

8 February 2018

The Honourable Justice Ross AO, President  
Fair Work Commission  
11 Exhibition Street  
Melbourne VIC 3000

By email: [Chambers.Ross.j@fwc.gov.au](mailto:Chambers.Ross.j@fwc.gov.au); [amod@fwc.gov.au](mailto:amod@fwc.gov.au)

Dear Associate,

**AM2016/15, AM2014/272 Hospitality Industry (General) Award 2010 - Plain language Re-Drafting**

We write in response to the Statement<sup>1</sup> made 22 January 2018 in relation to the plain language redrafting of the Hospitality Industry (General) Award 2010 ('Hospitality Award'), in which it was directed that submissions be filed by 8 February 2018.

**Items PTC -1 to PTC -6**

United Voice has reviewed the 6 items and did not identify issues in respect of items PTC -2, PTC -3 and PTC -6.

PTC -1

- There is a typo in clause 10.8 – The word '*clause*' is incorrectly spelt where reference is made to clause 10.3.
- There is a typo in clause 10.9 –The word '*clause*' is incorrectly spelt where reference is made to clause 10.7.

PTC -4

- United Voice supports the inclusion of the terms '*at overtime rates*' at the end of clause 28.1 as this is in line with item 7 of the draft determination.
- As indicated in our previous submission dated 20 November 2017, we have concerns about the removal of the term '*reasonable*' from clause 28.1. Our proposed wording for clause 28.1 would be: '*An employer may require an employee to work reasonable additional hours at overtime rates*'.
- United Voice will also be making submissions regarding reasonable overtime in response to the Statement made 22 December 2017<sup>2</sup>.

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<sup>1</sup> [2018] FWCFB 449

<sup>2</sup> [2017] FWCFB 6884

PTC -5

- Clause 28.2(c) should refer to clause 11.5, not clause 11.6, as clause 11.5 deals with overtime for casuals.

United Voice has conferred with other parties regarding the items that overlap between substantive and technical and drafting matters as set out in paragraphs [22] to [28] of the Statement.

**Item 34**

United Voice does not object to dealing with this matter as part of the plain language process.

**Item 56**

United Voice will seek to pursue this matter in the substantive review of this award.

**Item 71**

It is our view that the AHA's claim in relation to this clause is beyond the scope of the plain language proceedings and should appropriately be dealt with in the substantive stage of this award review. United Voice views AHA's claim as a significant change that could result in substantial decreases in the wages of employees covered under this award.

If you have any questions regarding this matter, please feel free to contact me.

Regards,

Natalie Dabarera  
**Industrial Officer**  
United Voice National Office  
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