

SUMMARY OF SUBMISSIONS ON REVISED EXPOSURE DRAFT

This table is a summary of reply submissions lodged for this award after the 23 October 2015 decision [\[2015\] FWCFB 7236](#) and in response to the Revised Exposure Draft published on [2 November 2015](#). The summary includes submissions received before 23 September 2016.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE (Paragraph)	NOTES
1.	QP	Sub 24-11-15	5.2(a)		Facilitative provisions – Should refer to 8.4(b) specifically.	1	ED amended
	AIG	Reply 7-12-15				199	
2.	AIG	Sub 20-11-15	6.5(c)(iii)		Casual loading – Delete clause. Does not appear in current award – unnecessary.	355	ED amended to remove clause consistent with para [69] of [2014] FWCFB 9412
3.	AIG	Sub 20-11-15	6.5(c)(iv)		Casual loading – Remove clause. Contrary to [2014] FWCFB 9412 at [69]. Did not agree to inclusion of this clause in earlier EDs. Omits other terms that do not apply to casual employees, such as 17.2 and 17.3 (personal/carers leave). Clause is not exhaustive and may mislead users regarding casual entitlements.	352–354	ED amended to remove clause consistent with para [69] of [2014] FWCFB 9412
4.	QP	Sub 24-11-15	10.1		Minimum wages – Remove reference to ‘casual hourly rate’.	4	ED amended 2 November 2015.
	AIG	Reply 7-12-15				203	
5.	AIG	Sub 20-11-15	11.1(a)		All purpose allowances – Incorrect. Correct definition is in Sch H. Replace clause with Sch H definition.	356	ED amended in accordance with [2015] FWCFB 4658
	QP	Sub 24-11-15				2	
	AIG	Reply 7-12-15				200–201	

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6.	AIG	Sub 20-11-15	13.2		Payment for shiftworkers – Reference to ‘penalty rates’ not accurate. Amend heading to ‘Shiftwork’. Remove ‘penalty’ from first sentence.	357	
7.	QP	Sub 24-11-15	14.6(c)		Maximum duration of overtime – Replace ‘attached’ with ‘attaches’.	8	Error – ED amended
	AIG	Reply 7-12-15			Agree with QP.	204	
8.	AIG	Sub 20-11-15	18.1 and 18.2		Parental leave – Delete in accordance with [2014] FWCFB 9412 at [35] – [36].	358	ED amended in accordance with [2014] FWCFB 9412
9.	QP	Sub 24-11-15	19.3		Public holidays – Full Bench decided in [2015] FWCFB 1729 that then clause 25.3 to be deleted. Appears wrong clause deleted. Delete 19.3 to correct this.	5(a)	Error – ED amended to reflect paragraph [117] of [2015] FWCFB 1729
	AIG	Sub 20-11-15			Agree with QP.	205	
10.	QP	Sub 24-11-15	19.5		Rostered day off for shiftworker on public holiday – Reinstate clause. See item 11 – wrong clause deleted.	5(b)	Error – ED amended to reflect paragraph [117] of [2015] FWCFB 1729
	AIG	Sub 20-11-15			Agree with QP.	205	
11.	AIG	Sub 20-11-15	22.2		Notice of termination by employee – Insert ‘from’: ‘...the employer may withhold <u>from</u> any money...’	359	ED corrected.
12.	QP	Sub 24-11-15	22.2		Notice of termination by employee – ‘required by the NES’ is incorrect. Replace with ‘required by this award’.	3	Clause amended in 2 November 2015 Exposure Draft to reflect [35] [2014] FWCFB 9412 – clause is consistent with other modern awards.

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13.	AIG	Sub 20-11-15	Sch G		Definitions – ‘Ordinary hourly rate’ –Replace with: ‘ordinary hourly rate means the hourly rate for the employee’s classification specified in clause 10, plus any allowances specified as being included in the employee’s ordinary hourly rate or payable for all purposes.’	360–362	Error – ED amended to reflect paragraph [42] of [2015] FWCFB 4658
	QP	Sub 24-11-15		Proposes same as AIG.		7	
14.	QP	Sub 24-11-15	Sch A Sch G		Classification Definitions Definitions – Definition of ‘Maintenance Tradesperson’ appears in both Schedules. Delete from Sch A.	6	ED amended as agreed by parties.
	AIG	Reply 7-12-15		Do not oppose.		206	

List of abbreviations (in alphabetical order)

AIG	Australian Industry Group
ED	Exposure Draft of <i>Stevedoring Industry Award 2010</i>
QP	Qube Ports Pty Ltd and others