

**From:** Kate Thomson [mailto:Kate.Thomson@Ablawyers.com.au]  
**Sent:** Friday, 22 September 2017 2:55 PM  
**To:** AMOD  
**Subject:** AM2016/15, AM2014/284 and AM2014/272 Restaurant Industry Award and Hospitality Industry Award [ABLAW-ImanageDocs.FID135898]

Dear Sir/Madam

**AM2016/15, AM2014/284 and AM2014/272 – Restaurant Industry Award and Hospitality Industry Award**

Following the conference on 5 September 2017, his Honour Justice Ross asked the parties to confirm their positions with respect to a number of issues.

On behalf of our clients ABI and the NSW Business Chamber, and using the numbering in the respective summaries of submissions, we confirm as follows:

**Hospitality Industry (General) Award**

Item 35 – The drafter’s comments are accepted.  
Item 62 – Agree with the drafter’s proposed wording and the movement of the Note.

**Restaurant Industry Award**

Item 11 – Our clients agree that there is some ambiguity as to the operation of the current Award clause and would support further discussion between the parties and/or feedback from the drafter/Commission.  
Item 22 – The term ‘ordinary rate of pay’ is used elsewhere in the current RIA, in addition to the current clause 24.4 (which deals with distant work). See clauses 34.3 and Clause F.1 in Schedule F. The term ‘ordinary base rate of pay’ is also used – see, for example, clause 32.3. This would suggest that the ‘ordinary rate of pay’ is a different concept to ‘ordinary base rate of pay’.

Please do not hesitate to let us know should you require any further information.

Yours sincerely

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