

From: Luis Izzo [<mailto:Luis.Izzo@ablawyers.com.au>]

Sent: Friday, 18 August 2017 9:43 AM

To: AMOD

Cc: 'Michael Harmer'; Kyle Scott; 'Matt Galbraith'; Chambers - Dean DP; 'Roushan Walsh'; 'kamna.muddagouni@nortonrosefulbright.com'; 'Sean.Morrissey@ahansw.com.au'; Emily Slaytor; 'Christopher Nowland'; Chambers - Hatcher VP

Subject: AM2016/30: Alpine Resorts Award - ABI, NSWBC, TCC, AHA Joint Draft Determination

Dear Sir/Madam

We refer to the above proceedings.

On 30 November 2016, the AHA and ABI, NSWBC, TCC respectively filed two different draft determinations giving effect to their proposed coverage of the Alpine Resorts Award 2010.

Following extensive consultations between these employer parties, we confirm that ABI, NSWBC, TCC and the AHA are now agreed on a joint draft determination that the employer parties submit should be made by the Commission in these proceedings.

We **attach** the joint draft determination in respect of which we respectfully request leave be granted for the purposes of relying upon in these proceedings. The joint draft determination is filed in lieu of the two draft determinations filed by AHA and ABI, NSWBC and TCC on 30 November 2016.

The terms of the joint draft determination address the same subject matter as the determinations previously filed and we do not consider that any prejudice should be suffered by any party as a result of the filing of this joint determination. This is particularly the case, given that:

1. The hearing of these proceedings is not scheduled until 30 October 2017; and
2. The merger of the two previous determinations should streamline the hearing process, given that the union parties and ASAA will now only be required to respond to one employer claim from ABI, NSWBC, TCC and AHA.

We have copied in the representatives for the other parties involved in these proceedings.

Should you have any queries, please do not hesitate to contact me.

Yours faithfully

Luis Izzo

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AMENDED DRAFT DETERMINATION

Fair Work Act 2009
s.156 - 4 yearly review of modern awards

4 yearly review of modern awards – Alpine Resorts Award 2010 (AM2016/30)

Alpine resorts industry

VICE PRESIDENT HATCHER
DEPUTY PRESIDENT DEAN
COMMISSIONER RIORDAN

SYDNEY, XX YYY 20XX

Further to the Decision and Reasons for Decision <<DecisionRef>> in AM2016/30, it is determined pursuant to section 156(2)(b)(i) of the *Fair Work Act 2009*, that the *Alpine Resorts Award 2010* be varied as follows:

[1] By deleting clause 1 and inserting in lieu thereof:

1 Title

This award is the Alpine Resorts Industry Award 2017.

[2] By deleting clause 4.1 and inserting in lieu thereof:

4.1 This industry award covers employers throughout Australia in the Alpine Resorts Industry and their employees in the classifications within Schedule B - Classification Definitions to the exclusion of any other modern award.

[3] By deleting the definition of “alpine resort” in clause 3.

[4] By inserting a definition of “Alpine Resorts Industry” in clause 3 as follows:

“**Alpine Resorts Industry** means the industry comprised of the following two kinds of establishments:

(a) those establishments whose business, among other things, includes alpine lifting;
and

(b) those establishments which are both:

(i) engaged wholly or principally in the provision of accommodation services, functions/conferences, restaurant/food and beverage services, food retailing and the retail sale and/or hire of snow sports or alpine equipment; and

(ii) located either:

(A) within a 2 kilometre radius of:

(I) the Thredbo Village LPO;

(II) the Perisher Valley LPO;

(III) the Charlotte Pass Village;

(IV) the Mount Buller LPO;

(V) the Falls Creek LPO;

(VI) the Mount Hotham Alpine Resort; or

(B) at Blue Cow, Smiggins Holes, Guthega, Mount Selwyn, Bogong Alpine Village, Dinner Plain Alpine Village, Mount Stirling, Mount Baw Baw Village or Ben Lomond.

[5] The determination shall operate on and from [].

BY THE COMMISSION