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Sent: Tuesday, 12 May 2020 3:20 PM
To: AMOD <AMOD@fwc.gov.au>
Cc: Mikhail Ushakoff <MUshakoff@clubsnsw.com.au>; Peter Cooper <peter@cmaa.asn.au>
Subject: Review of Registered and Licensed Clubs Award

Dear Amod

We apologise about our lateness in making this submission. We had another urgent matter. We ask that the Commission accept this submission.

We note the statement of 30 April 2020, we wish to amend our claim at [36] of the statement concerning the tool allowance in relation to the amounts from \$2.25 per day to \$1.73 per day and from \$11.20 per week to \$8.49 per week. These are the current amounts for equivalent allowances within the *Hospitality Industry Award 2010* and the *Restaurant Industry Award 2010*.

We note the decision in the review of the Hospitality Industry Award and the Restaurant Industry Award of 12 December 2018 [2018] FWCFB 7263 where an identical issue was dealt with. In relation to the tool allowance applying to cooks and apprentice cooks we maintain this aspect of the claim and note the conclusion of the Full Bench in the decision of 12 December 2018:

[229] There appears to be no particular reason why the tool allowance only applies to cooks (and not apprentices) in the Hospitality Award and to apprentice cooks (and not cooks) in the Restaurant Award. RCI was invited to identify any logical basis for the different approach taken in each award, but did not do so.

[230] Given the similarities between these two awards, to which we have referred earlier (see [115] to [121] above) we are satisfied that the scope of the tool allowance provision should be the same in each award. We are also satisfied that the allowance should be paid 'where a cook or apprentice cook is required to use their own tools... '.

The amendment to our claim concerns the amount of the allowance and is consistent with the conclusion of the Full Bench in the decision of 12 December 2018. In the 12 December 2018 decision, the Full Bench concluded:

[241] We agree with the Associations' submission. There is merit in aligning the tool allowances in the two awards, at \$8.49. We also agree that United Voice has failed to make a case for any increase above this level. We reject United Voice's application to increase the tool allowance in the Restaurant and Hospitality Awards to \$11.20. We will increase the quantum of the tool allowance in the Hospitality Award to \$8.49. The tool allowance provisions in each award will be adjusted by reference to movements in the Tools CPI component.

[242] The variations we propose to make to the tool allowance provisions in these awards will assist the low paid to meet their needs (s 134(1)(a)) and will have an adverse impact on employment costs (s 134(1)(f)), albeit the impact is not likely to be significant. None of the other s 134 considerations are relevant to these claims. No party contended to the contrary. Taking into account the s 134 considerations (insofar as they are relevant) we are satisfied that the

variations proposed are necessary to ensure that the Hospitality Award and the Restaurant Award achieve the modern awards objective.

Otherwise we have no further comments to make.

Kind regards,

Stephen Bull

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