



AUSTRALIAN HOTELS ASSOCIATION

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12 July 2016

The Honourable Justice Ross AO
President, Fair Work Commission
Level 3, 11 Exhibition Street
MELBOURNE VIC 3001
By email: amod@fwc.gov.au

Dear Justice Ross,

**Re: Four Yearly Review of Modern Awards – Annual Leave (AM 2014/47)
Draft Determinations**

The Australian Hotels Association (AHA) refers to the Decision of the 24 June 2016 [2016] FWC FB 3953 ('June Decision') and subsequent Draft Determinations of 4 July 2016.

The AHA has assessed the Draft Determination for the Hospitality Industry (General) Award 2010 (MA000009) ('HIGA'), and has identified two errors within the draft:

- 1 Clause 34.5(b)(i) of the draft states '...and when it is to be taken.' This is not consistent with the Model Term at Attachment C of the June Decision which states '...and the date on which the leave is to commence.' Subsequently, it would appear the proposed clause 34.5(b)(i) will need to be amended.
- 2 In regards to the proposed clause 34.9, it is noted that the reference at item 6 of the Draft Determination refers to the insertion of clause 34.7 not clause 34.9 as it is suggested it should be. It is acknowledged that due to the transitional approach, clause 34.9 will not commence until one year after the other clauses relating to excessive leave, clauses 34.7 and 34.8.

In the event any clarification is required, please contact Trevor Evans from the AHA (SA Branch) on (08) 8232 4525 or tevans@ahasa.asn.au.

Yours sincerely

John Sweetman
Workplace Relations Advisor