



29 November 2018

The Associate to Justice Ross AO
Fair Work Commission
Level 4, 11 Exhibition Street,
MELBOURNE VIC 3000

By email: amod@fwc.gov.au;

Dear Associate,

RE: FOUR YEARLY REVIEW OF MODERN AWARDS: REASONABLE OVERTIME (AM2016/15)

We refer to the above matter and the draft determination issued in respect to the *Hospitality Industry (General) Award 2010* (“the Hospitality Industry Award”).

The Hospitality Industry Award provides casual employees with an entitlement to overtime rates for work in excess of 12 hours per day or shift; or 38 hours per week, or an average of 38 hours per week over a roster cycle (see clauses 13.2, 13.4, 33.1 and 33.2 (c) of the Hospitality Industry Award).

Accordingly, we submit that the draft determination be varied by deleting “– *other than a casual* –” from proposed clause 33.1 (a) in the draft determination.

Yours faithfully,

PHILLIP RYAN
National Director – Legal and Industrial Affairs