



30 October 2017

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: FOUR YEARLY REVIEW OF MODERN AWARDS: PAYMENT OF WAGES  
COMMON ISSUE (AM2016/8)**

1. We refer to the above matter and the Statement and Directions of the Full Bench of the Fair Work Commission (“Commission”) handed down on 19 September 2017<sup>1</sup> (“Directions”).
2. The Directions invite parties to make submissions in relation to the following:
  - a. The provisional ‘payment of wages and other amounts’ model term as set out at paragraph [34] of the Full Bench Decision dated 1 December 2016 (“Full Bench Decision”)<sup>2</sup>;
  - b. The provisional ‘payment on termination of employment’ model term at paragraph [117] of the Full Bench Decision; and
  - c. The issue related to the accrual of payments referred to at paragraph’s [19] to [22] of the Statement of the Full Bench issued on 19 May 2017<sup>3</sup>.
3. These submissions are made on behalf of the Australian Hotels Association (“the AHA”), as well as the Accommodation Association of Australia (“AAoA”), and the Motor Inn, Motel and Accommodation Association (“MIMA”)

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<sup>1</sup> *Four yearly review of modern awards – Payment of wages [2017] FWCFB 4817*

<sup>2</sup> *Four yearly review of modern awards – Payment of wages [2016] FWCFB 8463*

<sup>3</sup> *Four yearly review of modern awards – Payment of wages [2017] FWCFB 2729*

(collectively “the Associations”) in relation to the *Hospitality Industry (General) Award 2010* (“the Hospitality Award”).

Payment of wages and other amounts

4. The Associations do not oppose the insertion of a model term into the Hospitality Award. To that end, we support the submissions of Australian Business Industrial and the NSW Business Chamber.

Payment on termination of employment

5. The Associations support a ‘payment on termination of employment’ model term being inserted into the Hospitality Award and such term applying to wages *accrued* for any complete or incomplete pay period.
6. The Associations support the submissions of Australian Business Industrial and the NSW Business Chamber in relation to termination payments being made in accordance with an employee’s normal pay cycle.

Accrual of payments

7. While the Associations consider this issue only arises on termination, and is dealt with under the term addressing payments on termination, if a provision was to be inserted into the Hospitality Award, it would need to be adapted to accommodate casual, part-time and full-time working arrangements; in particular, those arrangements dealing with the averaging of pay/hours of work and annualised salaries. In this respect, we support the submissions of Australian Business Industrial and the NSW Business Chamber.

The contact for this matter is Mr. Trevor Evans from the AHA SA Branch, who can be contacted on (08) 8232 4525.

Yours faithfully,



**PHILLIP RYAN**  
**National Director – Legal and Industrial Affairs**