

IN THE FAIR WORK COMMISSION
CLUB MANAGERS ASSOCIATION, AUSTRALIA
SUBMISSION

(Technical and drafting issues related to exposure draft in Group 4F)

4 Yearly Review Modern Awards – Group 4

Matter No. AM2014/250 and others

Pursuant to the revised “Directions” Group 4 Award

Justice Ross, President Melbourne, 15 August 2016

The CMAA request redrafting of Clause 25 Annual Leave (25.1 additional weeks leave for club managers).

Draft Exposure Clause – 22 November 2016

25. Annual leave

25.1 Leave entitlement

(a) Annual leave is provided for in the NES. It does not apply to casual employees.

(b) For the purpose of the additional week of leave provided by the NES, a shiftworker means a seven day shiftworker who is regularly rostered to work on Sundays and public holidays, **and includes a club manager.**

25.2 The NES prescribes the basis for payment for annual leave, including payment for untaken leave upon the termination of employment.

25.3 In addition to the payment provided for in the NES, an employer is required to pay an additional leave loading of 17.5% of that payment.

Suggested Redrafted Clause

25. Annual leave

25.1 Leave entitlement

(a) Annual leave is provided for in the NES. It does not apply to casual employees.

(b) For the purpose of the additional week of leave provided by the NES, a shiftworker means a seven day shiftworker who is regularly rostered to work on Sundays and public holidays. *The additional leave shall also apply to a club manager as defined in this award.*

25.2 The NES prescribes the basis for payment for annual leave, including payment for untaken leave upon the termination of employment.

25.3 In addition to the payment provided for in the NES, an employer is required to pay an additional leave loading of 17.5% of that payment.

Grounds

1. To avoid doubt in the application of this historical condition applying to Club Managers in the pre reformed Federal Awards and NAPSA see appendix A, and continued under the current Modern Award *Registered and Licensed Clubs Award 2010*.
2. Our request does not seek a substantial change the Award and seeks only to clarify the status quo applying to managers covered by the modern award.
3. The Associations position on this matter is supported by Clubs Australia and United Voice National Office.

Filed by: 21 December 2016

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CMAA

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“Appendix A”

Pre-Reform Instruments.

CLUB MANAGERS’ (STATE) AWARD 2006 (NAPSA)

25. ANNUAL LEAVE

25.1 Annual leave entitlement

Five weeks paid annual leave shall be allowed to an employee after each completed year of service and an employee whose services are terminated or who leaves their employment during a twelve monthly period shall be entitled to pro rata annual leave for the period of employment served.

LIQUOR AND ACCOMMODATION INDUSTRY - LICENSED CLUBS – MANAGERS AND SECRETARIES - AWARD 1996 (Queensland & Victoria)

21. ANNUAL LEAVE

21.1 Annual leave entitlement

Five weeks paid annual leave shall be allowed to an employee after each completed year of service and an employee whose services are terminated or who leaves their employment during a twelve monthly period shall be entitled to pro rata annual leave for the period of employment served.

LIQUOR AND ACCOMMODATION INDUSTRY – LICENSED CLUBS - MANAGERS AND SECRETARIES - (AUSTRALIAN CAPITAL TERRITORY) AWARD 2003

22. ANNUAL LEAVE

22.1 Annual leave entitlement

Five weeks paid annual leave shall be allowed to an employee after each completed year of service and an employee whose services are terminated or who leaves their employment during a twelve monthly period shall be entitled to pro rata annual leave for the period of employment served.