

## IN THE FAIR WORK COMMISSION

**Matter No:**  
AM2021/54  
CASUAL TERMS AWARD REVIEW 2021

**Party:**  
AUSTRALIAN HOTELS ASSOCIATION

### SUBMISSIONS

1. This reply submission is put on behalf of the Australian Hotels Association (**AHA**) in response to the statement and directions of the Fair Work Commission (**Commission**) issued on 23 April 2021<sup>1</sup>. This statement and directions invited submissions in response to submissions lodged on 24 May 2021, and to the Submission Summary Document which was published on 9 June 2021.
2. The AHA's reply submission addresses the submission of United Workers Union, as lodged on 24 May 2021, in respect of the *Hospitality Industry (General) Award 2020* (**Hospitality Award**).
3. For all other questions relating generally to the Commission's discussion paper, the AHA supports the submissions of the Australian Chamber of Commerce and Industry.

### **Hospitality Award casual conversion clause**

4. Questions 28 – 30
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<sup>1</sup> [2021] FWCFB 2222

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The AHA notes the submission of the United Workers Union in respect of clause 11.7 and its proposed reworded clause 11.7 in Attachment 1 to the submission.

5. The AHA does not support the proposed reworded clause 11.7.
6. In accordance with the Act Schedule 1 cl.48(3), the Commission is required to vary a modern award to make it consistent with, or operate more effectively with, the Act as amended.
7. The existing casual conversion clause at 11.7 of the Hospitality Award is not consistent with the Act as amended, and it therefore gives rise to uncertainty or difficulty relating to the interaction between it and the Act.
8. Reworded clause 11.7, as proposed by United Workers Union in its submission of 24 May 2021, does not address the full extent of the inconsistency that exists between it and the Act as amended.
9. The AHA maintains its position that for the purposes of Act Schedule 1 cl.48(3), deleting the casual conversion clause at 11.7 of the Hospitality Award and replacing it with a reference to the casual conversion entitlements in the NES would be appropriate.

**For the Australian Hotels Association**

**16 June 2021**