



AUSTRALIAN HOTELS ASSOCIATION

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20 September 2016

Award Modernisation Team
Fair Work Commission

amod@fwc.gov.au

cc. Associates to his Honour, President Justice Ross Chambers
chambers.ross.j@fwc.gov.au

Dear President Justice Ross,

**Re: Four Yearly Review of Modern Awards
AM2016/8 Payment of Wages**

The Australian Hotels Association (AHA) refers to the Statement [2016] FWCB57419 of the 15th August 2016 in relation to the conduct of proceedings for this matters as listed for Hearing before a Full Bench on the 21st October 2016. In accord with the Directions attached to the above Statement the AHA provides the following position in the conduct of the Full Bench Hearing.

In providing this position, the AHA, identifies that it is also provided on behalf of the Accommodation Association of Australia (AAOA) and the Motor Inn, Motel and Accommodation Association (MMA).

The AHA refers to its submission of the 16th August 2016, in which it re-affirmed its acknowledgement as provided in the Conciliation Conference of the Application by Australian Business Industrial and NSW Business Chamber (ABI & NSWBC) of the 19th July 2016 to vary the Hospitality Industry (General) Award 2010 (the HIGA) in respect to the current provision of "Penalty for late Payment" at clause 26.4.

The AHA, acknowledged that the Draft Determination of the ABI & NSBBC, as attached to its 19th July 2016 Submission would provide clarify of the existing provisions in the HIGA, identifying that the Draft provisions would only apply "where an employee is paid by cheque or cash and the employee is left waiting at the workplace to be paid, the employee will be paid overtime rates for the duration spent waiting at the workplace for payment".

The principle approach of payment of wages in the HIGA is by Electronic Funds Transfer (EFT), which has seen from a practical perspective over the period of the operation of the Modern Award no specific issues of late payments occurring. The payment by EFT is the principal payment of wages occurring in the Industry, with little to no payment by cash or cheque. As referred in the AHA 16th August 2016 Submission, the current Clause 26.4 provisions are effectively no longer required. The position the AHA is providing for the conduct of the Hearing on the 21st October 2016, is that it will support the application of ABI & NSWBC of the 19th July 2016, and the attached Draft Determination to vary Clause 26.4 of the HIGA as proposed, or as submitted to the Full Bench.

The proposed Draft Determination will provide clarity that any penalty that will apply for late payment will only occur when payment is made by cheque or cash, and at the workplace.

The AHA does not propose to provide any further information in the proceedings other than re-affirming the above acceptance and support of the ABI & NSWBC Submissions. The AHA will be a participant in the Hearing on the 21st October 2016, via video from the FWC Adelaide venue.

The AHA contact for this matter is Trevor Evans, from the AHA (SA) Branch. The contact details are (08) 8232 4525 or tevans@ahasa.asn.au.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'John Sweetman', with a small flourish at the end.

JOHN SWEETMAN AM
NATIONAL WORKPLACE RELATIONS DIRECTOR