <u>Table 2—Entitlements to meal and rest breaks</u> is entitled to a break or breaks as specified in column 2.</p> <p>Table 2—Entitlements to meal and rest break(s)</p> <table border="1" data-bbox="1130 485 1902 978"> <thead> <tr> <th data-bbox="1130 485 1481 546">Column 1</th> <th data-bbox="1481 485 1902 546">Column 2</th> </tr> <tr> <th data-bbox="1130 546 1481 606">Hours worked</th> <th data-bbox="1481 546 1902 606">Breaks</th> </tr> </thead> <tbody> <tr> <td data-bbox="1130 606 1481 674">At least 4 but not more than 5</td> <td data-bbox="1481 606 1902 674">One 10 minute paid rest break</td> </tr> <tr> <td data-bbox="1130 674 1481 827">More than 5 but less than 7.6</td> <td data-bbox="1481 674 1902 827">One 10 minute paid rest break One 30 to 60 minute unpaid meal break</td> </tr> <tr> <td data-bbox="1130 827 1481 978">7.6 or more</td> <td data-bbox="1481 827 1902 978">Two 10 minute paid rest breaks One 30 to 60 minute unpaid meal break</td> </tr> </tbody> </table> <p>15.3 An unpaid meal break must be taken within the first 5 hours of work, but not before the first 2.5 hours.</p> <p>15.4 A paid rest break cannot be taken:</p> <p>(a) in the first hour of work; or</p> <p>(b) in the first hour of resuming work after an unpaid meal break.</p>	Column 1	Column 2	Hours worked	Breaks	At least 4 but not more than 5	One 10 minute paid rest break	More than 5 but less than 7.6	One 10 minute paid rest break One 30 to 60 minute unpaid meal break	7.6 or more	Two 10 minute paid rest breaks One 30 to 60 minute unpaid meal break	<p>The application clause has been revised to reflect the principle of referencing the clause number rather than using the expression “this clause”. This drafting principle has been used throughout the revised Pharmacy Industry Award exposure draft and for new clauses generated from the Annual leave matter.</p> <p>Additions to clarify paid and unpaid breaks.</p>		
Column 1	Column 2													
Hours worked	Breaks													
At least 4 but not more than 5	One 10 minute paid rest break													
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<p>17. Minimum weekly wages</p> <table border="1" data-bbox="201 1472 744 1829"> <thead> <tr> <th data-bbox="201 1472 626 1533">Classifications</th> <th data-bbox="626 1472 744 1533">Per week \$</th> </tr> </thead> <tbody> <tr> <td data-bbox="201 1562 626 1598">Pharmacy Assistants</td> <td></td> </tr> <tr> <td data-bbox="201 1625 626 1661">Level 1</td> <td data-bbox="626 1625 744 1661">\$721.50</td> </tr> <tr> <td data-bbox="201 1688 626 1724">Level 2</td> <td data-bbox="626 1688 744 1724">\$738.70</td> </tr> <tr> <td data-bbox="201 1751 626 1787">Level 3</td> <td data-bbox="626 1751 744 1787">\$764.90</td> </tr> <tr> <td data-bbox="201 1814 626 1850">Level 4</td> <td data-bbox="626 1814 744 1850">\$796.30</td> </tr> </tbody> </table>	Classifications	Per week \$	Pharmacy Assistants		Level 1	\$721.50	Level 2	\$738.70	Level 3	\$764.90	Level 4	\$796.30	<p>Part 4—Wages and Allowances</p> <p>16. Minimum wages</p> <p>16.1 An employer must pay an employee the minimum hourly wage specified in column 2 (or for a full-time employee the minimum weekly wage specified in column 3) in accordance with the employee classification specified in column 1 of <u>Table 3—Minimum wages</u>.</p> <p>NOTE: Provisions for calculating wages for an employee who is classified as a pharmacy assistant and aged under 21 years is at clause <u>16.2—Junior wages (pharmacy Assistants only)</u>.</p>	<p>APESMA is pursuing additional classifications and minimum wages (see item 34 of the submission summary).</p> <p>Clause 16.1 has been revised to reduce the length of the provisions. Lead-in words to a table are important to give the content of the table effect. However, we have re-drafted to make these words as concise as possible.</p>
Classifications	Per week \$													
Pharmacy Assistants														
Level 1	\$721.50													
Level 2	\$738.70													
Level 3	\$764.90													
Level 4	\$796.30													

CURRENT AWARD—Pharmacy Industry Award 2010	Revised exposure draft (22 July 2016)	Drafter comments																																																						
<p>Pharmacy Students</p> <p>1st year of course \$721.50</p> <p>2nd year of course \$738.70</p> <p>3rd year of course \$764.90</p> <p>4th year of course \$796.30</p> <p>Pharmacy Interns</p> <p>First half of training \$806.80</p> <p>Second half of training \$834.40</p> <p>Pharmacist \$943.90</p> <p>Experienced Pharmacist \$1,033.80</p> <p>Pharmacist in Charge \$1,058.00</p> <p>Pharmacist Manager \$1,179.10</p>	<p>Table 3—Minimum wages</p> <table border="1" data-bbox="1071 205 1923 1297"> <thead> <tr> <th data-bbox="1071 205 1412 283">Column 1 Employee classification</th> <th data-bbox="1421 205 1665 283">Column 2 Minimum hourly wage</th> <th data-bbox="1673 205 1923 283">Column 3 Minimum weekly wage</th> </tr> </thead> <tbody> <tr> <td colspan="3" data-bbox="1071 359 1923 415">pharmacy assistant</td> </tr> <tr> <td data-bbox="1071 415 1412 472">level 1</td> <td data-bbox="1421 415 1665 472">\$18.99</td> <td data-bbox="1673 415 1923 472">\$721.50</td> </tr> <tr> <td data-bbox="1071 472 1412 529">level 2</td> <td data-bbox="1421 472 1665 529">\$19.44</td> <td data-bbox="1673 472 1923 529">\$738.70</td> </tr> <tr> <td data-bbox="1071 529 1412 585">level 3</td> <td data-bbox="1421 529 1665 585">\$20.13</td> <td data-bbox="1673 529 1923 585">\$764.90</td> </tr> <tr> <td data-bbox="1071 585 1412 642">level 4</td> <td data-bbox="1421 585 1665 642">\$20.96</td> <td data-bbox="1673 585 1923 642">\$796.30</td> </tr> <tr> <td colspan="3" data-bbox="1071 642 1923 699">pharmacy student</td> </tr> <tr> <td data-bbox="1071 699 1412 756">1st year of course</td> <td data-bbox="1421 699 1665 756">\$18.99</td> <td data-bbox="1673 699 1923 756">\$721.50</td> </tr> <tr> <td data-bbox="1071 756 1412 812">2nd year of course</td> <td data-bbox="1421 756 1665 812">\$19.44</td> <td data-bbox="1673 756 1923 812">\$738.70</td> </tr> <tr> <td data-bbox="1071 812 1412 869">3rd year of course</td> <td data-bbox="1421 812 1665 869">\$20.13</td> <td data-bbox="1673 812 1923 869">\$764.90</td> </tr> <tr> <td data-bbox="1071 869 1412 926">4th year of course</td> <td data-bbox="1421 869 1665 926">\$20.96</td> <td data-bbox="1673 869 1923 926">\$796.30</td> </tr> <tr> <td colspan="3" data-bbox="1071 926 1923 982">pharmacy intern</td> </tr> <tr> <td data-bbox="1071 982 1412 1039">1st half of training</td> <td data-bbox="1421 982 1665 1039">\$21.23</td> <td data-bbox="1673 982 1923 1039">\$806.80</td> </tr> <tr> <td data-bbox="1071 1039 1412 1096">2nd half of training</td> <td data-bbox="1421 1039 1665 1096">\$21.96</td> <td data-bbox="1673 1039 1923 1096">\$834.40</td> </tr> <tr> <td colspan="3" data-bbox="1071 1096 1923 1152">pharmacist</td> </tr> <tr> <td colspan="3" data-bbox="1071 1152 1923 1209">experienced pharmacist</td> </tr> <tr> <td colspan="3" data-bbox="1071 1209 1923 1266">pharmacist in charge</td> </tr> <tr> <td colspan="3" data-bbox="1071 1266 1923 1323">pharmacist manager</td> </tr> </tbody> </table> <p data-bbox="1020 1329 1923 1478">NOTE: Schedule B—Summary of hourly rates of pay contains a summary of hourly rates of pay, including casual wages, overtime and penalty rates. Provisions for calculating wages for casual employees are at clause 11.4. Overtime rates are specified in clause 20 and penalty rates are specified at clause 21.</p>	Column 1 Employee classification	Column 2 Minimum hourly wage	Column 3 Minimum weekly wage	pharmacy assistant			level 1	\$18.99	\$721.50	level 2	\$19.44	\$738.70	level 3	\$20.13	\$764.90	level 4	\$20.96	\$796.30	pharmacy student			1 st year of course	\$18.99	\$721.50	2 nd year of course	\$19.44	\$738.70	3 rd year of course	\$20.13	\$764.90	4 th year of course	\$20.96	\$796.30	pharmacy intern			1 st half of training	\$21.23	\$806.80	2 nd half of training	\$21.96	\$834.40	pharmacist			experienced pharmacist			pharmacist in charge			pharmacist manager			<p>The name of table 5 has been revised to remove “for employees” and the terms hourly rate and weekly rate have been replaced with wage. This is to help distinguish overtime and penalty rates from the wage rates they are applied to.</p>
Column 1 Employee classification	Column 2 Minimum hourly wage	Column 3 Minimum weekly wage																																																						
pharmacy assistant																																																								
level 1	\$18.99	\$721.50																																																						
level 2	\$19.44	\$738.70																																																						
level 3	\$20.13	\$764.90																																																						
level 4	\$20.96	\$796.30																																																						
pharmacy student																																																								
1 st year of course	\$18.99	\$721.50																																																						
2 nd year of course	\$19.44	\$738.70																																																						
3 rd year of course	\$20.13	\$764.90																																																						
4 th year of course	\$20.96	\$796.30																																																						
pharmacy intern																																																								
1 st half of training	\$21.23	\$806.80																																																						
2 nd half of training	\$21.96	\$834.40																																																						
pharmacist																																																								
experienced pharmacist																																																								
pharmacist in charge																																																								
pharmacist manager																																																								

CURRENT AWARD—Pharmacy Industry Award 2010	Revised exposure draft (22 July 2016)	Drafter comments														
<p>18. Junior rates</p> <p>Junior employees will be paid the following percentage of the appropriate wage rate for pharmacy assistant classifications in clause 17—Minimum weekly wages:</p> <table border="1" data-bbox="92 365 1003 743"> <thead> <tr> <th>Age</th> <th>% of weekly wage</th> </tr> </thead> <tbody> <tr> <td>Under 16 years of age</td> <td>45</td> </tr> <tr> <td>16 years of age</td> <td>50</td> </tr> <tr> <td>17 years of age</td> <td>60</td> </tr> <tr> <td>18 years of age</td> <td>70</td> </tr> <tr> <td>19 years of age</td> <td>80</td> </tr> <tr> <td>20 years of age</td> <td>90</td> </tr> </tbody> </table> <p><i>Clause inserted - proposed new provision in Exposure Draft (cl 10.1(c)) as follows:</i></p> <p>(c) Each year of a pharmacy student’s course commences on the first day of the relevant academic term. A pharmacy student’s progression through the pay rate is line with the student’s progression through the course. If the pharmacy student completes subjects faster than the usual course progression for that year of study, the student will progress to the next pay rate even if they have not been on the previous pay rate for a year. A pharmacy student will not move to the next pay rate if they have not completed and passed all of the subjects required in the usual course progression for that year of study, even if they remain on the same pay rate for more than one year. Students undertaking a Master of Pharmacy will commence at the 3rd year pay rate.</p>	Age	% of weekly wage	Under 16 years of age	45	16 years of age	50	17 years of age	60	18 years of age	70	19 years of age	80	20 years of age	90	<p>16.2 Junior wages (Pharmacy Assistants only)</p> <p>An employer must pay an employee, who is classified as a pharmacy assistant and aged under 21 years, at least at the following percentage of the minimum rate that would otherwise be applicable under <u>Table 3—Minimum wages</u>:</p> <p>(a) 45% for an under 16 year old;</p> <p>(b) 50% for a 16 year old;</p> <p>(c) 60% for a 17 year old;</p> <p>(d) 70% for an 18 year old;</p> <p>(e) 80% for a 19 year old;</p> <p>(f) 90% for a 20 year old.</p> <p>16.3 Pharmacy students</p> <p>The following applies for determining which year of a course a pharmacy student is in for the purpose of <u>Table 3—Minimum wages</u>:</p> <p>(a) a year of a course begins on the first day of the relevant academic term;</p> <p>(b) a pharmacy student in the first year of a Master of Pharmacy course is treated as being in the 3rd year of a course;</p> <p>(c) progress through the pharmacy student classification wages is in line with progress through a course;</p> <p>(d) progress through a course for the purpose of paragraph (c) is determined by completing and passing all subjects for a year of a course.</p> <p>NOTE: A pharmacy student can progress to the next pharmacy student classification wage in less than one year if all subjects for a year of a course are completed and passed in less than one year. A pharmacy student remains at the wage specified for a year of a course until all the required subjects are completed and passed.</p>	<p>SDA is pursuing changes to the effect of this subclause (see item 37 of the submission summary).</p> <p>The term “at least” added to demonstrate that the wage contained in 16.1 is the minimum amount, but an employer can pay a proportion of the minimum according to the age of the pharmacy assistant pursuant to 16.2.</p> <p>The paragraph list format was well-received in user-testing. It was as simple to use as a table format for this provision. It is more precise than the table format so it has been retained in the plain language draft. For provisions where 3 or more pieces of information are linked, a table format is the easiest to use.</p> <p>Subclause heading added to 16.3 following feedback from interested parties.</p> <p>Provisions revised to more clearly express how competency-based wage progression operates for the pharmacy student classification and more clearly demonstrate the purpose which is to determine the applicable wage for the pharmacy student classification.</p> <p>The order of paragraphs has changed so that the note that provides examples about wage progression in less than one year and longer than one year follows the provision about what determines progress through a course for the purpose of determining the wage of the pharmacy student.</p>
Age	% of weekly wage															
Under 16 years of age	45															
16 years of age	50															
17 years of age	60															
18 years of age	70															
19 years of age	80															
20 years of age	90															
<p>22. Payment of wages</p> <p>Wages will be paid weekly or fortnightly according to the actual hours worked for each week or fortnight.</p> <p><i>Clause inserted - proposed new provision in Exposure Draft as follows:</i></p> <p>(b) All wages will be paid on a regular pay day within four days of the end of the pay period. The employer must notify the employee in writing as to which day is the pay day. Where for any reason the employer wishes to change the pay day, then the employer shall provide at least four weeks’ written notice to the employee of such change.</p>	<p>16.4 Pay period</p> <p>(a) The employer may determine the pay period of an employee as being either weekly or fortnightly.</p> <p>(b) Wages must be paid for a pay period according to the number of hours worked by the employee in the period.</p> <p>NOTE: Hours of work may be measured over 2 consecutive weeks.</p> <p>NOTE: The Fair Work Regulations set out the requirements for pay records and the content of payslips including the requirement to separately identify any allowance paid. See Part 3–6, Division 3—Employer obligations in relation to employee records and pay slips.</p>	<p>Note added per inclusion in all exposure drafts. This note may be considered as a clause that is <i>common</i> to other awards.</p>														

CURRENT AWARD—Pharmacy Industry Award 2010	Revised exposure draft (22 July 2016)	Drafter comments
	<p>16.5 Pay day</p> <p>(a) Wages must be paid on a regular pay day no later than 4 days after the end of the pay period.</p> <p>(b) Employers must notify employees in writing about which day is the regular pay day.</p> <p>(c) The regular pay day of an employee may only be changed by the employer giving the employee 4 weeks written notice.</p> <p>16.6 For employees eligible for a supported wage, see <u>Schedule D—Supported Wage System</u>.</p> <p>16.7 For employees undertaking a traineeship, see <u>Schedule E—National Training Wage</u>.</p>	
<p>27. Annualised salary (Pharmacists only)</p> <p>27.1 An annualised salary for pharmacist employees may be developed. Such salary may be inclusive of overtime, penalty rates, payments for public holidays taken, annual leave taken, annual leave loading, meal allowance, and meal break on call entitlements. Provided that the annual salary paid over a year was sufficient to cover what the employee would have been entitled to if all award entitlements had been complied with when calculated on an individual basis according to the hours worked.</p> <p>27.2 Provided that in the event of termination of employment prior to completion of a year the salary paid during such period of employment will be sufficient to cover what the employee would have been entitled to if all award entitlements had been complied with.</p> <p>27.3 When payment in accordance with this clause is adopted, the employer will keep a daily record of hours worked by the employee which will show the date and start and finish times of the employee for the day. The record will be countersigned weekly by the employee and will be kept at the place of employment for a period of at least six years.</p> <p>27.4 The employee may be represented in the discussions in relation to the making of an Agreement under this clause by either their union or nominated representative, and any agreement reached under this clause must be recorded in writing, and a copy retained by the employer.</p>	<p>17. Annualised salary (Pharmacists only)</p> <p>17.1 A pharmacist may agree in writing with their employer to be paid an annualised salary that satisfies this award in relation to all or any of the following matters:</p> <p>(a) overtime;</p> <p>(b) penalty rates;</p> <p>(c) payments for public holidays;</p> <p>(d) payments for annual leave;</p> <p>(e) annual leave loading;</p> <p>(f) meal allowances;</p> <p>(g) on premise meal allowances.</p> <p>17.2 A pharmacist may be represented by a union or other representative nominated by them in any discussion about the making of an agreement under clause <u>17.1</u>.</p> <p>17.3 An annualised salary must not result in a pharmacist being paid less over a year than would have been the case if an annualised salary had not been agreed.</p> <p>17.4 The employer must keep a copy of any agreement under clause <u>17.1</u> and give another copy to the pharmacist.</p> <p>17.5 The employer must keep a record of hours worked each day by a pharmacist who has entered into an agreement under clause <u>17.1</u> showing the times at which the pharmacist started and finished work that day.</p> <p>17.6 A record mentioned in clause <u>17.1</u> must be:</p> <p>(a) countersigned weekly by the pharmacist; and</p> <p>(b) kept at the place of employment for at least 6 years.</p>	<p>PGA pursuing changes to the effect of this clause (see item 42 of the submissions summary) that may result in revisions/additions to this clause.</p> <p>The term “rates” has been removed from 17.1(a) to be consistent with the current award.</p>

CURRENT AWARD—Pharmacy Industry Award 2010	Revised exposure draft (22 July 2016)	Drafter comments
<p>19. Allowances</p> <p>19.1 Meal allowance</p> <p>(a) An employee who has worked six hours or more during ordinary time and who is then consecutively required to work overtime, or after the employees ordinary time of ending work, for more than one and a half hours will be either supplied with an adequate meal by the employer or be paid a meal allowance of \$17.46. Where such overtime work exceeds four hours a further meal allowance of \$15.64 will be paid.</p> <p>(b) This provision will not apply in circumstances where the employer has advised the employee of the requirement to work overtime on the previous day.</p> <p>(c) No meal allowance will be payable where any employee could reasonably return home for a meal within the period allowed.</p> <p>(d) No meal allowance will be payable where the additional hours are agreed hours as per clause 12.3.</p>	<p>18. Allowances</p> <p>NOTE: <u>Schedule C—Summary of Allowances</u> contains a summary of monetary allowances and methods of adjustment.</p> <p>18.1 Meal allowances</p> <p>(a) Clause 18.1 applies to an employee to whom each of the following applies:</p> <p>(i) the employee has worked 6 or more ordinary hours on any day;</p> <p>(ii) the employee is required to work on that day overtime, or more than 1.5 hours beyond the time at which the employee ordinarily finishes work for the day, unless the hours worked were agreed under <u>clause 10—Part-time employment</u>;</p> <p>(iii) the employee was not advised of the requirement mentioned in subparagraph (ii) on or before the previous day;</p> <p>(iv) the employee cannot reasonably return home for a meal within the period of the meal break.</p> <p>(b) The employer must:</p> <p>(i) pay the employee a meal allowance of \$17.46; or</p> <p>(ii) supply the employee with an adequate meal.</p> <p>(c) If the number of hours worked under a requirement mentioned in clause <u>18.1(a)(ii)</u> exceeds 4, the employer must pay the employee a further meal allowance of \$15.64.</p>	<p>Note revised following suggestions from interested parties.</p> <p>Clause 18.1 is a complex provision. Consideration has been given to what grammatical changes could make this easier to understand.</p> <p>Feedback from user testing was that the effect of agreed additional hours for part-time employees should be presented earlier in the clause. Users found the current award frustrating and confusing because they were reasonably confident they understood when and how a meal allowance applied up to 19.1(c), but then questioned whether it was relevant to part-time employees. Linking the current award provisions (d) to (a) was more logical and clearer. Presenting “unless the hours worked were agreed under clause <u>10—Part-time employment</u>” in brackets may further aid user understanding and break up a long sentence.</p> <p>User testing also revealed that for entitlements that require several criteria to be met, it was more helpful to first establish eligibility prior to stating the entitlement. This formulation is applied to several allowance provisions.</p>
<p>19.2 On-premise meal allowance (Pharmacists only)</p> <p>An employee who is required to take their meal break on the premises for the purpose of attending to urgent matters requiring the input of a qualified pharmacist will be paid at time and a half for the period of the meal break, regardless of other penalties that apply on that day.</p>	<p>18.2 On-premise meal allowance</p> <p>(a) Clause 18.2 applies to a pharmacist who is required to take a meal break on the premises so as to attend to urgent matters requiring the involvement of a pharmacist.</p> <p>(b) The employer must pay the pharmacist at the enhanced hourly rate for the period of the meal break, regardless of any other payments, penalty rates or allowances to which the pharmacist is entitled.</p> <p>(c) In paragraph (b), the enhanced hourly rate means 150% of the minimum hourly wage of the pharmacist. See column 2 of <u>Table 3—Minimum wages</u>.</p>	<p>The term “be available to” has been removed to better reflect the current award.</p> <p>The term “minimum hourly rate” has been revised to “minimum hourly wage” consistent with changes in clause 16.</p>

CURRENT AWARD—Pharmacy Industry Award 2010	Revised exposure draft (22 July 2016)	Drafter comments
<p>19.3 Special clothing</p> <p>(a) Where the employer requires an employee to wear any protective or special clothing such as a uniform dress or other clothing then the employer will reimburse the employee for any cost of purchasing such clothing and the cost of replacement items, when replacement is due to normal wear and tear. This provision will not apply where the special clothing is supplied and/or paid for by the employer.</p> <p>(b) Where an employee is required to launder any special uniform, dress or other clothing, the employer who provided that special clothing will arrange for its cleaning or will pay the employee the following applicable allowance:</p> <p>(i) for a full-time employee - \$6.25 per week;</p> <p>(ii) for a part-time or casual employee - \$1.25 per shift.</p>	<p>18.3 Clothing allowance</p> <p>(a) The employer must reimburse an employee who is required to wear special clothing, such as a uniform or protective clothing, for the cost of purchasing any such clothing (including purchasing replacement clothing due to normal wear and tear) that is not supplied or paid for by the employer.</p> <p>(b) If special clothing that is required to be worn by an employee needs to be laundered, the employer must undertake the laundering at no cost to the employee or pay the employee an allowance of:</p> <p>(i) \$6.25 each week for a full-time employee; or</p> <p>(ii) \$1.25 each shift for a part-time or casual employee.</p>	
<p>19.4 Transfer of employee reimbursement</p> <p>Where any employer transfers an employee from one township to another, the employer will be responsible for and will pay the whole of the moving expenses, including fares and transport charges, for the employee and the employee’s family.</p>	<p>18.4 Moving expenses</p> <p>(a) Clause 18.4 applies if an employer transfers an employee from one township to another.</p> <p>(b) The employer is responsible for, and must pay, the total cost of moving the employee and the employee’s family, including fares and other transport charges.</p>	<p>As outlined at paragraphs 68–71 of the report from the pilot, the effect of these provisions is unclear and would benefit from determinative clarification. The expression “township” was retained in the plain language draft as an alternative would change the legal effect.</p>
<p>19.5 Transport allowance</p> <p>Where an employer requests an employee to use their own motor vehicle in the performance of their duties such employee will be paid an allowance of \$0.78 per kilometre.</p>	<p>18.5 Motor vehicle allowance</p> <p>If an employer requests an employee to use their own motor vehicle in performing their duties, the employer must pay the employee an allowance of \$0.78 for each kilometre travelled.</p>	
<p>19.6 Transport of employees reimbursement</p> <p>Where an employee commences and/or ceases work after 10.00 pm on any day or prior to 7.00 am on any day and the employee’s regular means of transport is not available and the employee is unable to arrange their own alternative transport, the employer will reimburse the employee for the cost of a taxi fare from the place of employment to the employee’s usual place of residence. This will not apply if the employer provides or arranges proper transportation to and or from the employee’s usual place of residence at no cost to the employee.</p>	<p>18.6 Taxi fare reimbursement</p> <p>(a) Clause 18.6 applies to an employee to whom each of the following applies:</p> <p>(i) the employee starts work before 7.00 am or finishes work after 10.00 pm;</p> <p>(ii) the employee’s regular means of transport is not available;</p> <p>(iii) the employee is unable to arrange their own alternative means of transport;</p> <p>(iv) a proper means of transport to or from the employee’s usual place of residence is not provided to, or arranged for, the employee by the employer at no cost to the employee.</p> <p>(b) The employer must reimburse the employee the cost they incurred in taking a taxi between the place of employment and the employee’s usual place of residence.</p>	

CURRENT AWARD—Pharmacy Industry Award 2010	Revised exposure draft (22 July 2016)	Drafter comments
<p>21. Superannuation</p> <p><i>Standard clause - no change - provision not reproduced</i></p>	<p>19. Superannuation</p> <p><i>Standard clause - no change - provision not reproduced</i></p>	
<p>26. Overtime</p> <p>26.1 Reasonable overtime</p> <p>(a) Subject to clause 26.1(b) an employer may require an employee other than a casual to work reasonable overtime at overtime rates in accordance with the provisions of this clause.</p> <p>(b) An employee may refuse to work overtime in circumstances where the working of such overtime would result in the employee working hours which are unreasonable having regard to:</p> <p>(i) any risk to employee health and safety;</p> <p>(ii) the employee’s personal circumstances including any family responsibilities;</p> <p>(iii) the needs of the workplace or enterprise;</p> <p>(iv) the notice (if any) given by the employer of the overtime and by the employee of their intention to refuse it; and</p> <p>(v) any other relevant matter.</p>	<p><i>Provisions not re-drafted for revised exposure draft</i></p>	<p>The reasonable overtime provisions have been omitted due to [2014] FWCFB 9412. Para 35 indicates that summaries of the National Employment Standards should not appear in modern awards/exposure drafts. The planned annotated versions of modern awards may contain a summary of the reasonable overtime provisions.</p>
<p>26. Overtime</p> <p>...</p> <p>26.2 Overtime and penalty rates</p> <p>(a) Overtime</p> <p>Overtime means authorised additional hours performed at the direction of the employer:</p> <p>(i) Hours worked in excess of the ordinary number of hours of work prescribed in clauses 25.2 and 25.3 are to be paid at time and half for the first two hours and double time thereafter. Overtime worked on a Sunday is to be paid at the Sunday rate of double time, and overtime worked on a public holiday is to be paid at the public holiday rate of double time and half.</p> <p>(ii) The rates provided by clause 26.2(b) and (c) will not be cumulative on overtime rates.</p> <p>(iii) For casual employees the casual loading is not payable on overtime.</p>	<p>Part 5—Overtime and Penalty Rates</p> <p>20. Overtime</p> <p>NOTE: Under the National Employment Standards (see section 62 of the <u>Act</u>) an employee may refuse to work additional hours if they are unreasonable. <u>Section 62</u> sets out factors to be taken into account in determining whether the additional hours are reasonable or unreasonable.</p> <p>20.1 Application of overtime for full-time employees</p> <p>An employer must pay a full-time employee at the overtime rate for any hours worked at the direction of the employer:</p> <p>(a) in excess of the number of hours specified in clause <u>9—Full-time employment</u> or <u>13.3</u> (maximum daily hours); or</p> <p>(b) between midnight and 7.00 am.</p> <p>20.2 Application of overtime for part-time employees</p> <p>An employer must pay a part-time employee at the overtime rate for any hours worked at the direction of the employer:</p> <p>(a) in excess of the number of hours that the employee has agreed to work under clause <u>10.4</u> and <u>10.10</u> (part-time employment); or</p> <p>(b) between midnight and 7.00 am.</p> <p>NOTE: A part-time employee can agree to work additional ordinary hours under clause 10.10 on the terms applicable to hours worked by a casual employee up to the maximum hours set out in clause 13.3 (maximum daily hours) and clause 9—</p>	<p>As outlined at paragraph 75 of the report from the pilot, interaction between provisions for casual employment and overtime are unclear. Some revisions and additions have been made to clarify circumstances where a casual employee is eligible for overtime, including clause 20.3.</p> <p>SDA are pursuing changes to the effect of this clause via the casual employment common issue matter which may result in revisions/additional paragraphs in clause 20.3.</p>

CURRENT AWARD—Pharmacy Industry Award 2010	Revised exposure draft (22 July 2016)	Drafter comments										
	<p>Full-time employment.</p> <p>20.3 Application of overtime for casual employees</p> <p>(a) An employer must pay a casual employee at the overtime rate for any hours worked at the direction of the employer:</p> <p>(i) in excess of the number of hours specified in <u>13.3</u> (maximum daily hours);</p> <p>(ii) between midnight and 7.00 am.</p> <p>(b) The casual loading prescribed in clause 11—Casual employment is not payable on overtime worked by a casual employee.</p> <p>20.4 Payment of overtime</p> <p>(a) An employer must pay an employee for all overtime worked as prescribed in clause <u>20.1</u> to <u>20.3</u> the overtime rate specified in column 2 of <u>Table 4</u> in accordance with when the overtime was worked as specified in column 1 of that table.</p> <p>(b) The overtime rate specified in column 2 of Table 4 must be applied to the applicable minimum wage for the employee classification in accordance with clause <u>16—Minimum wages</u>.</p> <p>Table 4—Overtime rates</p> <table border="1" data-bbox="1124 936 1893 1178"> <thead> <tr> <th>Column 1 For overtime worked on</th> <th>Column 2 Overtime rate</th> </tr> </thead> <tbody> <tr> <td>Monday to Saturday—first 2 hours</td> <td>150%</td> </tr> <tr> <td>Monday to Saturday—after 2 hours</td> <td>200%</td> </tr> <tr> <td>Sunday—all day</td> <td>200%</td> </tr> <tr> <td>Public holiday—all day</td> <td>250%</td> </tr> </tbody> </table> <p>NOTE: Schedule B—Summary of Hourly Rates of Pay sets out the overtime rate hourly wage for all employee classifications according to when overtime is worked.</p>	Column 1 For overtime worked on	Column 2 Overtime rate	Monday to Saturday—first 2 hours	150%	Monday to Saturday—after 2 hours	200%	Sunday—all day	200%	Public holiday—all day	250%	
Column 1 For overtime worked on	Column 2 Overtime rate											
Monday to Saturday—first 2 hours	150%											
Monday to Saturday—after 2 hours	200%											
Sunday—all day	200%											
Public holiday—all day	250%											
<p>26.3 Time off instead of payment</p> <p>(a) Time off instead of payment for overtime may be provided if an employee so elects and it is agreed by the employer.</p> <p>(b) Such time off instead of payment will be taken at a mutually convenient time and within four weeks of the overtime being worked or, where agreed between the employee and the employer, may be accumulated and taken as part of annual leave.</p> <p>(c) Time off instead of payment will equate to the overtime rate i.e. if the employee works one hour overtime and elects to take time off instead of payment the time off would equal one and a half hours or, where the rate of pay for overtime is double time, two hours.</p>	<p>20.5 Time off instead of payment</p> <p>(a) With the consent of the employer, an employee may choose to take time off instead of being paid for overtime.</p> <p>(b) The period of time off to which an employee is entitled for each hour of overtime worked is the relevant percentage of that hour specified in column 2 of <u>Table 4—Overtime rates</u> (depending on when the hour was worked as specified in column 1).</p> <p>EXAMPLE: An employee who worked 2 hours of overtime on a Tuesday that was not a public holiday is entitled to time off of 3 hours ((2 x 150) ÷ 100).</p> <p>(c) Time off must be taken:</p> <p>(i) within the period of 4 weeks after the overtime is worked; and</p> <p>(ii) at a time within that period agreed by the employer and employee.</p>	<p>This subclause is being considered in common issue proceedings in matter AM2014/300. A Full Bench determination is forthcoming for a revised subclause in the body of the award and a template agreement as a schedule to the award. These provisions will be inserted in the exposure draft (with updated cross-references). No comment is sought on these provisions via the Award stage of the 4 yearly review of modern awards.</p>										

CURRENT AWARD—Pharmacy Industry Award 2010	Revised exposure draft (22 July 2016)	Drafter comments																														
	<p>(d) Despite paragraph (c), the employer and employee may agree that time off may be accumulated and included in a period during which an employee takes paid annual leave.</p>																															
<p><i>Note: Clause 26.2 reproduced here for comparative purposes.</i></p> <p>(b) Morning and Evening work Monday to Friday</p> <p>A loading of 50% (casuals 75%) will apply for hours worked before 8.00 am and a loading of 25% (casuals 50%) for hours between 7.00 pm to 9.00 pm. A loading of 50% will apply to hours worked from 9.00 pm to midnight (casuals 75%).</p> <p>(c) Saturday work</p> <p>A loading of 100% (casuals 125%) will apply for hours worked before 8.00 am, and a loading of 25% (casuals 50%) will apply for hours of work from 8.00 am to 6.00 pm on a Saturday. A loading of 50% (casuals 75%) will apply from 6.00 pm to 9.00 pm, and a loading of 75% (casuals 100%) for hours from 9.00 pm to midnight.</p> <p>(d) Sunday work</p> <p>A 100% (casuals 125%) loading will apply for all hours of work on a Sunday.</p>	<p>21. Penalty rates</p> <p>21.1 Clause 21 sets out higher rates of pay (penalty rates) for ordinary hours worked at specified times or on specified days.</p> <p>NOTE: Clause <u>20—Overtime</u> prescribes overtime rates for hours worked in excess of, or outside ordinary hours.</p> <p>21.2 Penalty rates are not cumulative on overtime rates.</p> <p>21.3 Payment of penalty rates</p> <p>(a) An employer must pay an employee in accordance with column 2 of <u>Table 5—Penalty rates</u> for hours worked by the employee during a period specified in column 1 of that table; and</p> <p>(b) The penalty rate specified in column 2 of <u>Table 5</u> must be applies to the applicable minimum wage for the employee classification in accordance with clause <u>16—Minimum wages</u>.</p> <p>NOTE: <u>Table 3—Minimum wages</u> shows the minimum hourly wage applicable under clause 16.1. If an employee is classified as a pharmacy assistant and aged under 21, see also clause <u>16.2—Junior wages (Pharmacy Assistants only)</u>.</p> <p>Table 5—Penalty rates</p> <table border="1" data-bbox="1130 1052 1893 1938"> <thead> <tr> <th data-bbox="1130 1052 1472 1234">Column 1 For hours worked on</th> <th data-bbox="1478 1052 1670 1234">Column 2 Full-time and part-time penalty rate</th> <th data-bbox="1676 1052 1893 1234">Column 3 Casual penalty rate (inclusive of casual loading)</th> </tr> </thead> <tbody> <tr> <td colspan="3" data-bbox="1130 1239 1893 1287">Monday to Friday</td> </tr> <tr> <td data-bbox="1130 1291 1472 1377">Between 7.00 am and 8.00 am</td> <td data-bbox="1478 1291 1670 1377">150%</td> <td data-bbox="1676 1291 1893 1377">175%</td> </tr> <tr> <td data-bbox="1130 1381 1472 1467">Between 7.00 pm and 9.00 pm</td> <td data-bbox="1478 1381 1670 1467">125%</td> <td data-bbox="1676 1381 1893 1467">150%</td> </tr> <tr> <td data-bbox="1130 1472 1472 1558">Between 9.00 pm and midnight</td> <td data-bbox="1478 1472 1670 1558">150%</td> <td data-bbox="1676 1472 1893 1558">175%</td> </tr> <tr> <td colspan="3" data-bbox="1130 1562 1893 1610">Saturday</td> </tr> <tr> <td data-bbox="1130 1614 1472 1701">Between 7.00 am and 8.00 am</td> <td data-bbox="1478 1614 1670 1701">200%</td> <td data-bbox="1676 1614 1893 1701">225%</td> </tr> <tr> <td data-bbox="1130 1705 1472 1791">Between 8.00 am and 6.00 pm</td> <td data-bbox="1478 1705 1670 1791">125%</td> <td data-bbox="1676 1705 1893 1791">150%</td> </tr> <tr> <td data-bbox="1130 1795 1472 1881">Between 6.00 pm and 9.00 pm</td> <td data-bbox="1478 1795 1670 1881">150%</td> <td data-bbox="1676 1795 1893 1881">175%</td> </tr> <tr> <td data-bbox="1130 1885 1472 1938">Between 9.00 pm and midnight</td> <td data-bbox="1478 1885 1670 1938">175%</td> <td data-bbox="1676 1885 1893 1938">200%</td> </tr> </tbody> </table>	Column 1 For hours worked on	Column 2 Full-time and part-time penalty rate	Column 3 Casual penalty rate (inclusive of casual loading)	Monday to Friday			Between 7.00 am and 8.00 am	150%	175%	Between 7.00 pm and 9.00 pm	125%	150%	Between 9.00 pm and midnight	150%	175%	Saturday			Between 7.00 am and 8.00 am	200%	225%	Between 8.00 am and 6.00 pm	125%	150%	Between 6.00 pm and 9.00 pm	150%	175%	Between 9.00 pm and midnight	175%	200%	
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	<table border="1" data-bbox="1130 163 1893 264"> <tr> <td data-bbox="1130 163 1472 205">Sunday—all day</td> <td data-bbox="1472 163 1673 205">200%</td> <td data-bbox="1673 163 1893 205">225%</td> </tr> <tr> <td data-bbox="1130 205 1472 264">Public holidays—all day</td> <td data-bbox="1472 205 1673 264">250%</td> <td data-bbox="1673 205 1893 264">275%</td> </tr> </table> <p data-bbox="1026 296 1917 352">NOTE: Schedule B—Summary of Hourly Rates of Pay sets out the penalty rate hourly wage for all employee classifications.</p>	Sunday—all day	200%	225%	Public holidays—all day	250%	275%	
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<p data-bbox="112 373 537 401">Part 6—Leave and Public Holidays</p> <p data-bbox="112 422 314 449">29. Annual leave</p> <p data-bbox="142 480 655 508">29.1 Annual leave is provided for in the NES.</p> <p data-bbox="142 550 498 577">29.2 Definition of shiftworker</p> <p data-bbox="219 630 982 835">For the purpose of the additional week of annual leave provided for in the NES, a shiftworker is a seven day shiftworker who is regularly rostered to work on Sundays and public holidays in a business in which shifts are continuously rostered 24 hours a day for seven days a week.</p> <p data-bbox="142 877 454 905">29.3 Annual leave loading</p> <p data-bbox="219 957 967 1119">During a period of annual leave an employee will receive a loading calculated on the rate of wage prescribed in clause 17—<u>Minimum weekly wages</u> of this award. Annual leave loading payment is payable on leave accrued.</p> <p data-bbox="219 1171 566 1199">The loading will be as follows:</p> <p data-bbox="219 1241 943 1356">(a) Day work: Employees who would have worked on day work only had they not been on leave—17.5% or the relevant weekend penalty rates, whichever is the greater but not both.</p> <p data-bbox="219 1398 973 1560">(b) Shiftwork: Employees who would have worked on shiftwork had they not been on leave—a loading of 17.5% or the shift loading (including relevant weekend penalty rates) whichever is the greater but not both.</p> <p data-bbox="142 1602 730 1629">29.4 Paid leave in advance of accrued entitlement</p> <p data-bbox="219 1682 967 1969">An employer may allow an employee to take annual leave either wholly or partly in advance before the leave has accrued. Where paid leave has been granted to an employee in excess of the employee’s accrued entitlement, and the employee subsequently leaves or is discharged from the service of the employer before completing the required amount of service to account for the leave provided in advance, the employer is entitled to deduct the amount</p>	<p data-bbox="1026 384 1442 411">Part 6—Leave and Public Holidays</p> <p data-bbox="1026 443 1285 470">22. Annual leave</p> <p data-bbox="1026 501 1887 617">NOTE: Where an employee is receiving overaward payments such that the employee’s base rate of pay is higher than the rate specified under this award, the employee is be entitled to receive the higher rate while on a period of paid annual leave (see ss.16 and 90 of the Act).</p> <p data-bbox="1026 659 1581 686">22.1 Annual leave is provided for in the NES.</p> <p data-bbox="1026 718 1611 745">22.2 Additional leave for certain shiftworkers</p> <p data-bbox="1130 766 1923 882">A shiftworker, for the purposes of the NES, is an employee who is a seven day shiftworker who is regularly rostered to work on Sundays and public holidays in a business in which shifts are continuously rostered 24 hours a day for seven days a week.</p> <p data-bbox="1026 913 1383 940">22.3 Annual leave loading</p> <p data-bbox="1130 972 1923 1119">(a) During a period of annual leave an employee will receive a loading calculated on the wage prescribed in clause 10—Minimum wages of this award in addition to their minimum rate of pay. Annual leave loading payment is payable on leave accrued.</p> <p data-bbox="1130 1150 1546 1178">(b) The loading will be as follows:</p> <p data-bbox="1205 1209 1389 1236">(i) Day work</p> <p data-bbox="1270 1268 1923 1356">Employees who would have worked on day work only had they not been on leave—17.5% or the relevant weekend penalty rates, whichever is the greater but not both.</p> <p data-bbox="1205 1388 1389 1415">(ii) Shiftwork</p> <p data-bbox="1270 1446 1923 1562">Employees who would have worked on shiftwork had they not been on leave—a loading of 17.5% or the shift loading (including relevant weekend penalty rates) whichever is the greater but not both.</p> <p data-bbox="1026 1593 1656 1621">22.4 Paid leave in advance of accrued entitlement</p> <p data-bbox="1130 1652 1923 1705">(a) An employer may allow an employee to take annual leave either wholly or partly in advance before the leave has accrued.</p> <p data-bbox="1130 1736 1923 1955">(b) Where paid leave has been granted to an employee in excess of the employee’s accrued entitlement, and the employee subsequently leaves or is discharged from the service of the employer before completing the required amount of service to account for the leave provided in advance, the employer is entitled to deduct the amount of leave in advance still owing from any remuneration payable to the employee upon</p>	<p data-bbox="1947 384 2843 510">Clause 22 of the revised exposure draft is <i>common</i> to other modern awards. This clause does not apply plain language principles and styles. The plain language re-draft of this clause will be subject to broader consultation in 2017 as outlined in the Statement of 15 July 2016.</p> <p data-bbox="1947 1619 2843 1682">A draft determination has been issued that will affect clause 22.4 and add new clauses. The exposure draft will be revised to reflect these changes in due course.</p>						

CURRENT AWARD—Pharmacy Industry Award 2010	Revised exposure draft (22 July 2016)	Drafter comments
<p>of leave in advance still owing from any remuneration payable to the employee upon termination of employment.</p>	<p>termination of employment.</p>	
<p>30. Personal/carer’s leave and compassionate leave</p> <p>30.1 Personal/carer’s leave and compassionate leave are provided for in the NES.</p> <p>30.2 For the purposes of s.107(3) of the Act, an employee is entitled to a maximum of one single day absence a year for leave of the kind in s.97(a) of the Act (unfit for work because of personal illness or injury) without being required to provide a statutory declaration as to the reasons for such absence. Where any absence exceeds three consecutive days the employer may require the production of a medical certificate of a legally qualified medical practitioner.</p> <p>30.3 Casual employees are entitled to be not available for work or to leave work to care for a person who is sick and requires care and support or who requires care due to an emergency. Such leave is unpaid. A minimum of 48 hours absence is allowed by right with additional absence by agreement. An employer must not fail to re-engage a casual employee because the employee has accessed the entitlement under this clause.</p>	<p>23 Personal/carer’s leave and compassionate leave</p> <p>23.1 Personal/carer’s leave and compassionate leave are provided for in the NES.</p> <p>23.2 Evidence requirements</p> <p>(a) For the purposes of s.107(3) of the Act, an employee is entitled to one day’s absence per year for leave of the kind in s.97(a) of the Act (unfit for work because of personal illness or injury) without being required to provide a statutory declaration as to the reasons for the absence.</p> <p>(b) Where any absence exceeds three consecutive days, the employer may require the production of a medical certificate from a legally qualified medical practitioner.</p> <p>23.3 Casual employees</p> <p>(a) A casual employee is entitled to be unavailable for work or to leave work to care for a person who:</p> <p>(i) is sick and requires care and support; or</p> <p>(ii) requires care due to an emergency.</p> <p>(b) 48 hours’ absence is allowed by right, with additional absence by agreement.</p> <p>(c) The employer must not fail to re-engage a casual employee because the employee has accessed the entitlement under this clause.</p> <p>(d) Casual employees are not entitled to paid leave under clause 23.3(a).</p>	<p>Clause 23 of the revised exposure draft is <i>common</i> to other modern awards. This clause does not apply plain language principles and styles. The plain language re-draft of this clause will be subject to broader consultation in 2017 as outlined in the Statement of 15 July 2016.</p>
<p><i>No clause in current award.</i></p>	<p>24. Parental leave and related entitlements</p> <p>Parental leave and related entitlements are provided for in the NES.</p>	<p>Clause 24 of the revised exposure draft is <i>common</i> to other modern awards. This clause does not apply plain language principles and styles. The plain language re-draft of this clause will be subject to broader consultation in 2017 as outlined in the Statement of 15 July 2016.</p>

CURRENT AWARD—Pharmacy Industry Award 2010	Revised exposure draft (22 July 2016)	Drafter comments
<p>31. Public holidays</p> <p>31.1 Public holidays are provided for in the NES.</p> <p>31.2 An employer and the employee may by agreement substitute another day for a public holiday. Where there is no agreement the employer may substitute another day but not so as to give an employee less time off work than the employee would have had if the employee had received the public holiday.</p> <p>31.3 Work on a public holiday must be compensated by payment at the rate of 250% (casuals 275%) of the minimum rate.</p>	<p>25. Public holidays</p> <p>25.1 Public holiday entitlements are provided for in the NES.</p> <p>25.2 Where an employee works on a public holiday they will be paid in accordance with clause 21.1—Penalty rates.</p> <p>25.3 Substitution of public holidays by agreement</p> <p>The employer and an individual employee may, by agreement, substitute another day for a public holiday. Where there is no agreement, the employer may substitute another day but not so as to give the employee less time off work than the employee would have had if the employee had received the public holiday.</p>	<p>Clause 25 of the revised exposure draft is <i>common</i> to other modern awards. This clause does not apply plain language principles and styles. The plain language re-draft of this clause will be subject to broader consultation in 2017 as outlined in the Statement of 15 July 2016.</p>
<p>32. Community service leave</p> <p>Community service leave is provided for in the NES.</p>	<p>26. Community service leave</p> <p>Community service leave is provided for in the NES.</p>	<p>Clause 26 of the revised exposure draft is <i>common</i> to other modern awards. This clause does not apply plain language principles and styles. The plain language re-draft of this clause will be subject to broader consultation in 2017 as outlined in the Statement of 15 July 2016.</p>
<p>Part 2—Consultation and Dispute Resolution</p> <p>8. Consultation</p> <p>9. Dispute resolution</p> <p><i>Standard clause – structural changes, but no change to drafting - provisions not reproduced</i></p>	<p>Part 7—Consultation and Dispute Resolution</p> <p>27. Consultation about major workplace change</p> <p>28. Consultation about changes to rosters and hours of work</p> <p>29. Dispute resolution</p> <p><i>Standard clause – structural changes, but no change to drafting - provisions not reproduced</i></p>	<p>Clauses 27–29 of the revised exposure draft are <i>standard</i> clauses. Plain language draft <i>standard</i> clauses will be dealt with in matter AM2016/15 as outlined in the Statement of 15 July 2016.</p>
<p>14. Termination of employment</p> <p>15. Redundancy</p> <p><i>Standard clause – structural changes, but no change to drafting - provisions not reproduced</i></p>	<p>30. Termination of employment</p> <p>31. Redundancy</p> <p>32. Transfer to lower paid duties on redundancy</p> <p>33. Employee leaving during redundancy notice period</p> <p>34. Job search entitlement</p> <p><i>Standard clause – structural changes, but no change to drafting - provisions not reproduced</i></p>	<p>Clauses 30–34 of the revised exposure draft are <i>standard</i> clauses. Plain language draft <i>standard</i> clauses will be dealt with in matter AM2016/15 as outlined in the Statement of 15 July 2016.</p>

CURRENT AWARD—Pharmacy Industry Award 2010	Revised exposure draft (22 July 2016)	Drafter comments
<p>Schedule B—Classification Definitions</p> <p>B.1 Pharmacy Assistant Level 1 is an employee who has commenced employment in a community pharmacy for the first time, or holds no qualifications in community pharmacy.</p> <p>B.2 Pharmacy Assistant Level 2 is an employee who has acquired the competencies listed for a holder of Certificate II in Community Pharmacy, as determined from time to time by the National Quality Council or any successor thereto.</p> <p>B.3 Pharmacy Assistant Level 3 is an employee who has acquired the competencies listed for a holder of Certificate III in Community Pharmacy, as determined from time to time by the National Quality Council or any successor thereto and who is required by the employer to work at this level.</p> <p>(a) A Pharmacy Assistant who is a holder of Certificate III in Community Pharmacy may be required to supervise Pharmacy Assistants at Competency levels 1 and 2.</p> <p>(b) A Dispensary Assistant will be paid as Pharmacy Assistant Competency Level 3.</p> <p>(c) A Pharmacy Assistant, who for the majority of their duties is assisting with extemporaneous preparations working in a compounding lab or compounding section of a community pharmacy, will be paid as Pharmacy Assistant Competency Level 3.</p> <p>B.4 Pharmacy Assistant Level 4 is an employee who has acquired the competencies listed for a holder of Certificate IV in Community Pharmacy and who is required by the employer to work at this level. A Pharmacy Assistant Competency level 4 may be required to supervise Pharmacy Assistants at Competency levels 1, 2 and 3.</p> <p>B.5 Pharmacy Student means a person who is undertaking an approved program of study, under the Australian Health Practitioner Regulation National Law, leading to registration as a pharmacist and who enters into a contract of employment with a proprietor of a pharmacy to work in that pharmacy.</p> <p>B.6 Pharmacy Intern means a person who has satisfied the examination requirements for an accredited course of study leading to registration as a pharmacist and is engaging in the period of pre-registration training required under the Australian Health Practitioner Regulation National Law.</p> <p>B.5 Pharmacist is a person who is registered as a pharmacist pursuant to the relevant State or Territory law.</p> <p>B.6 Experienced Pharmacist is a Pharmacist who has gained at least four years full-time experience or the part-time equivalent as a Community Pharmacist.</p> <p>B.7 Pharmacist in Charge is a pharmacist who assumes responsibility for the day to day supervision and functioning of a community pharmacy practice.</p> <p>B.8 Pharmacist Manager is a pharmacist who is responsible to the proprietor for all aspects of the business.</p>	<p>Schedule A—Classification Definitions</p> <p>A.1 pharmacy assistant level 1 is an employee working as a pharmacy assistant in a community pharmacy who has not acquired the competencies required to hold a qualification in Community Pharmacy and is not covered by any other classification in this Schedule.</p> <p>A.2 pharmacy assistant level 2 is an employee who has acquired the competencies required to be the holder of a Certificate II in Community Pharmacy, as determined by the National Quality Council or a successor body.</p> <p>A.3 pharmacy assistant level 3 is an employee who has acquired the competencies required to be the holder of a Certificate III in Community Pharmacy, as determined by the National Quality Council or a successor body, and who is required by the employer to work at this level.</p> <p>A pharmacy assistant level 3 may be required by the employer to perform any of the following duties:</p> <p>(a) supervise pharmacy assistants levels 1 or 2; or</p> <p>(b) assist a pharmacist in the dispensing section of a community pharmacy; or</p> <p>(c) work in a compounding lab or compounding section of a community pharmacy assisting with extemporaneous preparations as the major part of their duties.</p> <p>A.4 pharmacy assistant level 4 is an employee who has acquired the competencies required to be the holder of a Certificate IV in Community Pharmacy, as determined by the National Quality Council or a successor body, and who is required by the employer to work at this level.</p> <p>A pharmacy assistant level 4 may be required by the employer to supervise pharmacy assistants levels 1, 2 or 3.</p> <p>A.5 pharmacy student is an employee who is undertaking training as part of an approved program of study, as defined by section 5 of the Health Practitioner Regulation National Law.</p> <p>A.6 pharmacy intern is an employee who has satisfied the examination requirements of an accredited program of study, as defined by section 5 of the Health Practitioner Regulation National Law, and who is undertaking clinical training;</p> <p>A.7 pharmacist is an employee registered under the Health Practitioner Regulation National Law to practise in the pharmacy profession (other than as a student).</p> <p>A.8 experienced pharmacist is an employee who is a pharmacist with at least 4 years full-time experience (or the part-time equivalent) in a community pharmacy.</p> <p>A.9 pharmacist in charge is an employee who is a pharmacist who assumes responsibility for the day to day supervision and functioning of the community pharmacy.</p> <p>A.10 pharmacist manager is an employee who is a pharmacist who is responsible to the owner of the community pharmacy for all aspects of the business.</p>	<p>APESMA are pursuing additional classifications (see item 34 of the submission summary).</p> <p>A.1 has been revised to specify that an employee at this level has not acquired the competencies required to hold a qualification in Community Pharmacy.</p>

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<i>Proposed new provision</i>	Schedule B—Summary of Hourly Rates of Pay <i>Schedule not reproduced</i>	Schedule B of the revised exposure draft is common to other modern awards. The plain language re-draft of this schedule may be subject to broader consultation in 2017 with other clauses of the Pharmacy Industry Award that are <i>common</i> to other modern awards as outlined in the Statement of 15 July 2016. The schedule has been updated to incorporate changes resulting from PR579763
<i>Proposed new provision</i>	Schedule C—Summary of Monetary Allowances <i>Schedule not reproduced</i>	Schedule C of the revised exposure draft is common to other modern awards. The plain language re-draft of this subclause may be subject to broader consultation in 2017 with other clauses of the Pharmacy Industry Award that are <i>common</i> to other modern awards. The schedule has been updated to incorporate changes resulting from PR579516
Schedule C—Supported Wage System <i>Standard clause - no change - provision not reproduced</i>	Schedule D—Supported Wage System <i>Schedule not reproduced</i>	Schedule D of the revised exposure draft is common to other modern awards. This schedule may be subject to plain language re-drafting and related processes as part of matter AM2016/15 as outlined in the Statement of 15 July 2016. The schedule has been updated to incorporate changes resulting from PR581528 .
Schedule D—National Training Wage Appendix D1: Allocation of Traineeships to Wage Levels <i>Standard clause - no change - provision not reproduced</i>	Schedule E—National Training Wage <i>Schedule not reproduced</i>	Schedule E of the revised exposure draft is common to other modern awards. This schedule may be subject to plain language re-drafting and related processes as part of matter AM2016/15 or AM2016/17 as outlined in the Statement of 15 July 2016.
Schedule E—2014 Part-day public holidays <i>Standard clause - no change - provision not reproduced</i>	Schedule F—2016 Part-day Public Holidays <i>Schedule not reproduced</i>	Schedule F of the revised exposure draft is common to other modern awards. This schedule may be subject to plain language re-drafting and related processes in 2017 as part of matter AM2016/15 or AM2014/301 . The schedule has been updated to incorporate changes resulting from PR580863 .
	Schedule G—Definitions <i>Moved to clause 2 – not reproduced</i>	The Definitions have been moved to the body of the award/exposure draft.