

**A summary of outstanding issues as itemised in the updated Revised Summary of Submissions – Hospitality Industry (General) Award 2017**

This summary has been updated as a result of the conference held on 20 December 2017.

The outstanding items will be discussed at two conferences to be held in February 2018.

**First Conference (12 February 2018)**

Item	Current Award Hospitality Industry (General) Award 2010	Plain Language Exposure Draft Hospitality Industry (General) Award 2017	Comments																			
39 and 41	<p><b>20.4 Apprentice wages</b></p> <p><b>(a) Cooking apprenticeship</b></p> <p><b>(i)</b> A person who has completed a full apprenticeship for cooking must be paid not less than the standard weekly rate.</p> <p><b>(ii)</b> An employee apprenticed in the cooking trade will be paid the percentage of the standard weekly rate, as follows:</p> <table border="1" data-bbox="277 906 680 1246"> <thead> <tr> <th>Year</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>First</td> <td>55</td> </tr> <tr> <td>Second</td> <td>65</td> </tr> <tr> <td>Third</td> <td>80</td> </tr> <tr> <td>Fourth</td> <td>95</td> </tr> </tbody> </table> <p><b>(b) Waiting apprenticeship</b></p> <p><b>(i)</b> Any person who has completed a full apprenticeship as a qualified tradesperson must be paid not less than the standard</p>	Year	%	First	55	Second	65	Third	80	Fourth	95	<p><b>19.1 Cooking apprenticeship</b></p> <p><b>(a)</b> An employer must pay an apprentice (other than an adult apprentice) in the cooking trade at not less than the minimum weekly rate specified in column 3 in accordance with the year of the apprenticeship specified in column 1 of Table 7—Cooking apprentice minimum rates.</p> <p>NOTE: The minimum weekly rates specified in column 3 are the percentage of the standard weekly rate specified in column 2 of Table 7—Cooking apprentice minimum rates.</p> <p><b>Table 7—Cooking apprentice minimum rates</b></p> <table border="1" data-bbox="860 1110 1435 1430"> <thead> <tr> <th>Column 1 Year of apprenticeship</th> <th>Column 2 % of standard weekly rate</th> <th>Column 3 Minimum weekly rate</th> </tr> </thead> <tbody> <tr> <td>1st year</td> <td>55%</td> <td>\$445.01</td> </tr> <tr> <td>...etc</td> <td></td> <td></td> </tr> </tbody> </table>	Column 1 Year of apprenticeship	Column 2 % of standard weekly rate	Column 3 Minimum weekly rate	1st year	55%	\$445.01	...etc			<p><b>Item 39:</b></p> <p>AHA <a href="#">Sub-13/06/17</a> (Para 26): Apprentice Rates – Tables 7 and 8: Reference to weekly rates only does not adequately take into account the employment of part time apprentices.</p> <p><b>Drafting comment:</b> Clause 19 reflects the terms of the current clause 20.4 in referring to weekly rates only.</p> <p>AHA <a href="#">Sub-05/09/17</a> (Paras 42-43): Restates earlier submission – submits that 19.1, 19.2 and 19.5 should include a formula for calculating part-time apprentice hourly rates or should clarify that the rates contained in the clause are the rates payable to a full-time apprentice.</p> <p>AHA <a href="#">Sub-20/11/17</a> (Para 17): confirms as outstanding.</p> <p><b>Item 41:</b></p> <p>AHA <a href="#">Sub-13/06/17</a> (Para 28): In cl 19.1(b) the words “as a qualified tradesperson” should be included after the word “apprenticeship” for</p>
Year	%																					
First	55																					
Second	65																					
Third	80																					
Fourth	95																					
Column 1 Year of apprenticeship	Column 2 % of standard weekly rate	Column 3 Minimum weekly rate																				
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...etc																						

Item	Current Award Hospitality Industry (General) Award 2010	Plain Language Exposure Draft Hospitality Industry (General) Award 2017	Comments																	
	<p>weekly rate.</p> <p>(ii) An employee apprenticed in the waiting trade will be paid the standard weekly rate, or the wage as otherwise prescribed, as follows:</p> <table border="1" data-bbox="257 486 828 1021"> <tr> <td data-bbox="257 486 430 582">First six months</td> <td data-bbox="430 486 828 582">70%</td> </tr> <tr> <td data-bbox="257 582 430 678">Second six months</td> <td data-bbox="430 582 828 678">85%</td> </tr> <tr> <td data-bbox="257 678 430 869">Third six months</td> <td data-bbox="430 678 828 869">Midway between the total rate prescribed for food and beverage attendant grade 2 (waiter) in clause 20.1 and the standard weekly rate; and</td> </tr> <tr> <td data-bbox="257 869 430 1021">Fourth six months</td> <td data-bbox="430 869 828 1021">Midway between the total rate prescribed for third six months, above, and the standard weekly rate.</td> </tr> </table>	First six months	70%	Second six months	85%	Third six months	Midway between the total rate prescribed for food and beverage attendant grade 2 (waiter) in clause 20.1 and the standard weekly rate; and	Fourth six months	Midway between the total rate prescribed for third six months, above, and the standard weekly rate.	<p>(b) An employer must pay an employee who has completed a full apprenticeship for cooking at not less than the standard weekly rate.</p> <p><b>19.2 Waiting apprenticeship</b></p> <p>(a) An employer must pay an apprentice (<b>other than an adult apprentice</b>) in the waiting trade at not less than the minimum weekly rate specified in column 3 in accordance with the stages of the apprenticeship specified in column 1 of Table 8—Waiting apprentice minimum rates. The rate in column 3 is calculated based on the method specified in column 2.</p> <p>NOTE: The minimum weekly rates specified in column 3 are calculated as specified in column 2 of Table 8—Waiting apprentice minimum rates.</p> <p><b>Table 8—Waiting apprentice minimum rates</b></p> <table border="1" data-bbox="862 989 1456 1380"> <thead> <tr> <th data-bbox="862 989 1070 1189">Column 1 Stage of apprenticeship</th> <th data-bbox="1070 989 1265 1189">Column 2 How minimum weekly rate is calculated</th> <th data-bbox="1265 989 1456 1189">Column 3 Minimum weekly rate</th> </tr> </thead> <tbody> <tr> <td data-bbox="862 1189 1070 1316">1st 6 months</td> <td data-bbox="1070 1189 1265 1316">70% of the standard weekly rate</td> <td data-bbox="1265 1189 1456 1316">\$566.37</td> </tr> <tr> <td data-bbox="862 1316 1070 1380">... etc</td> <td data-bbox="1070 1316 1265 1380"></td> <td data-bbox="1265 1316 1456 1380"></td> </tr> </tbody> </table> <p>(b) An employer must pay an employee who has</p>	Column 1 Stage of apprenticeship	Column 2 How minimum weekly rate is calculated	Column 3 Minimum weekly rate	1st 6 months	70% of the standard weekly rate	\$566.37	... etc			<p>consistency with clause 19.2(b).</p> <p><b>Drafting comment:</b> The wording reflects current clause 20.4(a)(i)</p> <p>AHA <a href="#">Sub-05/09/17</a> (Paras 44): Presses submission.</p> <p>AHA <a href="#">Sub-20/11/17</a> (Para 17): Confirms as outstanding.</p>
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... etc																				

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		completed a full apprenticeship as a qualified tradesperson at not less than the standard weekly rate.	
43	<p><b>(c) Proficiency payments—cooking trade</b></p> <p><b>(i) Application</b></p> <p>Proficiency pay as set out in clause 20.4(c)(ii) will apply to apprentices who have successfully completed their schooling in a given year.</p> <p><b>(ii) Payments</b></p> <p>Apprentices must receive the standard weekly rate during the latter half of the fourth year of the apprenticeship where the standard of proficiency has been attained on one, two or three occasions on the following basis:</p> <p><b>(1) one occasion only:</b></p> <ul style="list-style-type: none"> <li>• for the first nine months of the fourth year of apprenticeship, the normal fourth year rate of pay;</li> <li>• thereafter, the standard weekly rate.</li> </ul> <p><b>(2) on two occasions:</b></p> <ul style="list-style-type: none"> <li>• for the first six months of the fourth year of apprenticeship, the normal fourth year rate of pay;</li> <li>• thereafter, the standard weekly rate.</li> </ul> <p><b>(3) on all three occasions:</b></p>	<p><b>19.3 Proficiency payments—cooking trade</b></p> <p>An employer must pay a 4th year apprentice (<b>other than an adult apprentice</b>) in the cooking trade as follows:</p> <p><b>(a)</b> at the 4th year apprentice rate specified in Table 7—Cooking apprentice minimum rates (see clause 19.1(a)) for the first 9 months of the year and the standard weekly rate for the rest of the year if the apprentice has successfully completed their schooling for a year on one occasion only;</p> <p><b>(b)</b> at the 4th year apprentice rate specified in Table 7—Cooking apprentice minimum rates (see clause 19.1(a)) for the first 6 months of the year and the standard weekly rate for the rest of the year if the apprentice has successfully completed their schooling for a year on 2 occasions;</p> <p><b>(c)</b> at the standard weekly rate for the entire 4th year if the apprentice has successfully completed their schooling for a year on 3 occasions.</p> <p><b>19.4 Proficiency payments—waiting trade</b></p> <p>An employer must pay a 2nd year apprentice (<b>other than an adult apprentice</b>) in the waiting trade at the 2nd year apprentice rate specified in Table 8—Waiting apprentice minimum rates (see clause</p>	<p>AHA <a href="#">Sub-13/06/17</a> (Para 29): The significant rewording of clause 19.3 and 19.4 alters the intention and interpretation of the clause.</p> <p>AHA <a href="#">Sub-05/09/17</a> (Paras 44): Submits current award provides for proficiency payments where an apprentice has achieved necessary standard, but PLED does not adequately reflect this.</p> <p>Notes PLED clauses do not reference achievement of proficiency other than in the title.</p> <p>Submits PLED wording provides higher payment results from ‘completed their schooling for a year’. Submits omission of the application of the proficiency payments sub clause alters eligibility for payment.</p>

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	<ul style="list-style-type: none"> <li>• for the entire fourth year, the standard weekly rate.</li> </ul> <p><b>(d) Proficiency payments—waiting trade</b></p> <p><b>(i) Application</b></p> <p>Proficiency pay as set out in clause 20.4(d)(ii) will apply to level 2 apprentices who have successfully completed their schooling in the first year.</p> <p><b>(ii) Payments</b></p> <p>Apprentices who have attained the standard of proficiency in their first year must receive the standard weekly rate during the latter half of the second year of apprenticeship.</p>	<p>19.2(a) for the first 6 months of the year and the standard weekly rate for the rest of the year if the apprentice has successfully completed their schooling for the first year.</p>	
46	<p><b>26. Payment of wages</b></p> <p><b>26.5</b> Employees who are not paid by electronic funds transfer and whose rostered day off falls on pay day must be paid their wages, if they so desire, before going off duty on the working day prior to their day off.</p>	<p><b>23. Payment of wages</b></p> <p><b>23.5</b> An employee paid by cash or cheque who has a rostered day off on a pay day is entitled to be paid on their last day at work before their rostered day off.</p>	<p>AHA <a href="#">Sub-13/06/17</a> (Para 33): The words “if they so desire” should be retained in the draft.</p> <p><b>Drafting comment:</b> It is not necessary to include the words “if they so desire” as the clause is drafted in terms of an entitlement and not an obligation as current clause 26.5 is.</p> <p>AHA <a href="#">Sub-05/09/17</a> (Paras 44): Presses submission.</p> <p>(PN248 of <a href="#">12/09/17 transcript</a>)</p> <p>AHA <a href="#">Sub-20/11/17</a> (Para 17): Confirms as outstanding.</p>

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56	<p><b>(h) Working away from usual place of work</b></p> <p>This clause applies where an employer requires an employee other than a casual to work at a place more than 80 kilometres from the employee's usual place of work. In these circumstances the employer must pay the employee an amount equal to the cost of fares reasonably spent by the employee in travelling from the employee's usual place of work to the new place of work. However, the employer may recover any amount paid to an employee under this clause if the employee concerned leaves their employment or is dismissed for misconduct within three months of receiving such a payment.</p>	<p><b>26.10 Working away from usual place of work</b></p> <p>(a) Clause 26.10 applies to a full-time or part-time employee who is required to work at a place that is more than 80 kilometres from their usual place of work.</p> <p>(b) The employer must pay the employee an amount equal to the amount reasonably spent by the employee on fares to travel from their usual place of work to the new place of work.</p> <p>(c) However, the employer may recover any amount paid to an employee under clause 24.10 if the employee leaves their employment, or is dismissed for misconduct, within 3 months after receiving that payment.</p>	<p>UV <a href="#">Sub-08/06/17</a> (Paras12-23): This is an objectionable and unreasonable term that contravenes legislation because it permits employers to deduct a sum from an employee's pay which was incurred by the employee at the employer's direction because the working relationship ended within an arbitrary period of time.</p> <p>Modern awards must only include terms permitted by s136 of the Act and may include terms under Part 2-3, Division 3, Subdivision B. Draft clause 24.10(c) is not a term that must be included or may be included. The section makes no provision for terms that create liabilities for the employee to the employer. FWC does not have the power to include a term such as draft clause 24.10(c) in a modern award.</p> <p>Regulation 2.12 of FW Regs lists a number of circumstances in which a deduction is reasonable – recovery of fares paid to the employee is not one of those.</p> <p><b>Drafting comment:</b> Noted</p> <p>ABI and NSWBC <a href="#">Sub-09/06/17</a> (Para 9.1): Reserves position whether cl. <del>24.10(e)</del> <b>26.10(c)</b> may need to be considered in the context of ss.151 and 326.</p> <p>AHA <a href="#">Sub-13/06/17</a> (2<sup>nd</sup> last para): Reserves its position to discuss this clause at a later stage.</p> <p>Business SA <a href="#">Sub-14/06/17</a> (Para 10.1): Reserves its position.</p>

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			<p>AHA <a href="#">Sub-20/11/17</a> (Para 26): Reserves its position. Further submits that this item is more appropriately dealt with as a part of HIGA award specific matter (<a href="#">AM2014/272</a>) [AM2017/59] as it concerns a term that may or may not be allowed in a modern award.</p> <p>UV <a href="#">Sub-20/11/17</a> (Para 13): Continues to press – rely on paras 12-23 of <a href="#">subs - 8 June 2017</a>.</p> <p>See <a href="#">transcript 20/12/17</a> PNs 122-130 and 204-209</p>														
59 and 60	<p><b>(c) Airport catering</b></p> <p>The following supervisory allowances are payable for employees of airport catering employers, and are to be treated as part of the wage rate for all award payment calculations:</p> <table border="1" data-bbox="257 975 846 1294"> <thead> <tr> <th data-bbox="257 975 528 1070">Supervisory allowance</th> <th data-bbox="528 975 846 1070">% of the standard rate per week</th> </tr> </thead> <tbody> <tr> <td data-bbox="257 1070 528 1161">A person required to supervise:</td> <td data-bbox="528 1070 846 1161"></td> </tr> <tr> <td data-bbox="257 1161 528 1230">up to 5 employees</td> <td data-bbox="528 1161 846 1230">2.00</td> </tr> <tr> <td data-bbox="257 1230 528 1294">...</td> <td data-bbox="528 1230 846 1294"></td> </tr> </tbody> </table>	Supervisory allowance	% of the standard rate per week	A person required to supervise:		up to 5 employees	2.00	...		<p><b>26.13 Airport catering supervisory allowance</b></p> <p><b>(a)</b> Clause 26.13 applies to an employee of an airport catering employer who is required to supervise other employees.</p> <p><b>(b)</b> The employer must pay the employee an allowance per week of the amount specified in column 2 of Table 9—Supervisory allowance depending on the number of employees supervised as specified in column 1 of that table.</p> <p><b>Table 9—Supervisory allowance</b></p> <table border="1" data-bbox="862 1177 1435 1412"> <thead> <tr> <th data-bbox="862 1177 1093 1230">Column 1</th> <th data-bbox="1093 1177 1435 1230">Column 2</th> </tr> <tr> <th data-bbox="862 1230 1093 1353">Number of employees supervised</th> <th data-bbox="1093 1230 1435 1353">Allowance per week</th> </tr> </thead> <tbody> <tr> <td data-bbox="862 1353 1093 1412">Up to 5</td> <td data-bbox="1093 1353 1435 1412">\$15.67</td> </tr> </tbody> </table>	Column 1	Column 2	Number of employees supervised	Allowance per week	Up to 5	\$15.67	<p><b>Item 59:</b></p> <p>UV <a href="#">Sub-08/06/17</a> (Paras 26-27): These allowances are all purposes allowances as it is “to be treated as part of the wage rate for all award payment calculations.”</p> <p><b>Drafting comment:</b> Noted</p> <p><b>Item 60:</b></p> <p>UV <a href="#">Sub-08/06/17</a> (Para 28): Current wording should be retained because application of the draft allowance is restricted to “airport catering employees”. This clause should also be included in the list of all-purpose allowances</p> <p><b>Drafting comment:</b> Noted</p> <p>UV <a href="#">Sub-20/11/17</a> (Para 14): Continues to press – rely on paras 12-23 of <a href="#">subs - 8 June 2017</a>.</p>
Supervisory allowance	% of the standard rate per week																
A person required to supervise:																	
up to 5 employees	2.00																
...																	
Column 1	Column 2																
Number of employees supervised	Allowance per week																
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		<p>...</p> <p>(c) The allowance is to be treated as part of the employee's ordinary rate of pay for the purpose of calculations under this award.</p>	See <a href="#">transcript 20/12/17</a> PNs 210-211
60A	<p><b>21.2 Allowances for responsibilities or skills that are not taken into account in rates of pay</b></p> <p>(a) <b>Fork-lift driver</b></p> <p>In addition to the wage rates set out in clause 20.1, a fork-lift driver must be paid an additional allowance, per week, equal to 1.5% of the standard weekly rate for all purposes. A part-time or casual fork-lift driver must be paid an additional allowance, per day, equal to 0.3% of the standard weekly rate, to a maximum of 1.5% of the standard weekly rate per week.</p>	<p><b>24.3 Fork-lift driver allowance</b></p> <p>An employer must pay an employee who is engaged to drive a fork-lift an all purpose allowance of:</p> <p>(a) <b>\$11.75</b> per week for a full-time employee; or</p> <p>(b) <b>\$2.35</b> per day up to a maximum of <b>\$11.75</b> per week for a part-time or casual employee.</p>	<p>See <a href="#">transcript 20/12/17</a> PNs 62-71</p> <p>AHA noted that the allowance is expressed as either a weekly amount for a full-time employee or a daily amount for a part-time or casual employee.</p> <p>AHA proposed that as the ordinary hourly rate now includes the all-purpose allowance, the fork-lift allowance be expressed on an hourly basis, which they calculate to be 32 cents per hour.</p>
67A	<p><b>34. Annual leave</b></p> <p><b>34.1 Leave entitlement</b></p> <p>Annual leave is provided for in the NES. It does not apply to casual employees.</p> <p>For the purpose of the additional week of leave provided by the NES, a <b>shiftworker</b> is a seven day shiftworker who is regularly rostered to work on Sundays and public holidays in a business in which shifts are continuously</p>	<p><b>30. Annual leave</b></p> <p><b>30.2 Additional paid annual leave for certain shiftworkers</b></p> <p>(a) Clause 30.2 applies to an employee who is a shiftworker regularly rostered to work on Sundays and public holidays in a business in which shifts are continuously rostered 24 hours a day for 7 days a week.</p> <p>(b) The employee is a shiftworker for the purposes of the <a href="#">NES</a> (entitlement to an</p>	<p>AHA <a href="#">Sub-05/09/17</a> (Para 26): New definition of shiftworker has altered the interpretation of the definition of shiftworker as it appears in current award. Submits more employees will be viewed as a shiftworker for the purposes of extra annual leave entitlement.</p> <p>AHA <a href="#">Sub-20/11/17 (Para 17)</a>: Confirms as outstanding.</p>

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	rostered 24 hours a day for seven days a week.	additional week of paid annual leave).	
68	<p><b>34.4 Special leave without pay arrangements in respect of catering provided for boarding schools and residential colleges</b></p> <p>Where an employee is employed at or in connection with catering functions in primary and secondary boarding schools or residential colleges associated with tertiary educational institutions the following provisions apply:</p>	<p><b>30.5 Special leave without pay arrangements for certain catering employees</b></p> <p>(a) Clause 30.5 applies to an employee who is employed in connection with catering in primary or secondary boarding schools or residential colleges associated with tertiary educational institutions.</p>	<p>AHA <a href="#">Sub-13/06/17</a> (Para 51): The word “functions” is relevant for correctly determining the application of that provision. Current clause 34.4 includes the word “functions”. It should be retained and inserted after the word “catering”.</p> <p><b>Drafting comment:</b> Clause updated</p> <p>AHA <a href="#">Sub-05/09/17</a> (Para 52): Notes clause has been updated but submits the words ‘at or’ should be inserted after the words ‘clause 30.5 applies to an employee who is employed’.</p> <p>(PN266-269 of <a href="#">12/09/17 transcript</a>)</p> <p>AHA <a href="#">Sub-20/11/17 (Para 12)</a>: Submits that the omission of the words “at or” from the PLED result in a different interpretation of the clause.</p> <p>See <a href="#">transcript 20/12/17</a> PNs 72-73</p>
69	<p><b>34.4 Special leave without pay arrangements in respect of catering provided for boarding schools and residential colleges</b></p> <p>Where an employee is employed at or in connection with catering functions in primary and secondary boarding schools or residential colleges associated with tertiary educational institutions the following provisions apply:</p> <p>(a) An employee may be required to take leave without pay during official term</p>	<p><b>30.5 Special leave without pay arrangements for certain catering employees</b></p> <p>(a) Clause 30.5 applies to an employee who is employed in connection with catering in primary or secondary boarding schools or residential colleges associated with tertiary educational institutions.</p> <p>(b) The employer may require an employee to take a period of leave without pay during all or part of a term break, semester break or the Christmas/summer vacation.</p>	<p>AHA <a href="#">Sub-13/06/17</a> (Para 52): References to “unpaid leave” should be replaced with the original term of <i>leave without pay</i>.</p> <p><b>Drafting comment:</b> Clause 30.5 refers throughout to “leave without pay” and defines the term “unpaid leave period” as the period for which leave without pay is to be taken.</p> <p>AHA <a href="#">Sub-05/09/17</a> (Para 53): Presses earlier submission.</p>

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	<p>breaks, semester breaks and the Christmas/summer vacation (the relevant period) provided that:</p> <ul style="list-style-type: none"> <li>• an employee will be given as much notice as is practicable of the start and finish of the relevant period. Such notice must be at least one week. The notice must be provided to the employee in writing. Once the notice is provided to the employee, the period of leave without pay may be varied by agreement between the employee and employer;</li> <li>• an employee may take accrued annual leave or long service leave during the relevant period;</li> <li>• all periods of leave without pay will count for the purposes of accruing personal/carer's leave, annual leave and long service leave;</li> </ul>	<p>(c) The employer must give the affected employees at least one week's notice in writing of a requirement to take leave without pay and the period (<b>unpaid leave period</b>) for which that leave is to be taken.</p> <p>(d) The unpaid leave period may be varied by agreement between the employee and employer.</p> <p>(e) An employee may take accrued annual leave or long service leave instead of leave without pay during an unpaid leave period.</p> <p>(f) All unpaid leave periods count for the purposes of accruing annual leave, long service leave and personal/carer's leave.</p> <p>(g) An employer must offer work to an employee during an unpaid leave period if appropriate work is available. For this purpose, work is appropriate if the employee is able to perform it and it is within the employee's skills and experience.</p>	<p>AHA <a href="#">Sub-20/11/17</a> (Para 17): Confirms as outstanding</p>
71	<p><b>39. Provision of employee accommodation and meals</b></p> <p><b>39.2 Adult employees</b></p> <p>The amounts set out in the table below may be deducted from the wages of an adult employee for the provision of accommodation, meals or both by their employer. The same amounts may be deducted from the wages of a junior employee in receipt of adult wages.</p>	<p><b>36. Deductions for provision of employee accommodation and meals</b></p> <p><b>36.3 Adult employees and junior employees on adult wages</b></p> <p>An employer may deduct from the wages of an adult employee, or the wages of a junior employee on adult rates, the amount specified in column 2 of Table 12— Employees on adult rates for the service specified in column 1 provided by the</p>	<p>AHA <a href="#">Sub-13/06/17</a> (Para 53): Draft clauses should reflect the value of the deduction is applied per meal provided to the employee and not per week.</p> <p><b>Drafting comment:</b> The PLED reflects the current award.</p> <p>AHA <a href="#">Sub-20/11/17</a> (Paras 29-30): Notes the Drafter's comments that the PLED reflects the current award wording.</p>

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	<table border="1" data-bbox="257 288 775 603"> <thead> <tr> <th>Service provided</th> <th>Deduction \$ per week</th> </tr> </thead> <tbody> <tr> <td>Single room and 3 meals a day</td> <td>195.83</td> </tr> <tr> <td>...</td> <td></td> </tr> <tr> <td>A meal</td> <td>7.83</td> </tr> </tbody> </table> <p data-bbox="257 619 831 754">NOTE: The ‘Single room and 3 meals a day’ amount is calculated at 25% of the standard weekly rate. The following internal relativity is then applied:</p> <table border="1" data-bbox="257 770 775 995"> <thead> <tr> <th></th> <th>%</th> </tr> </thead> <tbody> <tr> <td>...</td> <td></td> </tr> <tr> <td>A meal</td> <td>1% of the standard weekly rate</td> </tr> </tbody> </table> <p data-bbox="257 1027 293 1046">...</p>	Service provided	Deduction \$ per week	Single room and 3 meals a day	195.83	...		A meal	7.83		%	...		A meal	1% of the standard weekly rate	<p data-bbox="943 288 1061 316">employer:</p> <p data-bbox="943 336 1397 363"><b>Table 12—Employees on adult rates</b></p> <table border="1" data-bbox="943 384 1438 751"> <thead> <tr> <th>Column 1 Service provided by employer</th> <th>Column 2 Deduction \$ per week</th> </tr> </thead> <tbody> <tr> <td>Single room and 3 meals a day</td> <td>\$202.28</td> </tr> <tr> <td>...</td> <td></td> </tr> <tr> <td>A meal</td> <td>\$8.09</td> </tr> </tbody> </table> <p data-bbox="860 783 896 802">...</p>	Column 1 Service provided by employer	Column 2 Deduction \$ per week	Single room and 3 meals a day	\$202.28	...		A meal	\$8.09	<p data-bbox="1503 288 2092 451">Submits that the PL drafting of the HIGA presents an appropriate opportunity to clarify the intention of the meal deduction amount as a deduction per meal – as such a clarification is consistent with PL guidelines.</p> <p data-bbox="1503 472 2092 571">Raised also as part of AM2014/272 and intends to pursue the item at this stage if not accepted as part of the PL stage.</p> <p data-bbox="1503 592 1935 619">See <a href="#">transcript 20/12/17</a> PNs 134-136</p>
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73	<p data-bbox="257 1082 748 1161"><b>Schedule D—Classification Definitions</b> <b>D.2 General classification definitions</b> <b>D.2.1 Food and beverage stream</b></p> <p data-bbox="257 1230 831 1329"><b>Food and beverage attendant grade 1</b> means an employee who is engaged in any of the following:</p> <ul data-bbox="257 1350 524 1385" style="list-style-type: none"> <li>• picking up glasses;</li> </ul>	<p data-bbox="860 1082 1386 1145"><b>Schedule A—Classification Structure and Definitions</b></p> <p data-bbox="860 1166 1357 1193"><b>A.2 General classification definitions</b></p> <p data-bbox="860 1214 1279 1241"><b>A.2.1 Food and beverage stream</b></p> <p data-bbox="860 1262 1476 1361"><b>(a) Food and beverage attendant grade 1</b> means an employee who is engaged in any of the following:</p> <ul data-bbox="943 1382 1205 1417" style="list-style-type: none"> <li>• picking up glasses;</li> </ul>	<p data-bbox="1503 1082 2092 1181">AHA <a href="#">Sub-13/06/17</a> (Para 55): Wage levels in brackets should be included to meet the intention of the plain language re-drafting.</p> <p data-bbox="1503 1201 2092 1364"><b>Drafting comment:</b> The purpose of Schedule A is to define the classification terms which are used in Table 3 and where wage levels are assigned. It seems unnecessary to include wage levels as part of the defined term.</p> <p data-bbox="1503 1385 2092 1412">It is suggested that consideration be given to</p>																						

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	<ul style="list-style-type: none"> <li>emptying ashtrays;</li> </ul>	<ul style="list-style-type: none"> <li>emptying ashtrays;</li> </ul>	<p>inserting a further Note to A.1 stating that clause 18 sets out minimum rates for each classification.</p> <p>AHA <a href="#">Sub-20/11/17</a> (Paras 31-32): Intends to pursue this matter in order to aid the reader to understand that the grade level of a position does not necessarily equal the wage level for that position.</p> <p>Notes the Drafter’s comments regarding the inclusion of a “Note to A.1”. Submits the Note should include additional wording that highlights to readers that the grade of a position does not translate to the wage level of the position.</p> <p>Submits such clarification is consistent with the intention of the PL guidelines.</p> <p>See <a href="#">transcript 20/12/17</a> PNs 136-141</p>
77	<p><b>D.2.2 Kitchen stream</b></p> <p><b>Cook (tradesperson) grade 3</b> means a commi chef or equivalent who has completed an apprenticeship or who has passed the appropriate trade test, and who is engaged in cooking, baking, pastry cooking or butchering duties.</p> <p><b>Cook (tradesperson) grade 4</b> means a demi chef or equivalent who has completed an apprenticeship or has passed the appropriate trade test and who is engaged to perform general or specialised cooking, butchering, baking or pastry cooking duties and/or supervises and</p>	<p><b>A.2.2 Kitchen stream</b></p> <p>(f) <b>Cook grade 3 (tradesperson)</b> means a commi chef or equivalent who has completed an apprenticeship or passed the appropriate trade test or who has the appropriate level of training and who is engaged in cooking, baking, pastry cooking or butchering duties.</p> <p>(g) <b>Cook grade 4 (tradesperson)</b> means a demi chef or equivalent who has completed an apprenticeship or passed the appropriate trade test or who has the appropriate level of training and who is engaged to perform general or specialised cooking, butchering,</p>	<p>AHA <a href="#">Sub-13/06/17</a> (Para 55): The words “or who has the appropriate level of training” should not be included in the draft Cook grade 3 (tradesperson), Cook grade 4 (tradesperson) and Cook grade 5 (tradesperson) definitions.</p> <p><b>Drafting comment:</b> The expression “or who has the appropriate level of training” could be omitted from A.2.2(f), (g) and (h) and in paragraph (h) the words “has completed additional appropriate training and ” could be inserted after “and who”.</p> <p>AHA <a href="#">Sub-20/11/17</a> (Para 17): Confirms as outstanding.</p>

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	<p>trains other cooks and kitchen employees.</p> <p><b>Cook (tradesperson) grade 5</b> means a chef de partie or equivalent who has completed an apprenticeship or has passed the appropriate trade test in cooking, butchering, baking or pastry cooking and has completed additional appropriate training and who performs any of the following:</p> <ul style="list-style-type: none"> <li>• general and specialised duties including supervision or training of other kitchen staff;</li> <li>• ordering and stock control; and</li> <li>• supervising other cooks and other kitchen employees in a single kitchen establishment.</li> </ul>	<p>baking or pastry cooking duties or supervises and trains other cooks and kitchen employees.</p> <p><b>(h) Cook grade 5 (tradesperson)</b> means a chef de partie or equivalent who has completed an apprenticeship or passed the appropriate trade test or who has the appropriate level of training in cooking, butchering, baking or pastry cooking and who performs any of the following:</p> <ul style="list-style-type: none"> <li>• general and specialised duties, including supervision or training of kitchen employees; or</li> <li>• ordering and stock control; or</li> <li>• supervising kitchen employees in a single kitchen establishment.</li> </ul>	
84 and 85	<i>No provision in current award</i>	<p><b>Schedule B—Summary of Hourly Rates of Pay</b></p> <p>NOTE: Employers who meet their obligations under this schedule are meeting their obligations under the award.</p> <p><b>B.1 Ordinary hourly rate</b></p> <p><b>B.1.1 Ordinary hourly rate</b> means the minimum hourly rate of pay for an employee plus any all purpose allowances to which the employee is entitled.</p> <p>NOTE 1: Where an allowance is payable for all purposes in accordance with clause 24.2(a), the allowance forms part of the employee’s ordinary hourly rate and must</p>	<p><b>Item 84:</b></p> <p>AHA <a href="#">Sub-13/06/17</a> (Para 67): The existing “Ordinary Hourly Rate” definition should be retained.</p> <p><b>Drafting comment:</b> The definition in Schedule B reflects that in clause 2.</p> <p>AHA <a href="#">Sub-20/11/17</a> (Para 17): Confirms as outstanding</p> <p><b>Item 85:</b></p> <p>AHA <a href="#">Sub-13/06/17</a> (Para 68): Schedule B.1.1 Note 1 and its unidentified all-purpose</p>

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		be added to the minimum hourly rate when calculating penalties or overtime.	allowances reference could be confusing. <b>Drafting comment:</b> If the definition of “ordinary hourly rate” is to be amended to exclude all-purpose allowances then the Note should be amended to omit “forms part of the employee’s ordinary hourly rate and”. Otherwise the Note is helpful and should be retained. AHA <a href="#">Sub-20/11/17</a> (Para 17): Confirms as outstanding
86	<i>No provision in current award</i>	<p><b>Schedule B—Summary of Hourly Rates of Pay</b></p> <p>...</p> <p><b>Full-time and part-time general employees</b></p> <p><b>B.2.1 Full-time and part-time general employees—ordinary and penalty rates</b></p> <p><i>(Table not reproduced)</i></p> <p><b>B.2.2 Full-time and part-time general employees—overtime rates</b></p>	<p>AHA <a href="#">Sub-13/06/17</a> (Para 69): The term “general” in “general employees” reference should not be included.</p> <p><b>Drafting comment:</b> It is suggested that a Note be inserted at the beginning of Schedule B stating that references to general employees are to employees other than Managerial staff (Hotels) employees and casino gaming employees.</p> <p>AHA <a href="#">Sub-20/11/17</a> (Para 17): Confirms as outstanding</p>
90 (part)	<i>No provision in current award</i>	<p><b>Schedule C—Summary of Monetary Allowances</b></p> <p><b>C.3 Penalty rates</b></p> <p>The additional hourly rate component of the penalty rates in this award for ordinary hours worked Monday to Friday—7.00 pm to 7.00 am is based on the standard hourly rate as defined in clause 2 as the minimum hourly rate for a Level 4 classification (Cook (tradesperson) grade 3) in clause 18.1 =</p>	<p><b>In relation to C.3 only:</b></p> <p>AHA <a href="#">Sub-20/11/17</a> (Para 14-16): Confirms that item 90 in relation to C.3 is outstanding.</p> <p>AHA submits that the proposed wording “...and may not be payable to an employee to whom clause 24 applies” is not correct.</p> <p>PLED cl. 24.5 clearly states that an annualised salary satisfies “this award in relation to penalty</p>

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		<p><b>\$21.29.</b></p> <p><b>NOTE: Penalty rates are not payable to an employee to whom clause 25—Salaries absorption (Managerial Staff (Hotels)) applies and may not be payable to an employee to whom clause 24—Annualised salary arrangements applies.</b></p> <p>... etc</p>	<p><i>rates and overtime</i>". This means that penalty rates at C.3 are not payable where an employee is paid in accordance with PLED cl. 24.5.</p> <p>Submits the wording in PLED C.3 be amended to reflect this, suggests:</p> <p><i>"Note: Penalty rates are not payable to an employee to whom clause 25—Salaries absorption (Managerial Staff (Hotels)) applies, and an employee to whom clause 24—Annualised salary arrangements applies."</i></p> <p>UV <a href="#">Sub-11/12/17</a> (Page 1): Objects to AHA's new wording for the Note in Schedule C.3. PLED cl. 24.5 states <i>"Unless the employer and the employee otherwise agree..."</i> Wording is similar to current cl. 27.1(b)(ii).</p> <p>PLED wording in Note at C.3 <i>"...and may not be payable to an employee to whom clause 24 applies"</i> accurately reflects that there is scope for an employee and employer to arrange an annualised salary that does not satisfy penalty rates.</p> <p>Submits that AHA's proposed wording is in conflict with provisions in PLED 24.5 and current 27.1(b)(ii). PLED proposed wording should be retained.</p> <p>See <a href="#">transcript 20/12/17</a> PNs 79-89</p>

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93	<p><b>Schedule G—School-based Apprenticeship</b></p> <p>...</p> <p>G.12 For the purpose of this clause, a relevant training qualification is:</p> <p>G.12.1 a qualification from a National Training Package that covers occupations or work which are covered by this award, or is a qualification from an enterprise Training Package listed above; and</p> <p>G.12.2 an AQF Certificate Level III. A school-based apprenticeship does not include a qualification which can normally be completed through a Training Agreement of a duration of three years or less (such qualifications would generally be covered by traineeship provisions).</p>	<p><b>Schedule D—School-based Apprentices</b></p> <p>...</p>	<p>AHA <a href="#">Sub-13/06/17</a> (Para 78): Wording in current Schedule G.12 should be wholly retained in the draft Schedule D.</p> <p><b>Drafting comment:</b> It is to be noted that the term defined by current Schedule G.12 is not used in current Schedule G.</p> <p>AHA <a href="#">Sub-05/09/17</a> (Para 55): Presses earlier submission.</p> <p>AHA <a href="#">Sub-20/11/17</a> (Para 17): Confirms as outstanding.</p>