

SUMMARY OF SUBMISSIONS

This table is a summary of submissions lodged for this award on or before 5.00pm on 15 August 2016. The notes refer to the conference held on 21 April 2016 ([Transcript](#)) and the hearing on 6 June 2016 ([Transcript](#)). It also includes the following Reports to the Full Bench [22 April 2016](#), [2 May 2016](#), [26 May 2016](#) and [21 July 2016](#).

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1.	AFEI	Sub-15/04/16	3.4		<i>Parties are asked whether the reference to apprentices in clause 3.4 should be deleted as there is no provision for apprentices in award.</i> Reference to apprentices in clause 3.4 is unnecessary.	Para 43	Agreed reference to apprentices to be deleted, see 21 April 2016 (Transcript) [PN 337] and 6 June 2016 (Transcript) [PN1523-PN1524].
	ABI& NSWBC	ReplySub-06/05/16		Agrees with submissions of AFEI.	Para 7.1		
2.	AIG	Sub-15/04/16	6.3		Part-time employees Clause 12.2 of current award should be reinstated as a new subclause under clause 6.3 of the ED.	Para 253-256	Agreed to use of term ‘minimum hourly rate’, see Transcript [PN 370] and 6 June 2016 (Transcript) [PN1525-PN1526]
3.	AIG	Sub-15/04/16	6.3(a)(iii)		Part-time employees The words “who do the same kind of work” should be deleted may confuse and do not serve any clear purpose.	Para 257	Amendment agreed, see Report – 26 May 2016 6 June 2016 (Transcript) [PN1527-PN1528]
	ABI& NSWBC	ReplySub-06/05/16		Agree with AIG submissions. Amended clause still does not state that part-time employees will be paid 1/38 th of weekly rate for each hour worked.	Para 7.2		
	AIG	ReplySub-		Continues to press for deletion of words	Para 95-98		

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		08/05/16			“who do the same kind of work”. Submits there is no reason to introduce a notion that operation of this provision is based on parity of work. New issue raised – notes in cl.6.3(a)(iii) there is no reference to pay and conditions being limited to award derived entitlements. Suggests clause 11.2(c) ought to be reinstated		
4.	AIG	Sub-15/04/16	7.1		Classifications Party cannot identify any reason for substituting “definition” for “description”	Para 258-261	Parties agree to replace “description” with “definition”, see 21 April 2016 (Transcript) [PN416] and 6 June 2016 (Transcript) [PN1529-PN1530]
	ABI & NSWBC	ReplySub-06/05/16			Agree with AIG submissions.	Para 7.3	
5.	AIG	Sub-15/04/16	8.1		Ordinary hours and rostering Ordinary hour provision does not meet s.147 FW Act requirements. Proposed amendment in submission.	Para 262-263	ASU are considering their position further, see 6 June 2016 (Transcript) [PN1531-PN1545]
	AIG	ReplySub-08/05/16			No contemplation in clause 8 that ordinary hours for either casual or part-time employees may be less than average of 38 hours per week. Suggest clause be amended to reflect ordinary hours will be an average of <u>up to</u> 38 hours per week.	Paras 99-106	

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6.	AIG	Sub-15/04/16	8.7.(a)(i)		<i>Parties are asked to confirm whether span of hours can be increased by one hour at both ends i.e. up to two hours in total or one hour in total</i> Clause allows span to be altered by up to two hours in total; that is, one hour at each end simultaneously.	Para 264	No change necessary as agreed by parties, see 21 April 2016 (Transcript) [PN 416] and 6 June 2016 (Transcript) [PN1546-PN1547].
	ABI& NSWBC	Sub-15/04/16		Use of words “at either end” demonstrates clause intended to allow for span of hours to be increased at both ends.	Para 7.3		
	ABI& NSWBC	ReplySub-06/05/16		Agrees with AIG and relies on submissions from 15 April, para 7.3	Para 7.4		
	AFEI	ReplySub-06/05/16		Agrees with AIG and ABI, clause allows span of hours to be altered by up to two hours in total.	Para 25		
7.	AIG	Sub-15/04/16	9.1		Breaks - Reference to cl. 9.3 should be replaced with reference to cl. 8.11.	Para 265-267	Agreed, see 21 April 2016 (Transcript) [PN417] and 6 June 2016 (Transcript) [PN1548-PN1549]
	ABI & NSWBC	ReplySub-06/05/16		Agree with AIG.	Para 7.5		
8.	AIG	Sub-15/04/16	9.2		Breaks Clause should be amended by replacing words “between 30 and 60 minutes” with “not less than 30 minutes and not more than 60 minutes”.	Para 268-269	Agreed , see 21 April 2016 (Transcript) [PN417] and 6 June 2016 (Transcript) [PN1550-PN1551]
	ABI& NSWBC	ReplySub-06/05/16		Agree with submissions of AIG. Issue has been amended in the revised ED.	Para 7.5		

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9.	AIG	Sub-15/04/16	9.3		Breaks The text in parenthesis in cl. 9.3 should be replaced with words “or such period as extended in accordance with clause 9.4”. Consistent with the current cl. 25.3	Para 270-272	Agreed, see 21 April 2016 (Transcript) [PN 418-PN421] and 6 June 2016 (Transcript) [PN1552-PN1553]
10.	ABI& NSWBC	Sub-15/04/16	10.6(b)	18.5(b)	Annual salary arrangements for higher classifications Clause should include reference to clause 8 (ordinary hours of work and rostering) as it is inconsistent with clause 18.5(b) of current award.	Para 7.4	Agreed, see 21 April 2016 (Transcript) [PN 566] and 6 June 2016 (Transcript) [PN1552-PN1553]
	ABI& NSWBC	ReplySub-06/05/16			Agree to change made in revised ED. Rely on submissions made on 15 April 2016 at 7.4	7.6	
11.	AIG	Sub-15/04/16	11.3(g)(v)		Relocation expenses References to cl. 11.3(g)(i) and (iv) should be substituted with cl. 11.3(g)(i), 11.3(g)(ii) and 11.3(g)(iii)	Para 273-275	Agreed, see 21 April 2016 (Transcript) [PN 422-437] and 6 June 2016 (Transcript) [PN1552-PN1553]
12.	ABI&N SWBC	Sub-15/04/16	13.1		Penalty rates Clause heading and the table is somewhat ambiguous and should be amended – proposed wording in submission.	Para 7.5	Resolved. ED to be amended to include footnote in table re ‘ordinary hours worked’, see Report - 2 May 2016 and Report - 26 May 2016 and 6 June 2016 (Transcript) [PN1554-

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							PN1555]
13.	AIG	Sub-15/04/16	13.1(a)		In response to question: Parties asked whether reference in clause 13.1(a) to clause 13.2(a) is correct Reference in cl 13.1(a) correct; it could be widened to all of cl 13.2.	Para 276-278	Agreed that reference is correct, see 21 April 2016 (Transcript) [PN341] and 6 June 2016 (Transcript) [PN1556-PN1557]
	ABI& NSWBC	Sub-15/04/16			Reference in cl. 13.1(a) could remain as cl. 13.2(a) or in the alternative, it could be changed to cl.13.2 as this encompasses subclauses (a) and (b) which apply to the payment of shiftwork penalties.	Para 7.6 and 7.7	
	ABI& NSWBC	ReplySub-06/05/16			Agree with the submissions of AIG.	7.8	
14.	AIG	Sub-15/04/16	13.1(a)		Penalty rates Current clause attributes time worked on Sunday as falling “outside the spread of ordinary hours” First and second rows should be labelled as “outside the spread of hours”.	Para 279	Agreed, see 21 April 2016 (Transcript) [PN462] 6 June 2016 (Transcript) [PN1556-PN1557]
	ABI& NSWBC	ReplySub-06/05/16			Agree with changes made to revised ED. Relies on 15 April 2016 submissions- 7.5	Para 7.7	
15.	ABI& NSWBC	Sub-15/04/16	13.1(c)		Parties asked to comment on 13.1(c) of exposure draft and whether it correctly references only Monday to Friday penalty rates. Current award at 24.7(c) appears to incorrectly reference 24.7(a) rather than 24.7(a)(i). ... Referencing is correct, consistent with	Para 7.7	Agreed that reference is correct, see 21 April 2016 (Transcript) [PN341] and 6 June 2016 (Transcript) [PN1556-PN1557]

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					clause 22.7.3(a) of the pre-reform award.		
16.	ABI& NSWBC	Sub-15/04/16	14		Overtime Clause should be amended to state that overtime must be paid when employee works outside spread of ordinary hours unless hours are adjacent to spread of ordinary hours or agreed ordinary hours on Sunday.	Para 7.8	Resolved - no change to ED, clause relates to daily or weekly number of hours and not to spread, see Report – 2 May 2016 and Report - 26 May 2016 and 6 June 2016 (Transcript) [PN1557]
17.	AIG	Sub-15/04/16	14.1(a)		Payment for working overtime Clause should be amended by replacing “for full-time and casual employees” with “except as provided in cl. 6.3(c)”	Para 281-284	Agreed, see 21 April 2016 (Transcript) [PN478] and 6 June 2016 (Transcript) [PN1557]
18.	AIG	Sub-15/04/16	14.1(d)		Payment for working overtime Cl. 14.1(d) will be superfluous and should be deleted, if change to 14.1(a) is made.	Para 285	Agreed, see 21 April 2016 (Transcript) [PN478] and 6 June 2016 (Transcript) [PN1557]
19.	AIG	Sub-15/04/16	14.4(a)		Length of rest period ED uses words “where possible” in relation to 10 consecutive hours off duty. Current award uses term “wherever reasonably practicable” – current award wording should be retained.	Para 286-287	Agreed, see 21 April 2016 (Transcript) [PN 478] and 6 June 2016 (Transcript) [PN1557]
	ABI& NSWBC	ReplySub-06/05/16			Agree with AIG.	Para 7.9	

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20.	ABI& NSWBC	Sub-15/04/16	14.7(d)		Parties are asked to clarify entitlements when the time worked is between 3 and 4 hours If employee works between three and fours, they are entitled to be paid overtime rates and receive at least 10 consecutive hours off duty. If employee does not receive 10 hour break, clause 14.4(b) applies.	Para 7.9	Amend clause to include the word “one missing in the phrase “more than one work period”, see 21 April 2016 (Transcript) [PN 341] and 6 June 2016 (Transcript) [PN1558-PN1559]
	AIG	ReplySub-08/05/16			Understands clause will not be amended. Concur with approach. Notes clause 14.1(b) will only apply when time worked undertaking relevant service or support contemplated by clause amounts to 4 or more hours.	Para 107-108	
21.	AIG	Sub-15/04/16	15.4(a)		Annual leave loading Words “minimum hourly rate” should be inserted after 17.5%.	Para 288	Delete “of the minimum hourly rate” in clause 15.4(a), see item 24 Report - 2 May 2016 and Report - 26 May 2016 and and 6 June 2016 (Transcript) [PN1559]
	ABI&N SW BC	ReplySub-06/05/16			Agree with submissions of AIG.	Para 7.10	
22.	ASU	Sub-12/11/2015	10.6	18.5	Annualised salaries Seeks to vary clause to include NES entitlement for annualised salaries.	Para 30	Referred to a separately constituted Full Bench 21 April 2016 (Transcript) [PN307] and 6 June 2016 (Transcript) [PN1560-PN1561]

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23.	AIG	Sub-15/04/16	24.1		<i>Parties are asked whether the reference to Workplace Relations Act 1996 should be replaced as 'the Act'</i> Party agrees, reference should be the Act.		Agreed – 21 April 2016 (Transcript) [PN350-359] and 6 June 2016 (Transcript) [PN1557]
	ABI&NSWBC	Sub-15/04/16		Reference to WR Act should not be removed. Entitlement to training originally comes from WR Act, not 'the Act.'	Para 7.10		
	ABI&NSWBC	ReplySub-06/05/16		Agrees with AIG submissions.	7.11		
24.	AIG	Sub-12/11/2015	15	27	Annual leave Seeks to vary clause to remove inappropriately entitling employees to either payment of both relevant shift loading and additional annual leave loading or, alternatively, potentially requiring payment of shift loadings twice when employee receives annual leave entitlements.	Para 5-12	Agreed to include AIG proposed amendment to 15.3 – see Report - 2 May 2016 and Report - 26 May 2016 and 6 June 2016 (Transcript) [PN1564-PN1565]

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	AIG	Corr-28/04/16			Annual leave Drafting of cl 15.3 so broad as to capture kind of payments referred to in cl 15.4(b). Would mean employee arguably entitled to receive 17.5% loading and relevant penalties. Alternatively where cl 15.4(b) applies, employee will receive penalties twice. Suggest 15.3 be amended. Alternate wording provided. Also suggests deleting reference to “close-down”.	Page 2	
25.	CPSU	Sub-02/03/15		18.1 and Schedule B	Classifications & minimum wages Propose amendment to classifications to provide for coverage of employees performing work as trainers and provide rate of pay.	Para 7 and attached draft determination	CPSU has held preliminary discussions with AiG and intends to hold further discussions regarding this change prior to the August conference, see 6 June 2016 (Transcript) [PN1566-PN1578].
26.	ASU	Sub-02/03/15		18.5	Annual salaries Propose deleting current clause and inserting a new clause.	Para 16	Parties suggest separately constituted Full Bench required to determine issue, see 21 April 2016 (Transcript) [PN333-334] and 6 June 2016 (Transcript) [PN1578-PN1579]

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27.	FWO	Corro-02/03/15		24.6(b) and (c)	Spread of ordinary hours of work May be unclear what rate should be paid to an employee for performance of work prior to spread of ordinary hours which is continuous with ordinary hours.	Item 12	Parties agree there is no lack of clarity about this clause, see 21 April 2016 (Transcript) [PN 334-335] and 6 June 2016 (Transcript) [PN1580-PN1583]
28.	FWO	Corro-02/03/15		24.8(a)(i)	Changing spread of hours at either end Received enquiries in relation to what “ <i>spread of hours may be altered by up to one hour at either end of the spread</i> ” means. e.g. whether 7am-7pm may be changed to 7am – 8pm (increase at one end of spread), 6am-8pm (increase both ends of spread) or 6am-6pm (shifting spread).	Item 13	Parties do not propose any variation, see 21 April 2016 (Transcript) [PN336] and 6 June 2016 (Transcript) [PN1580-PN1583]
29.	FWO	Corro-02/03/15		27.4(a) and (b)	Annual leave loading Has received enquiries about method of determining which rate applies – whether they are compared on a daily basis or over the entire period of annual leave.	Item 14	Parties agree, no lack of clarity about matter, whole period of leave is relevant period, see 21 April 2016 (Transcript) [PN336-PN337] and 6 June 2016 (Transcript) [PN1580-PN1583]

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30.	FWC		Schedule A - A.2.1(f)(i)		<i>Parties are asked whether 'Telecommunications Customer Contact Leader' in A.2.1(f)(i) should be changed to 'Principal Customer Contact Leader'?</i>		Parties agreed to change, see 21 April 2016 (Transcript) [PN 366] and 6 June 2016 (Transcript) [PN1584- PN1585]
31.	AIG	Sub-15/04/16	Schedule B - B.1.1	24.7(a)(iii)	Full-time and part-time adult employees – all employees – ordinary and penalty rates Reference to “12pm” should be substituted with “12am” to properly reflect current cl 24.7(a)(iii) and cl13.1(a) of ED.	Para 291	Agreed, see 21 April 2016 (Transcript) [PN480- 488] and 6 June 2016 (Transcript) [PN1586- PN1587]
32.	AIG	Sub-15/04/16	Schedule B – B.1.2		Full-time and part-time adult employees – designated shiftworkers – ordinary and penalty rates Propose reference to be inserted in table by way of a footnote, term “permanent night shift” not used or defined in ED.	Para 292	Agreed, see 21 April 2016 (Transcript) [PN480-488] and 6 June 2016 (Transcript) [PN1586- PN1587]
33.	AIG	Sub-15/04/16	Schedule B – B.1.1 and B.1.2		Full-time and part-time adult employees Circumstances in which rates prescribed in B.1.1 and B.1.2 are payable not clear from schedule so note should be inserted that refers to clauses 13.1(c) and (d) of ED.	Para 293	Agreed, see 21 April 2016 (Transcript) [PN480-488] and 6 June 2016 (Transcript) [PN1586- PN1587]

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34.	AIG	Sub-15/04/16	Schedule B.1.1 – B.2.1		Adult casual employees – all employees – ordinary and penalty rates Second column should be amended to substitute words with “outside the spread of hours” to properly reflect 24.7(a)(i) and 13.1(a) of ED.	Para 294	Agreed, see 21 April 2016 (Transcript) [PN480-488] and 6 June 2016 (Transcript) [PN1588-PN1589]
	AIG	ReplySub-08/05/16			Notes change proposed has been made to B.2.1 in revised draft however B.1.1 has not been amended. Reason for this is unclear.	Para 109	
35.	AIG	Sub-15/04/16	Schedule B – B.2.1		Full-time and part-time adult employees – all employees – ordinary and penalty rates Reference to “12pm” should be substituted with “12am” to properly reflect current clause 24.7(a)(iii) and clause 13.1(a) of ED	Para 295	Agreed, see 21 April 2016 (Transcript) [PN480-488] and 6 June 2016 (Transcript) [PN1588-PN1589]
36.	AIG	Sub-15/04/16	Schedule B – B.2.2		Adult casual employees – overtime rates Term “permanent night shift” not defined or used elsewhere in ED so a reference should be inserted in table by way of a footnote.	Para 296	Agreed, see 21 April 2016 (Transcript) [PN 480-488] and 6 June 2016 (Transcript) [PN1588-PN1589]

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37.	AIG	Sub-15/04/16	Schedule B – B.2.1 and B.2.2		Adult casual employees A note should be inserted that refers to clauses 13.1(c) and (d) of ED	Para 297	Parties agree that note to should be added, see 21 April 2016 (Transcript) [PN480-488] and 6 June 2016 (Transcript) [PN1589-PN1590]
38.	AIG	Sub-15/04/16	Schedule B - B.2.3		Adult casual employees – overtime rates Rates erroneously include casual loading and should be recalculated and relevant percentages identified should be reduced by 25.	Para 298-299	Parties have agreed to remove 25% casual loading on overtime. No contrary reply sub received, see Report - 26 May 2016 and 6 June 2016 (Transcript) [PN1589-PN1590]
39.	ABI&N SWBC	Sub-15/04/16	Schedule G		Definitions Party seeks to include definition for minimum hourly rate – proposed definition in submission.	Para 7.1	Definition of ‘minimum hourly rate’ to be inserted, see 21 April 2016 (Transcript) [PN 370] and 6 June 2016 (Transcript) [PN1589-PN1590]
	AIG	ReplySub-08/05/16			Definition inserted into revised ED does not contemplate lower weekly rate payable to junior employees under cl10.2. Effect would be to increase substantive entitlements due to employees under various clauses that refer to minimum hourly rate.		

List of abbreviations (in alphabetical order)

AIG	Australian Industry Group (Ai Group)
ABI&NSWBC	Australian Business Industrial, New South Wales Business Chamber
AFEI	Australian Federation of Employers and Industries
ASU	Australian Services Union
CPSU	The Community and Public Sector Union
ED	Exposure Draft – Contract Call Centres Award
FWO	Fair Work Ombudsmen