



**Accommodation  
Association  
of Australia**

**FAIR WORK COMMISSION  
2014 ANNUAL WAGE REVIEW  
REPLY SUBMISSION**

**15 APRIL 2014**

Suite 1 Level 2 189 Kent Street Sydney NSW 2000

The Accommodation Association of Australia (AAA) provides the following submission in reply to the submissions filed on 28 March 2014. In respect to the questions posed by the Minimum Wage Panel, AAA supports the reply submission made by Restaurant & Catering Australia.

**Reply submissions.**

- 1) AAA refers to submission filed by United Voice on 28 March 2014 and includes numerous references to unsubstantiated characters allegedly from a survey conducted by the Union. The Fair Work Commission must reject these references and not rely on any of the statements as they can only be accepted as evidence if they are filed as a witness statement.
- 2) AAA also asks the Fair Work Commission to reject the submissions made by the Australian Catholic Council for Employment Relations (ACCER) an organisation representing the Catholic Church. Although ACCER employs some 180,000 employees across Australia it does not operate in the private sector and therefore its submissions should be confined to the workplaces where it has employees presumably in the education sector. It is inappropriate for ACCER to be advocating for significant wage increases across all Modern Awards severely impacting small business owners in sectors where ACCER has no knowledge of the financial hardship being experienced by employers.

**Conclusion.**

- 3) It is pointed out that in the 2012 Annual Wage Review Decision of the Minimum Wage Panel of Fair Work Australia FWAFB5000 1 June 2012 differential treatment of wage increases to different Awards was found allowable under the Fair Work Act 2009:

*[247] As to those claims that sought differential treatment in terms of the quantum of any variation (as opposed to a different date of operation) we accept ACCI's contention that the Act does not compel the variation of modern award minimum wages in all modern awards. Section 285(2)(b) provides that in an annual wage review the Panel:*

*"may make one or more determinations varying modern awards to set, vary or revoke modern award minimum wages" (emphasis added).*

*[248] Further, s.284(4) defines varying modern award minimum wages as "varying the current rate of one or more modern award minimum wages".*

*[249] It follows that the Panel has a discretion to vary some or all modern award minimum wages in the context of an annual wage review.*

- 4) AAA believes there are sufficient grounds to grant a wage freeze in the *Hospitality Industry (General) Award* for the 2013/14 annual wage review.