

Committee Secretary

Senate Standing Committees on Education, Employment and Workplace Relations

PO Box 6100

Parliament House

Canberra ACT 2600

Australia

25th September 2012

Dear Committee Secretary,

RE: Fair Work Amendment (Small Business Penalty Rate Exemption) Bill 2012

I am a small business proprietor in the Hospitality Industry and wish to provide my support to the passage of this Bill through Parliament.

The labour costs imposed through the Restaurant Industry Award and in particular the provision of penalty rates out of "office hours" are crippling my business and the viability of the hospitality industry.

If penalty rates were abolished not only would my business be more viable it would certainly enable me to employ more people.

Our current Industrial Award system is out of touch with the modern notion of the working week. The old world notion that "office hours" from 9am to 5pm Monday to Friday is the basis of all Industrial Awards is simply ridiculous.

We all want a thriving restaurant/cafe industry but the current industrial award system penalises it due to its natural operating hours. Restaurant/cafe's natural operating hours are **not** Monday to Friday 9am to 5pm. In fact very little of our business is carried out during "office hours". The natural hours for restaurant/café's are in the evenings from 6pm and throughout the weekends.

These restaurant/café hours do appeal to a predominant portion of the participants in this industry. We are not office workers and object to the imposition of "office hours" as being normal for our environment and industry.

I do appreciate the issues of overworking staff and suggest that a notion of overtime can certainly come into play when a worker exceeds 38 hours work in a week. Additional safeguards may be that workers need to have 2 days off per week. These days may be midweek and can't be constrained by the notion of normal "office hours".

It smacks of double standards when the union movement demands restaurant/café workers work to "office hours", all the while enjoying the advantages offered by our modern hospitality industry in its "natural operating hours".

The union movement would have you believe the "natural operating hours" of hospitality are a burden upon family life. This sort of garbage talk needs to be confronted and howled down. I personally spend a great deal of time with my children. I am frequently able to take them to school and participate in school activities within the classroom. I am often there to pick them up. I often spent weekdays with them over school holidays. I have a richer family life with my children than most of my

acquaintances caught in the 9-5 daily grind Monday to Friday, and yet the unions wish us to believe that is normal.

Consumers expect restaurants and cafes to trade 24/7 yet this can only be achieved if it is commercially viable to trade through de-regulation of the mandatory penalty rates applied under the current Industrial Award system.

I support the bill and hope common sense can prevail over the emotional misinformation promulgated by the union movement.

Yours sincerely,

Brett Hoogenbosch

[University Cafe](#)