

FOUR YEARLY REVIEW OF MODERN AWARDS

ALPINE RESORTS AWARD 2010

AM2016 / 30 – AWARD COVERAGE

SUBMISSIONS BY THE AUSTRALIAN SKI AREAS ASSOCIATION

1 INTRODUCTION

- 1.1 These submissions are made by the Australian Ski Areas Association (“**Association**” or “**ASAA**”) with respect to the *Alpine Resorts Award 2010* (“**Award**”), pursuant to directions issued by a Full Bench of the Fair Work Commission (“**Full Bench**”) on 21 June 2019.
- 1.2 Where terminology has not been defined in these submissions, unless otherwise indicated, they have the same meaning as contained in the Association’s submissions filed on 4 June 2019 in matter AM2016/30 (“**June 2019 Submissions**”).
- 1.3 The Association relies generally on its previous written submissions and evidence filed in respect of this matter (in addition to these submissions and the witness statement of Gavin Girling dated 9 July 2019 also filed pursuant to the directions of 21 June 2019).

2 KEY PROPOSITIONS

- 2.1 Based on the Association’s evidence, the Association’s previous written submissions filed in respect of this matter (in particular dealing with the issue of coverage), and decisions of the Full Bench (as referenced in the written submissions), we have set out below key propositions (and comments), which informs and underpins the Association’s (second) proposed variation to the coverage clause in the Award (see section 3 below):
- (a) As determined by the Full Bench¹, alpine resorts are integrated business that have established functions that support (“ancillary to”) its “core”/“on-slope activities”²;
 - (b) The ancillary functions include (but are not limited to) provision of food, hospitality, accommodation and retail services³ (referred to as “off-slope activities”⁴);

¹ See June 2019 Submissions at [2.1].

² In the witness statement of Gavin Girling dated 9 July 2019 (“**Girling Witness Statement**”) the on-slope activities (being those activities that concern the operation of the ski-slopes) are referred to as “Core Activities”.

³ See June 2019 Submissions at [2.3].

⁴ In the Girling Witness Statement the off-slope activities are comprise either “Adjacent Operations” (being those ancillary functions and activities that are located in the immediate geographic proximity of the ski slopes) and “Feeder Operations” (being those ancillary functions and activities that are located outside the geographic boundary of the alpine resorts, typically in towns that are close to and surround the alpine resorts).

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- (c) The off-slope activities are located within and outside the geographical area that constitutes the particular alpine resort. Although, as indicated in the *Girling Witness Statement*, all these off-slope activities are typically situated in reasonably close proximity to the alpine resorts, which in turn enables the efficient use of resourcing;
- (d) The alpine resort's ancillary functions are connected to on-slope activities primarily through customer patronage and/or employment connection⁵. In respect of employment connection this is established through:
- (i) alpine resort employees whose primary work is to undertake Core Activities and/or Adjacent Operations (off-slope activities) rotating to work at Feeder Operations (off-slope activities) from time to time; and
 - (ii) to a lesser extent, alpine resort employees working at Feeder Operations.
- (e) The alpine resorts have not sought to apply the Alpine Award to any of its off-slope functions or activities, including those situated outside the geographical area that constitutes their alpine resort, that they do not consider has any connection to their core activities.
- (f) Given the complex and integrated nature of alpine resorts businesses, to the extent that the Full Bench was in fact minded to assess the quality of the connection between core activities and ancillary functions (under the terms of the coverage clause), the Association submits, with respect, that such an approach:
- (i) would be inherently problematic for the reasons expressed in the June 2019 Submission, in particular that such an approach would likely to impose an implicit geographical limitation where one was not embraced by the Full Bench;
 - (ii) is not warranted in light of the approach by the alpine resorts in regulating what is covered (see [2.1(e)] above);
 - (iii) unduly interferes with business prerogative to appropriately determine how best to operate and structure its business, in particular its ancillary functions and activities; and
 - (iv) in any event, would be unnecessary in light of qualifications to coverage under either of the Association's Second Variation options proposed below.
- (g) The intention behind the terms of the Association's Second Variation options is that the alpine resorts retain flexibility to appropriately structure its operations (including ancillary functions) to meet changing business, regulatory and climatic conditions. So, for instance, the Plan of Management

⁵ See June 2019 Submissions at [4.14].

is likely to necessitate Perisher, Thredbo, Charlottes Pass and Selwyn Snowfields expanding their accommodation offering into feeder towns⁶. Accordingly, the Association has not proposed an overly prescriptive variation to the coverage clause (see section 3 below).

3 THE ASSOCIATION'S SECOND VARIATION OPTIONS

- 3.1 In light of the above, the Association proposes two options for variation of the coverage clause to Alpine Resorts Award (“**Association’s Second Variation**”), which are intended to be the same in substance (including scope), but different somewhat in wording.
- 3.2 For avoidance of doubt, it is intended that both options would cover the alpine resort’s (current and future) core activities as well as ancillary functions and activities, whether or not they are situated within the geographical boundaries of the resort in the ski fields.
- 3.3 The Association is open to either option being implemented by the Full Bench, as set out below.

The Association’s Second Variation – Option A

4.1 This industry award covers employers throughout Australia who operate an alpine resort and their employees employed:

(i) at the alpine resort; or

(ii) in any part of the business and undertaking that comprises the alpine resort’s operation of its ski slopes and its ancillary functions (such as provision of food, hospitality, accommodation and retail services); and

(iii) in the classifications within Schedule B – Classification Definitions to the exclusion of any other modern award.

The Association’s Second Variation – Option B

4.1 This industry award covers employers throughout Australia who operate an alpine resort and their employees employed:

(i) at the alpine resort; or

(ii) in direct connection with the alpine resort’s operation of its ski slopes including through ancillary functions (such as provision of food, hospitality, accommodation and retail services); and

(iii) in the classifications within Schedule B – Classification Definitions to the exclusion of any other modern award.

- 3.4 Option B is the same as Option A except that 4.1(ii) is different in terms (but not, we submit, in substance); in this case, the Association adopts the terminology of “direct

⁶ See June 2019 Submissions at [4.9] – [4.10].

connection” proposed by the Full Bench⁷. However, to perhaps better reflect the scope of that term as it accords with the accepted integrated business generally constituting an alpine resort, the Association proposes the additional wording in clause 4.1(ii). Relevantly, the Association submits that a function or activity would be in “direct connection” with the alpine resort’s operation if it is “part of [its applicable] business and undertaking”.

Harmers Workplace Lawyers
10 July 2019

⁷ See June 2019 Submissions at [1.3].

Witness Statement of Gavin Girling

No. AM2016/30

IN THE FAIR WORK COMMISSION

Four Yearly Review of Modern Awards

Coverage of the Alpine Resorts Award 2010

Witness Statement of: Gavin Girling
Address: c/o Level 27, 31 Market Street, Sydney NSW 2000
Occupation: Human Resources Director, Perisher Blue Pty Limited
Date: 10 July 2019

I, Gavin Girling, state as follows:

INTRODUCTION

- 1 I am currently employed as the Human Resources Director of Perisher Blue Pty Ltd (“**Perisher**”), a position I have held since October 2000.
- 2 I am authorised to give this witness statement on behalf of the Australian Ski Areas Association (“**Association**”), which is a non-profit body that represents the interests of operators of all ski lifts at all the alpine resorts in Australia (“**Alpine Lifting Companies**”).
- 3 The Association’s members are the only non-government employers currently covered by the *Alpine Resorts Award 2010* (“**Alpine Award**”). In my capacity as Human Resources Manager (and later Director) of Perisher (the largest alpine resort in Australia), I was appointed by the members of the Association to be the nominated spokesperson and contact liaison for matters concerning the 4 Yearly Review of the Alpine Award.
- 4 As has been acknowledged by the Fair Work Commission (“**Commission**”) in [2018] FWCFB 4984 and [2019] FWCFB 3347, the Alpine Lifting Companies undertake both “Core Activities”, being those activities concerned with the operation of the ski slopes (such as ski patrols, snow making, and lift maintenance), and “Ancillary Activities”, being those activities that support the Core Activities (such as hospitality, accommodation and retail operations).
- 5 The Alpine Lifting Companies rely upon their Ancillary Activities to enable or facilitate the operation of its Core Activities such as through providing accommodation services to customers who visit their alpine resorts to engage in the Core Activities. While these Ancillary Activities may represent an additional source of income for the

Alpine Lifting Companies, their primary purpose is to service and support the Core Activities, which account for the vast majority of the Alpine Lifting Companies' yearly revenue.

- 6 The Ancillary Activities are primarily located within the alpine resorts proper in the immediate geographic proximity of the Core Activities. For example, at Perisher there are several hotels, retail outlets and food and beverage providers that operate in Perisher Valley (which is located at the base of the main Perisher ski slopes). For the purposes of this witness statement these types of operations are referred to as the “**Adjacent Operations**”.
- 7 In addition to the Adjacent Operations, a number of the Alpine Lifting Companies also own and operate limited Ancillary Activities that are located outside the geographic boundaries of the alpine resorts, typically in “feeder towns”. These feeder towns are located in reasonably close geographic proximity to the alpine resorts and their main industries relate to servicing the alpine resorts. For example, Jindabyne would be considered a feeder town for Perisher, Thredbo, and Charlottes Pass,. For the purposes of this witness statement these types of operations in feeder towns are referred to as “**Feeder Operations**”.
- 8 As with the Adjacent Operations, the relevant Alpine Lifting Companies primarily run the Feeder Operations to provide necessary services to support and facilitate their Core Activities. These operations are limited, are integrated with the Adjacent Operations and the Core Activities, and represent a small fraction of the Alpine Lifting Companies yearly revenue. I expand upon this in greater detail below.

REVIEW OF ALPINE LIFTING COMPANIES' FEEDER OPERATIONS

- 9 On 4 June 2019, the Association filed submissions in this proceeding seeking an opportunity to put on further evidence and submissions regarding the nature and extent of the Feeder Operations. On 21 June 2019, the Association was granted leave to file those materials.
- 10 The Association has now conducted a review of the Feeder Operations of its member alpine resorts, and assessed the extent to which they have a “direct connection” with the Adjacent Operations and the Core Activities having regard to such factors as customer connection and employee connection.
- 11 Of the Association's nine members, only Perisher, Thredbo, Mount Hotham, Mt Buller, Charlotte Pass, and Selwyn Snowfields currently have Feeder Operations that employ staff under the Alpine Award. Based on information provided during this review and as the Association's representative for all matters concerning the 4 Yearly Review of the Alpine Award, I set out the nature and features of these Feeder Operations below.

Thredbo's Feeder Operations

- 12 Thredbo only has one Feeder Operation, being “Thredbo Guest Services”, which is located in the Nuggets Crossing Shopping Centre in Jindabyne, NSW (which is located approximately 36km from Thredbo alpine resort). Thredbo Guest Services has another

outlet located “on-mountain” at Thredbo, which provides identical services to the outlet in Jindabyne.

- 13 Thredbo Guest Services sells lift tickets to be used at Thredbo, arranges snowsports lessons at Thredbo, organises the hire of snowsports gear that is fitted and collected at Thredbo, manages Thredbo’s all aspects of Thredbo’s employee accommodation services (totalling approximately 400 beds), and provides general guest services in relation to Thredbo. Thredbo Guest Services is exclusively focused on Thredbo and does not sell or promote any products or services that concern Perisher, Charlottes Pass or Selwyn Snowfields (being the only other alpine resorts that operate in the area).
- 14 Further, approximately five employees work at Thredbo Guest Services in Jindabyne and are responsible for all the functions referred to in the preceding paragraph. These employees rotate between the Thredbo Guest Services outlet in Jindabyne and the identical outlet located “on-mountain” (i.e. the Adjacent Operation). When necessary, these employees also work as lift attendants at Thredbo (i.e. a Core Activity).

Perisher’s Feeder Operations

- 15 Perisher has three Feeder Operations, which are as follows:
- (a) The Station, which is located approximately six kilometres from Jindabyne;
 - (b) Sports & Recreation Jindabyne, which is located approximately three kilometres from Jindabyne; and
 - (c) the Perisher Ticket Office in Jindabyne, which is located in the Nuggets Crossing Shopping Centre.

The Station

- 16 The Station is a multi-purpose operation that provides the following services and/or performs the following main functions:
- (a) it provides accommodation for approximately 1500 guests, and for approximately 200 of Perisher’s employees that work at other Feeder Operations, Adjacent Operations and/or those that perform Core Activities;
 - (b) it contains a ski and snowboard hire operation, with hire equipment transported for guests from The Station to the Perisher ski-slopes. This equipment is not transported to any of the other alpine resorts that operate in the area;
 - (c) it provides food and beverage services to both guests and employees;
 - (d) lift ticket sales and redemptions are completed for guests on-site. The Station only sells or arranges lift tickets for use at Perisher, not those that can be used at Thredbo, Charlottes Pass, or Selwyn Snowfields;
 - (e) it houses the management and administration team for Perisher’s Snowsports School, which solely provides snowsports lessons at Perisher;

- (f) it houses Perisher's Call Centre, which books snowsports lessons at Perisher, sells Perisher lift tickets, and makes hotel reservations at relevant Adjacent Operations. All lift tickets, snowsports lessons and hotel reservations are for Perisher's operations and none of these services concern the other alpine resorts that operate in the area;
 - (g) it contains the offices for Perisher's Marketing and Resort Services team;
 - (h) it contains Perisher's conference room that is used for, amongst other things, training employees that work at Feeder Operations, Adjacent Operations and/or those that perform Core Activities;
 - (i) it cleans all the laundry used by Adjacent Operations (such as bedding and linen) and for Core Activities (such as employee uniforms); and
 - (j) it is the central hub for Perisher's building maintenance team that services all the Adjacent Operations' facilities.
- 17 The Station employs approximately 100 employees during the winter season and 50 employees during the summer season. A number of these employees regularly rotate between The Station, Adjacent Operations, and Core Activities. For example:
- (a) in periods of adverse weather, food and beverage staff that work at Adjacent Operations and lift attendants that undertake Core Activities will be relocated to The Station to assist with housekeeping duties;
 - (b) ski and snowboard hire employees that work at The Station will be rotated to perform similar hire functions at Adjacent Operations; and
 - (c) the employees that are work at The Station in relation to the Call Centre, Snowsports School, hospitality management, product development, system administration, and sales are all based at The Station but work in a variety of on-slope locations.
- 18 If a guest holds a Perisher season lift ticket they are entitled to discount room rates at The Station. In addition, Perisher's lift tickets are often packaged with accommodation at The Station to incentivise guests to utilise Perisher's Core Activities.

Sports and Recreation Jindabyne

- 19 Sports and Recreation Jindabyne provides ski and snowboard hire, retail sales, and Perisher lift ticket and snowsports lesson sales. Up to approximately six employees work at this location during the winter season.
- 20 All the employees that work at Sports and Recreation Jindabyne are principally engaged to work out of other retail and hire operations in Perisher Valley (i.e. in Adjacent Operations). They rotate between Sports and Recreation Jindabyne and other relevant Feeder Operations and Adjacent Operations as per operational demand. Occasionally they would also rotate to perform a Core Activity, but this would depend on the skills and experience.

- 21 Ski and snowboard hire is often packaged with Perisher lift tickets and snowsports lessons at Sports and Recreation Jindabyne.

Perisher Ticket Office

- 22 Perisher's Ticket Office in Jindabyne sells lift tickets to be used at Perisher, arranges snowsports lessons at Perisher, and provides general guest information in relation to the Perisher alpine resort. This Ticket Office is exclusively focused on Perisher and does not sell any products or services that relate to Thredbo, Charlottes Pass, or Selwyn Snowfields.
- 23 Up to approximately eight employees rotate into this location over the course of the winter season. All the employees that work at the Ticket Office are principally engaged to provide similar services at ticketing operations in Perisher Valley. They rotate between the Ticket Office and other relevant Adjacent Operations as per operational demand.

Mt Buller's Feeder Operations

- 24 Mt Buller has three Feeder Operations, which are as follows:
- (a) Buller Sports Mansfield, which is located in Mansfield, Victoria (approximately 48km from Mt Buller alpine resort);
 - (b) Buller Holidays Mansfield, which is located in the same building as Buller Sports Mansfield; and
 - (c) Buller Ski Lifts, which is located in the same building as Buller Sports Mansfield and Buller Holidays Mansfield.

Buller Sports Mansfield

- 25 Buller Sports Mansfield provides ski and snowboard hire services, sells lift tickets to be used solely at Mt Buller, arranges snowsports lessons at Mt Buller, rents snow chains and fits them to vehicles to enable guests to visit Mt Buller, and provides accommodation for employees that work at Adjacent Operations and undertake Core Activities.
- 26 All of Mt Buller's rental and retail goods are received and warehoused at Buller Sports Mansfield and distributed to Mt Buller's Adjacent Operations that provide rental and retail services.
- 27 Buller Sports Mansfield is only open during the winter season and none of the non-hire services provided at Buller Sports Mansfield are redeemable at any other alpine resort. The lift passes, snowsports lessons and ski hire sold at Buller Sports Mansfield are often packaged together for use exclusively at Mt Buller.
- 28 Approximately 37 employees work at Buller Sports Mansfield during the winter season. These employees rotate between Buller Sports Mansfield and Adjacent Operations for training purposes and also to accommodate operational demands.

Buller Holidays Mansfield

- 29 Buller Holidays Mansfield is the reservations centre for Mt Buller. This operation provides an integrated online and call centre for customers to organise their snowsports holidays at Mt Buller, including in relation to lift tickets, lessons, meals, transportation, and accommodation. All of Mt Buller's lift ticket and snowsports lesson inquiries are handled by Buller Holidays Mansfield, and it also handles overflow accommodation and general phone inquiries about Mt Buller. Buller Holidays Mansfield does not make any reservations for any other alpine resort.
- 30 Approximately four employees work at Buller Holidays Mansfield during the winter season and rotate between other similar Adjacent Operations. However, the Buller Holidays Mansfield call centre operates all year round. During the summer season all permanent employees that perform similar booking services are based out of Buller Holidays Mansfield to reduce their commute time as they are not required to driver from Mansfield to Mt Buller.

Buller Ski Lifts

- 31 Buller Ski Lifts is Mt Buller's warehousing, transportation, and freight distribution hub. It stores spare parts for ski-lifts and equipment used to maintain ski-lifts, it also stores over-snow vehicles during the summer season, and services vehicles and equipment related to Core Activities (such as over-snow and grooming vehicles). This equipment cannot be stored on-slope because of space limitations.
- 32 The number of employees that work at Buller Ski Lifts varies and is entirely dependent on demand for the operations services. The employees that work at Buller Ski Lifts will rotate during the season to undertake Core Activities in relation to similar vehicle servicing.

Mount Hotham's Feeder Operations

- 33 Mount Hotham has four Feeder Operations, which are as follows:
- (a) Rays Ski Shop, which is located in Myrtleford, Victoria (approximately 84.9km from Mount Hotham and Falls Creek alpine resorts);
 - (b) the Australian Alpine Reservation Centre trading as Hotham Holidays and Falls Creek Reservation Centre, which is located in the same building as Rays Ski Shop;
 - (c) Office/Admin Myrtleford, which is located in the same building as Rays Ski Shop; and
 - (d) Hotham Airport, which is located in Cobungra, Victoria (approximately 20km from Mount Hotham and Falls Creek alpine resorts).

Rays Ski Shop

- 34 Rays Ski Shop is owned by Mount Hotham Skiing Company Pty Ltd, which is itself owned by Australian Alpine Enterprises Pty Ltd ("AAE") the operator of the alpine resort at Mount Hotham. AAE also owns Falls Creek Ski Lifts Pty Ltd, the operator of

the alpine resort at Falls Creek. The employees of Rays Ski Shop are covered by the *Mount Hotham and Falls Creek Enterprise Agreement 2018*, which binds AAE, Mount Hotham and Falls Creek, and uses the Alpine Award as its reference instrument.

- 35 Rays Ski Shop sells lift tickets for Mount Hotham and Falls Creek, snowsports lessons redeemable at Mount Hotham and Falls Creek, snow chain rental to facilitate access to Mount Hotham and Falls Creek, ski and snowboard rental, entry permits to Mount Hotham and Falls Creek, and general retail services. No lift tickets, snowsports lessons or entry permits are sold at Rays Ski Shop for use at any other alpine resorts besides Mount Hotham and Falls Creek.
- 36 Approximately 25 casual and two seasonal full-time employees work at Rays Ski Shop during the winter season. While these employees do not currently rotate through Adjacent Operations or undertake Core Activities, they do regularly attend Mount Hotham and Falls Creek to undertake employee training.

Australian Alpine Reservation Centre

- 37 The Australian Alpine Reservation Centre, which trades as Hotham Holidays and Falls Creek Reservation Centre, is owned by AAE.
- 38 It facilitates all of Mount Hotham and Falls Creek's accommodation reservations, lift pass sales, and holiday packages (such as all-inclusive accommodation, lift passes, lessons and rentals). The Australian Alpine Reservation Centre does not provide any goods or services in relation to any other alpine resorts besides Mount Hotham and Falls Creek.
- 39 Approximately four casual and three full-time employees work at the Australian Alpine Reservation Centre. While these employees do not currently rotate through Adjacent Operations or undertake Core Activities, they do regularly attend Mount Hotham and Falls Creek to undertake employee training.

Office/Admin Myrtleford

- 40 The Rays Ski Shop building also contains office space that houses Mount Hotham and Falls Creek's IT team, human resources team, work health and safety team, ski-school administration and management team, and the commercial team that works in relation to lift pass, lesson, rental and retail pricing. Of these employees, only the commercial team and the ski-school administration and management team are covered by the Alpine Award.
- 41 Approximately six to ten employees work in the above roles and are based out of the Rays Ski Shop building during the winter and summer seasons. These employees rotate through similar Adjacent Operations during the winter season as necessary and their work supports the Core Activities of Mount Hotham and Falls Creek.

Hotham Airport

- 42 Hotham Airport is a small airport operation that services commercial, private, and charter flights. Guests arriving at the airport on commercial flights are transferred to Mount Hotham by coach and are accompanied by the resort's guest services

employees. Flights to Hotham Airport are bundled together with accommodation, lift passes, lessons and rentals at Mount Hotham.

- 43 Flights to Hotham Airport are not regular, and only one to five seasonal employees work at Hotham Airport performing guest-check in, baggage handling, and porter services. These employees also work at Mount Hotham's Adjacent Operations performing such roles as hotel receptionist and porter, and also undertake Core Activities from time to time.
- 44 The Hotham Airport is also used for storing Core Activities' equipment, including snowmaking equipment, vehicles and ski and snowboard hire stock.

Charlotte Pass' Feeder Operations

- 45 Charlotte Pass has two Feeder Operations, which are as follows:
- (a) Charlotte Pass Guest Services Jindabyne, which is located in Jindabyne, NSW (approximately 43km from the alpine resort); and
 - (b) Charlotte Pass Guest Services Perisher Valley.

Charlotte Pass Guest Services Jindabyne

- 46 Charlotte Pass Guest Services Jindabyne sells lift tickets to be used at Charlotte Pass and arranges for oversnow transport to the Charlotte Pass alpine resort, which is only accessible via oversnow transport from Perisher Valley. Charlotte Pass Guest Services Jindabyne only sells products that are redeemable at Charlotte Pass, and does not offer any services that concern the other alpine resorts in the area.
- 47 Charlotte Pass Guest Services Jindabyne is used as a transfer station for various goods that are delivered up to the Charlotte Pass alpine resort, including spare parts used for Core Activities.
- 48 Approximately four employees work at Charlotte Pass Guest Services Jindabyne, and they rotate to Adjacent Operations and/or other Feeder Operations (such as Charlotte Pass Guest Services Perisher Valley).

Charlotte Pass Guest Services Perisher Valley

- 49 Charlotte Pass Guest Services Perisher Valley is not in a "feeder town" because it is located at Perisher Valley, which is a part of the Perisher alpine resort, but is a Feeder Operation as it is nevertheless outside the geographical boundaries of the alpine resort constituting Charlotte's Pass. I have set out above, Charlotte Pass is only accessible in the winter season via oversnow transportation that departs from Perisher Valley.
- 50 Charlotte Pass Guest Services Perisher Valley performs the same functions as the other operation located in Jindabyne, such as general guest services, lift ticket sales to Charlotte Pass and oversnow transport to the alpine resort. Charlotte Pass Guest Services Perisher Valley only sells products that are redeemable at Charlotte Pass, and does not offer any services that concern the other alpine resorts in the area.

- 51 All of its three staff rotate to the Jindabyne office (i.e. a Feeder Operation), and to other Adjacent Operations, and to also perform Core Activities.

Selwyn Snowfield's Feeder Operations

- 52 Selwyn Snowfields only has one Feeder Operation, which is the "Selwyn Centre", located in Adaminaby NSW (approximately 45km from the alpine resort).
- 53 The Selwyn Centre is an online and call centre that facilitates guest services and general sales at Selwyn Snowfields (such as lift tickets at Selwyn Snowfields, snowsports lessons at Selwyn Snowfields, and ski and snowboard related product hire at Selwyn Snowfields). The Selwyn Centre only sells products that are redeemable at Selwyn Snowfields, and does not offer any services that concern the other alpine resorts in the area
- 54 Two employees work at the Selwyn Centre and they rotate to other guest services operations located at the Selwyn Snowfield alpine resort. These employees are not primarily based at the Adaminaby, and their primary work location is in similar operations at the Selwyn Snowfield.

OTHER MATTERS

- 55 I am not aware of any function or activity undertaken by an alpine resort outside its resort geographical boundaries (eg in feeder towns) in respect of which the relevant alpine resort has sought to apply the Alpine Award in circumstance where it does not consider that it has any ancillary function to its core activities.
- 56 I have reviewed the Association's previous written submissions filed on 4 June 2019 in this matter and believe the factual matters raised in those submissions to be correct, including the impact of the Plan of Management on the provision of accommodation services for certain alpine resorts, referred to at paragraphs 4.9 to 4.10 of those submissions.

Gavin Girling

Dated: 10 July 2019