

SUMMARY OF SUBMISSIONS ON REVISED EXPOSURE DRAFT – OUTSTANDING ISSUES

This table is a summary of reply submissions lodged for this award after the 9 June 2017 decision [\[2017\] FWCFB 3177](#) and in response to the Further Revised Exposure Draft published on [13 June 2017](#).

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE (paragraph)	NOTES
1	AIG	Sub-11/07/17	1.5	Title and commencement Suggest deleting this clause, as it is inconsistent with the FWC’s absorption clause decision.	52-53	RESOLVED Determined in [2015 FWCFB 6656] at [74]
	AIG	Sub-23/09/16		Clause should be deleted, consistent with FB decision	33	ED amended
1A	AIG	Sub-06/03/15	6.4(a) and 6.4(a)(i)	Types of employment – Part-time employees Propose “is employed to work an agreed number of hours of work per week which is:” is replaced with “works” in clause 6.4(a); replace ‘works’ from clause 6.4(a)(i)	137-138	RESOLVED By agreement
	AIG and AWU	JointReport-25/04/15		Part-time employees The Parties agree that Clause 6.4(a) should be amended as follows: (a) A part-time employee is an employee who works: (i) less than 38 ordinary hours per week; and (ii) a regular number of ordinary hours each week.	8	
2	AIG	Sub-11/07/17	6.6(a)(ii) (current award)	Casual conversion - Eligible casual employee The clause does not confine conversion to one employer. Further, it does not limit the sequence of periods of employment ‘under this award’. Amend to: ‘who is employed by a particular employer for a sequence of periods under this award over six months; and...’	58-63	REMAINS OUTSTANDING AIG common claim dismissed in [2016] FWCFB 2479
3	AIG	Sub-11/07/17				
4	AIG	Sub-11/07/17	6.6(a)(iii)	Eligible casual employee Conversion would be satisfied if employment continued beyond six months as a casual employee. Amend to: ‘whose employment is to continue beyond the conversion	64-66	

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				process.’		
5	AIG	Sub-11/07/17	6.6(a)(iii)	Full-time or part-time conversion Suggest that clause 6.6(c)(iii) be merged with clause 6.6(c)(ii).	69	REMAINS OUTSTANDING AIG has made a typographical error by referring to 6.6(a)(iii). It should be 6.6(c)(iii).
6	AIG	Sub-11/07/17	6.6(c)(iv)	The second reference to clause 6.6(v)(iii) should be replaced with 6.6(d)(i). This is a drafting error.	70	REMAINS OUTSTANDING
7	AIG	Sub-11/07/17	6.6(f)	Casual conversion to full-time or part-time employment Suggest amending the clause number to 6.7.	71	REMAINS OUTSTANDING
7A	AIG	Sub-06/03/15	9.5	Breaks – Overtime meal break The redrafting of the current clauses 23.6 of the Cement and Lime Award 2010 and 28.6 of the Quarrying Award 2010 has changed the nature of the break provided for. The break is not a meal break and therefore, the word “meal” should be deleted from clause 14.8 each time it appears	139	RESOLVED By agreement
	AIG and AWU	JointReport-25/04/15		Delete the word ‘meal’ from the phrase ‘meal break’ in the heading and throughout the clause	9	
8	AIG	Sub-23/09/16	10.1	Cement and lime industry wages A literal interpretation requires payment of the minimum weekly rate to all adult employees. Suggest including the words ‘full-time employees.’	34-36	REFERRED Matter referred to the Plain Language Full Bench (AM2016/15), see [2018] FWC 1544 .
		Sub-11/07/17			72-73	
9	AIG	Sub-23/09/16	10.2	Quarrying industry wages Same as 10.1.	37-39	
		Sub-11/07/17			74-75	
10	AIG	Sub-23/09/16	11.2(a)	All purpose allowances Insert ‘annual’ before ‘leave’. The word ‘allowanced’ appears to be a drafting error and should be replaced by ‘allowances’.	40	RESOLVED determined in [2015] FWCFB 4658 at [91]. ED amended (including correction to typographical error)
		Sub-11/07/17			76-79	
	AWU	Sub-23/09/16	Agrees with AIG, insert word ‘annual’	6		
	ABI	Sub-07/07/17		Agrees with AIG regarding ‘allowanced’.	27	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE (paragraph)	NOTES
11	AIG	Sub-23/09/16	13.1 and 13.2(a)	Shiftworkers—inconsistent terminology Submission made in relation to a number of awards. Propose to insert words ‘these rates include a shift loading of 15%’ in clause 13.1 and propose a similar amendment in clause 13.2(a)	48	REFERRED Referred to the Plain Language Full Bench (AM2016/15) see decision [2017] FWC FB 5536 at [581], see also [2018] FWC 1544 .
12	AIG	Sub-23/09/16 Sub-11/07/17	14.1(e)	Overtime – cement and lime industry Insert ‘ordinary hourly rate’ after ‘200%’.	41 80-81	REMAINS OUTSTANDING
13	AIG	Sub-23/09/16 Sub-11/07/17	14.2(d)	Overtime – quarrying industry Insert ‘ordinary hourly rate’ after ‘150%’. Also insert ‘ordinary hourly rate’ after ‘200%’ each time it appears.	42-43 82-87	
14	AIG	Sub-23/09/16	14.2(e)	Overtime – quarrying industry insert ‘ordinary hourly rate’ after ‘200%’	44	
15	AIG	Sub-23/09/16 Sub-11/07/17	15.2(b)	Seven day shiftworkers Suggests deleting the clause. It is inconsistent with s. 87(2) of the Review regarding NES.	45-47 88-89	REMAINS OUTSTANDING.
16	ABI	Sub-07/07/17	15.3(a)	Excessive leave accruals: general provision ‘Error’ should be replaced with ‘15.2’.	28	RESOLVED Cross reference corrected, ED amended.
	AIG	Sub-11/07/17		Same comment as the ABI.	90	
17	ABI	Sub-07/07/17	Sch. A	‘Industry allowance’ should be varied to ‘industry disability allowance’ to reflect the substantive terms of the Award. Amend second sentence to: ‘In the event that other all purpose allowances (the leading hand allowance (cl. 11.2(c)) or first aid allowance (cl. 11.2(d)) are applicable, these should be added to the above rates.’	29-30	REMAINS OUTSTANDING.

List of abbreviations (in alphabetical order)

ABI	Australian Business Industrial and the NSW Business Chamber Ltd
AIG	Australian Industry Group
AMWU	Australian Manufacturing Workers' Union