



26 April 2019

The Associate to Justice Ross AO
Fair Work Commission
Level 4, 11 Exhibition Street,
MELBOURNE VIC 3000

By email: amod@fwc.gov.au;

Dear Associate,

**RE: FOUR YEARLY REVIEW OF MODERN AWARDS: HOSPITALITY
INDUSTRY (GENERAL) AWARD 2010 – GROUP 4F EXPOSURE DRAFT
(AM2016/15)**

We refer to the above matter and the Fair Work Commission's invitation for feedback in relation to the *Hospitality Industry (General) Award 2010 Exposure Draft (Hospitality Industry Exposure Draft)*

We provide the following the following feedback:

Clause 2

Amend definition of hospitality industry to: "*is defined in clause 4.2*";

Clause 6A.3

Amend subparagraphs to "(a)" and "(b)";

Clause 15.1 (d)

Amend "*hous*" to "*hours*"

Schedule B – full-time and part-time public holiday overtime rates:

A number of tables in Schedule B apply a public holiday overtime rate for full-time and part-time employees of 250%.

The correct public holiday overtime loading/rate for full-time and part-time employees is 225% (See clauses 28.4, 29.2 and 29.3 of the Hospitality Industry Exposure Draft).

This affects tables B.2.2, B.3.3, B.4.3, B.5.2, B.6.2, B.7.3, B.8.3, B.8.5, B.9.3 and B.9.5.

Schedule B – casual overtime rates:

Schedule B does not contain tables for overtime rates for various categories of casual employees. While the Monday to Friday and weekend overtime rates for casual employees are the same for full-time and part-time employees, the public holiday overtime rate is different.

We suggest the following additional tables be inserted:

- (i) B.2.4 titled “**Adult casual employees – overtime rates**”;
- (ii) B.5.4 titled “**Casual Managerial staff (Hotels) employees – overtime rates**”; and
- (iii) B.6.4 titled “**Adult casual casino gaming employees – overtime rates**”.

We also note that the Hospitality Industry Exposure Draft does not contain casual overtime rate tables for: Junior casual employees (other than junior office employees); Junior office employees; and Junior casino gaming employees.

If the Fair Work Commission is minded to include such tables, it is our submission that they be placed at B.3.5, B.4.5 and B.7.5 respectively.

Yours faithfully,



PHILLIP RYAN
National Director – Legal and Industrial Affairs