



DECISION

Fair Work Act 2009

s.156—4 yearly review of modern awards

4 yearly review of modern awards – *Restaurant Industry Award 2010* – *Hospitality Industry (General) Award 2010* – substantive issues (AM2017/57, AM2017/59)

Restaurant industry

Hospitality industry

JUSTICE ROSS, PRESIDENT

DEPUTY PRESIDENT MASSON

COMMISSIONER LEE

MELBOURNE, 21 JANUARY 2020

4 yearly review of modern awards – Restaurant Industry Award 2010 – Hospitality Industry (General) Award 2010 – substantive issues – outstanding matters.

[1] In a decision¹ issued on 13 December 2019 (the December 2019 Decision) we dealt with the method of calculating the hourly rate for apprentices in the *Restaurant Industry Award 2010* (the Restaurant Award) and the *Hospitality Industry (General) Award 2010* (the Hospitality Award) and expressed the following *provisional* views:

1. The method for calculating apprentice rates in the Restaurant Award and the Hospitality Award for both *time* and *competency-based progression* should be consistent.
2. The draft variation determinations should be amended to match the provisions in the current Restaurant and Hospitality Awards and the rates for both streams of apprenticeship should be calculated using the same formula:

(applicable weekly rate multiplied by applicable apprentice percentage) divided by 38

[2] Any party opposed to these *provisional* views was directed to file a submission setting out their position no later than 4:00 pm Friday 17 January 2020. At [19] of the December 2019 Decision we stated that if there is no opposition to our *provisional* views ‘we will amend and issue the variation determination accordingly.’

[3] The [Australian Hotels Association](#) and [Restaurant and Catering Australia](#) filed submissions. No party opposed the *provisional* views.

¹ [\[2019\] FWCFB 8380](#)

[4] We confirm the *provisional* views set out in the December 2019 Decision and will amend and issue the variation determination accordingly.

PRESIDENT

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