



AUSTRALIAN HOTELS ASSOCIATION

27 Murray Crescent, Griffith ACT 2603
PO Box 4286, Manuka ACT 2603

T 02 6273 4007
E aha@aha.org.au
W aha.org.au

18 September 2018

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

By email: amod@fwc.gov.au

Dear Associate,

RE: 4 YEARLY REVIEW OF MODERN AWARDS—AM2014/272, AM2017/59

1. We refer to the above matter and the Fair Work Commission's (the "Commission") Directions of 3 July, amended on 20 July 2018, regarding the *Hospitality Industry (General) Award 2010* ("**Hospitality Award**") Substantive Issues.
2. These submissions are 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 the submissions lodged by United Voice on 24 July 2018.

Tool Allowance – Applicable Consumer Price Index Figure

3. The Associations do not oppose the variation of clause 21.1 (j) of the Hospitality Award so that the tool allowance is adjusted in line with the *Tools and equipment for house and garden component of the household appliances, utensils and tools sub-group* from the next adjustment of the standard rate.

Tool Allowance – Apprentices

4. The Associations do not oppose the variation to include "*apprentice cooks*" in clause 21.1 (b) (i) of the Hospitality Award.

Tool Allowance – Increase in quantum

5. The Associations oppose the increase sought by United Voice for the following reasons.
 6. *First*, United Voice have not demonstrated how the current amount does not meet the modern awards objective (see s.134 of the *Fair Work Act 2009*).
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7. *Second*, despite submitting that their claim is not “*picking out of thin air*” an amount, the logic to the increase sought seems to be an arbitrary reckoned amount based on a range of tool allowances from various modern awards which are not true comparators (see [53] of United Voice’s Submissions dated 24 July 2018).
 8. The only ‘like-for-like’ tool allowance contained in the modern awards referred to, is the tool allowance provided for in the *Hair and Beauty Award 2010*, which provides ***both*** a weekly amount ***and*** a requirement to reimburse the cost of tools.
 9. The other awards provide for an allowance in circumstances where there is no provision for reimbursement, which in our submission provides a basis for the higher amounts, ***or*** provide an alternative between reimbursement and the payment of a weekly allowance (see clause 21.2 (a) of the *Plumbing and Fire Sprinkler Award 2010*).
 10. *Third*, United Voice have not provided any evidence in support of this variation, nor have they provided any detailed submission addressing the interaction of clause 21.1 (b) (i) and clause 21.1 (b) (ix) of the Hospitality Award.

Variation to clause 21.1 (h) of the Hospitality Award

11. The Associations do not oppose the variation to clause 21.1 (h) of the Hospitality Award to remove an employer’s right of recovery in the circumstances provided for in that clause.
12. This is the equivalent of clause 26.10 (c) of the Hospitality Award Plain Language Exposure Draft dated 8 August 2018.

Further Information

13. 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.

Yours faithfully,



PHILLIP RYAN
National Director, Legal and Industrial Affairs