



FAIR WORK  
AUSTRALIA

## DECISION

*Fair Work Act 2009*

s.160 - Application to vary a modern award to remove ambiguity or uncertainty or correct error

### **Australian Business Industrial** (AM2011/23)

Hospitality industry

COMMISSIONER RAFFAELLI

SYDNEY, 4 OCTOBER 2011

*Variation to clause 20.1 and Schedule D.*

[1] On 5 May 2011, Australian Business Industrial applied to vary the Hospitality Industry (General) Award 2010 [MA000009] (the Award) pursuant to section 160 of the *Fair Work Act 2009* (the Act).

[2] The application was posted on the Fair Work Australia website that sets out modern award variation applications. It is clear that parties and organizations with an interest in the Award have been made aware of the application.

[3] In the circumstances, including from the correspondence received from interested parties and a hearing and conference convened on 29 August 2011, it is clear that no one opposes the application.

[4] I find that an error has occurred when making the Award, in that gardener classifications were omitted.

[5] Pursuant to section 160 of the Act I propose making a variation to the Award to correct the error. A determination will issue accordingly.

COMMISSIONER

*Appearances:*

*B. Briggs* for Australian Business Industrial.

*A. Clarke* for Accommodation Association of Australia.

*J. Minchinton* for Australian Hotels Association and Queensland Hotels Association

*C. Blades* for Australian Federation of Employers and Industries.

*A. Mataeri* and *T. Waite* for Catholic Commission for Employment Relations

*N. Swancott* for United Voice.

*Hearing details:*

2011

Sydney:

August 29.

Printed by authority of the Commonwealth Government Printer

<Price code A, MA000009 PR514955 >