



8 February 2018

Our Ref: 20140529

Your Ref: AM2016/15 & AM2014/272

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The Associate to his Honour Justice Ross
Fair Work Commission

Dear Associate

AM2016/15 & AM2014/272 - PLAIN LANGUAGE RE-DRAFTING - HOSPITALITY INDUSTRY (GENERAL) AWARD 2010

We act on behalf of ABI and the NSW Business Chamber with respect to the above proceedings and refer to the Statement of the Full Bench dated 22 January 2018 (**Statement**).

At [19], the Full Bench invited parties to file submissions in respect of amendments to the plain language exposure draft of the Hospitality Industry (General) Award 2010 (**Award**) made as a result of the Part-time and Casual Employment common issue proceedings. Brief submissions on behalf of our clients are set out in the table **below**.

Clause 10.2	The word “ <i>who</i> ” has been retained at the end of the introductory wording to the clause, but no longer seems to be required. Propose deletion.
Clauses 10.8 and 10.9	The word “ <i>clause</i> ” is misspelled in both clauses.
Clause 10.8	The requirement that any variation be recorded in writing “ <i>before the variation occurs</i> ” has been added by the drafter. Propose deletion.
Clause 10.10	The term “ <i>the employee’s availability</i> ” is defined at Clause 10.3(b). The expression is intended to be utilised in Clause 10.10 but the clause currently only refers to “ <i>availability</i> ”. As this is intended to refer specifically to the defined meaning of the term (i.e. the days and times the employee can work his/her guaranteed hours), we propose further consideration by the drafter to ensure this is clear.

letter to fwc re casual_pt issues.docx

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If you have any questions in relation to this matter, please contact Kate Thomson on (02) 4989 1003.

Yours sincerely



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