



13 June 2018

The Honourable Justice Ross AO  
President  
Fair Work Commission  
11 Exhibition Street  
MELBOURNE VIC 3000

By email: [amod@fwc.gov.au](mailto:amod@fwc.gov.au)

Dear Justice Ross,

**RE: 4 YEARLY REVIEW OF MODERN AWARDS—PLAIN LANGUAGE RE-DRAFTING (AM2016/15 AND AM2014/272)**

1. We refer to the above matter and the Decision issued by the Fair Work Commission ('Commission') on 21 May 2018.
2. This submission is made on behalf of the Australian Hotels Association, the Accommodation Association of Australia and the Motor Inn, Motel and Accommodation Association (the "Associations") in reply to submissions made by:
  - (i) United Voice; and
  - (ii) Business SA.

in relation to the Plain Language Exposure Draft of the *Hospitality Industry (General) Award 2010* ('PLED') as published on 22 May 2018.

**(i) United Voice**

3. The Associations submits in reply to the United Voice submission dated 30 May:
  - a) We support United Voice's submission on page 2 under the heading 'Clause 16.2' and submits that the PLED be amended in the manner described by United Voice to include the words "An unpaid meal break of no less than 30 minutes" in Table 2.

**(ii) Business SA**

4. In the Business SA submission dated 30 May, the Associations submit:
  - a) We strongly support Business SA's submission at paragraphs 7 to 10, and views the suggested change to the structure of Table 2 and clause 16.4 as appropriate;

- b) We do not support Business SA's proposal at clause 14 of its submission to re-introduce wording for the payment of a break not taken that appeared in earlier versions of the PLED.

The Associations have made several submissions on the matter of the payment for a break not taken, notably on 5 September 2017, submitting that the re-phrasing of the payment basis in the PLED from how it currently is provided at clause 31 of the *Hospitality Industry (General) Award 2010* would result with additional costs to employers.

The Associations therefore submit that as per clause 5c) of its submission dated 30 May, the phrasing of the payment as it currently appears in the *Hospitality Industry (General) Award 2010* appropriately describes the way in which the payment should be phrased in the PLED.

5. Any query in relation to this matter should be directed to Ms. Joanna Minchinton at the AHA (Queensland Branch). Ms Minchinton can be contacted on (07) 3221 6999 or by email at [jminchinton@qha.org.au](mailto:jminchinton@qha.org.au).

Yours faithfully,



**PHILLIP RYAN**  
**NATIONAL DIRECTOR, LEGAL AND INDUSTRIAL AFFAIRS**