

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 [\[2015\] FWCFCB 7236](#) and in response to the Revised Exposure Draft published on [30 October 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. | AWU | Sub 23-11-15 | 5.2(b) | | Facilitative provisions – Error. Should read 8.3(b). Agree with AWU. | 4 | ED corrected |
| | AIG | Reply 7-12-15 | | | | 28 | |
| 2. | AWU | Sub 23-11-15 | 6.5(c) | | Types of employment – casual employees – Delete clause. Proposes same deletion. Proposes same deletion. | 5 | Clause deleted in accordance with [69] of [2014] FWCFCB 9412 |
| | AIG | Sub 20-11-15 | | | | 106 | |
| | BSA | Sub 27-11-15 | | | | 1 | |
| 3. | AIG | Sub 20-11-15 | 9.1(b), 9.1(c), 9.1(d) | | Meal breaks – Insert ‘of the minimum hourly rate’ after ‘200%’ (clause 9.1(b)) and after ‘150%’ (clauses 9.1(c) and (d)). Proposes same amendment. Proposed variation may substantively reduce current entitlements. Suggest ‘applicable hourly rate’ inserted. | 107-109 | |
| | BSA | Sub 27-11-15 | | | | 2 | |
| | AWU | Reply 4-12-15 | | | | 5, 6 | |
| 4. | AWU | Sub 23-11-15 | 9.2 | | Breaks – Wording incorrect, 13.6 does not deal with breaks <i>during</i> overtime. Amend to ‘Breaks <i>after</i> overtime are dealt with in clause 13.6’. Do not oppose AWU’s proposal. In the alternate, provision should be deleted. | 6 | Amendment to insertion of ‘after’ appears to be agreed, change made to ED in red text. <i>Note: issue of whether clause to be deleted not dealt with.</i> |
| | | Reply 7-12-15 | | | | 33 | |

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| 5. | AIG | Sub 20-11-15 | 13.8 | | Overtime and penalty rates – Concern about change to terminology relating to penalties, loadings and allowances in EDs. Amend clause to make clear amounts payable for afternoon or night shift work are loadings, not penalties. | 2.2, 110 | See also item 6 |
| | AWU | Reply 4-12-15 | | | Disagree with concern. However, there is merit in using consistent terminology throughout an award. | 8 - 12 | |
| 6. | AIG | Sub 20-11-15 | 14.5(a)(i), 14.5(a)(ii) | | Annual leaving loading – Same concern as item 5. Substitute ‘allowance’ with ‘loading’. | 2.2, 111-112 | See item 5 |
| | AWU | Reply 4-12-15 | | | Disagree with concern. However, there is merit in using consistent terminology throughout an award. | 8 - 13 | |
| 7. | AIG | Sub 20-11-15 | 14.6(a) | | Payment of accrued annual leave on termination – Delete clause. | 113 | This matter is being dealt with by the AM2014/47 Annual Leave Full Bench. |
| | BSA | Sub 27-11-15 | | | Proposes same deletion. | 3 | |
| | AWU | Reply 4-12-15 | | | Agree with AIG. | 14 | |
| 8. | AWU | Sub 23-11-15 | 19.2 | | Termination – Notice of termination by employee – Error. Insert ‘from’: ‘... the employer may withhold <u>from</u> any money due to an employee ...’ | 7 | ED corrected. |
| | AIG | Sub 20-11-15 | | | Proposes same amendment. | 114 | |
| | BSA | Sub 27-11-15 | | | Proposes same amendment. | 4 | |

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|------|-------|-------------------------------|-------------------------|------------------------|---|-----------------------------|--|
| 9. | AWU | Sub 23-11-15 | Sch B.2.2 | | Summary of Hourly Rates of Pay – Casual employees overtime rates – Error. Should refer to ‘First 2 hours’ and ‘After 2 hours’. | 8 | ED corrected. |
| | AIG | Reply 7-12-15 | | | Do not oppose proposed amendment. | 36 | |
| 10. | BSA | Sub 27-11-15 | Sch G | | 2014 Part-day public holidays – Should be amended in accordance with [2015] FWC 3317 and PR573679 . | 5 | ED updated to reflect PR580863 |
| | AWU | Reply 4-12-15 | | | Not opposed. | 18 | |
| | AIG | Reply 7-12-15 | | | Agree with BSA. | 37 | |

List of abbreviations (in alphabetical order)

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| AIG | Australian Industry Group |
| AWU | The Australian Workers’ Union |
| BSA | Business SA |
| ED | Exposure draft of the <i>Gas Industry Award 2010</i> |
| FWC | Fair Work Commission |