

Fair Work Commission
Level 10, Terrace Tower, 80 William Street
East Sydney NSW 2011
Via email: AMOD@fwc.gov.au

12 October 2018

Re: **[2018] FWCFB 4984**

BACKGROUND

1. On 27 August 2018, a Full Bench of the Fair Work Commission published the *Alpine Resorts Award 2010 – substantive issues concerning coverage* Decision¹ (**Decision**).
2. On 21 September 2018, the Full Bench published a Statement inviting parties to provide submissions concerning the variations proposed in the Decision to the *Alpine Resorts Award 2010* (**Alpine Award**) and the *State Government Agencies Award 2010* (**SGA Award**).
3. The submissions of the Australian Workers' Union (**AWU**) in relation to the proposed variations are below.

Alpine Resorts Award 2010

Clause 4.1 – Coverage

4. The AWU supports a variation to clause 4.1 of the Alpine Award on the terms as proposed by the Full Bench in paragraph [80] of the Decision.
5. The AWU agrees with the Full Bench that the proposed variation will more accurately reflect the intended coverage of the Alpine Award.

¹ [2018] FWCFB 4984

6. The AWU also agrees with the Full Bench that the current wording in clause 4.1 of the Alpine Award would technically permit the application of the Alpine Award to an enterprise that is entirely outside of an alpine resort and that such an application is inconsistent with the Alpine Award's intended coverage.
7. The variation to clause 4.1 of the Alpine Award proposed by the Full Bench will correct this defect and remove this possibility.

Clause 3 – Definitions and Interpretation

8. The AWU does not oppose the variation to clause 3 of the Alpine Award proposed by the Full Bench on the terms in paragraph [80] of the Decision.
9. This proposed variation is consistent with the AWU's understanding of the historic and current practical application of the Alpine Award.

State Government Agencies Award 2010

Clause 4.2 - Coverage

10. Although the overlap in classifications between the two awards is minimal, the AWU does not oppose the Alpine Award being added to the list of awards at clause 4.2 of the SGA Award as proposed by the Full Bench at paragraph [81].
11. This proposal by the Full Bench is consistent with the AWU's understanding of the historic and current practical application of the Alpine Award.

Yours faithfully,



Zachary Duncalfe
NATIONAL LEGAL OFFICER
The Australian Workers' Union