

From: Sean D'Almada-Remedios <Legal@aha.org.au>
Sent: Monday, 10 October 2022 3:03 PM
To: AMOD <AMOD@fwc.gov.au>
Subject: (AM2016/15) 4 yearly review of modern awards—Plain language—Shutdown provisions

Dear Associate

We refer to the matter above, the Commission's draft determinations of 19 September 2022 and the associated request for comment in relation to the draft determinations within 21 days of their publication.

In respect of the draft determination relating to the *Hospitality Industry (General) Award 2020 (HIGA)*, the Australian Hotels Association notes an apparent typographical error in subclause 30.4 (i).

In its current draft form the sub clause states (our emphasis added):

Clauses 30.6 to 30.8 do not apply to a period of annual leave that an employee is required to take during a temporary shutdown period in accordance with clause 21.5.

In our view, the reference to clause 21.5, which we understand is referring to the relevant temporary shut down provisions within the HIGA, should instead refer to clause 30.4, with the sub clause instead reading (our emphasis added):

Clauses 30.6 to 30.8 do not apply to a period of annual leave that an employee is required to take during a temporary shutdown period in accordance with clause 30.4.

Should the Commission require anything further on the matter, please contact the undersigned.

SEAN D'ALMADA-REMEDIOS
National Director, Legal and Industrial Affairs

(02) 8218 1858
legal@aha.org.au
www.aha.org.au
Level 1, 27 Murray Crescent, Griffith, ACT, 2603
P.O. Box 4286, Manuka, ACT, 2603