

IN THE FAIR WORK COMMISSION

4 Yearly Review Modern Awards – Group 4

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

***4 yearly review of modern awards –Registered and Licensed Clubs
Award 2010
(AM2014/283)***

CLUB MANAGERS’ ASSOCIATION, AUSTRALIA

SUBMISSION

(Issues related to exposure draft dated 15 April 2019 in Group 4F further substantive claims are being pursued with draft variations sought).

Introduction

With reference to the hearing before Justice Ross, 10 April 2019, at PN67 Justice Ross requested that the Association identify variations we are seeking and briefly outline the problem with the award by Monday the 29th of April 2019.

And further to the Statement of 10 April 2019 dealing with outstanding technical/drafting claims and substantive claims to vary the *Registered and Licensed Clubs Award 2010* (the Clubs Award) as part of the 4 yearly review of modern awards. Point 8 - the matters outlined in this submission may be viewed by the Commission as *further substantive claims*.

Submission & Draft variations

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

Draft Exposure Clause 25 – 15 April 2019

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 By deleting Clause 25 and inserting the following

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.

2 The CMAA request redrafting of Clause 2 Definitions

Draft Exposure Clause 2 – 15 April 2019

2. Definitions

ordinary hourly rate means the minimum hourly rate for an employee's classification specified in clause 18.3 plus any all purpose allowance to which an employee is entitled

Suggested Redrafted by deleting the above section of Clause 2 and inserting the following

2. Definitions

ordinary hourly rate means the minimum hourly rate for an employee's classification specified in clause 18.3 and 18.5(a)(i) plus any all purpose allowance to which an employee is entitled

Grounds

- 1 To avoid doubt in the application of this historical condition of Managers receiving an annualised salary pursuant to 18.5 (a) (i) (in excess of 20% but less than 50% the awards minimum annual rates). This provision applied to Club Managers in the pre reformed Federal Awards and NAPSA 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 CMAA request redrafting of Clause 19 Allowances

Draft Exposure Clause 19 (d) Uniforms club managers – 15 April 2019

- (ii) Where the employer requires a manager to wear a uniform, the employer must pay to the employee an allowance of **\$10.00** per week to cover the costs of laundering the uniform. The provisions of this clause do not apply where the employer arranges for the uniform to be laundered without cost to the manager.

Suggested Redrafted by deleting the above sub clause of Clause 19 and inserting the following

- (ii) Where the employer requires a manager to wear a uniform, the employer must pay to the employee an allowance of **\$12.50** per week to cover the costs of laundering the uniform. The provisions of this clause do not apply where the employer arranges for the uniform to be laundered without cost to the manager.

Grounds

- 1 This monetary allowance in the has not been reviewed since the inception of the Modern Award *Registered and Licensed Clubs Award 2010*.
- 2 Unlike other allowances in Clause 19 this provision is not linked to any CPI adjustment formula.

- 4 **The CMAA request redrafting of A12 Qualifications Framework by deleting all of A12 in the Draft exposure Award 15 April 2019 and inserting with the following:**

A12 QUALIFICATIONS FRAMEWORK

A12.1 The qualifications framework

The Qualifications Framework forms one of the components of the overall Hospitality Training Package for club employees and managers.

In simple terms, the Qualifications Framework:

- identifies the full range of national qualifications that are available in the hospitality industry;
- shows the titles for each of the qualifications; and
- sets down the skill requirements for each of the qualifications.

A12.2 The hospitality training package

(a) Competency standards

Competency standards define the skills and knowledge that people need to perform their jobs and the standard of performance that is required.

Competency standards can be used for:

- compiling job descriptions;
- organising work structures;

- recruitment determining training;
- developing training programs needs;
- appraisals and/or skills assessment.

(b) Assessment guidelines

Assessment guidelines describe the hospitality industry assessment system including the qualifications required by assessors and other quality assurance mechanisms.

The focus of assessment is on whether a person has the skills, not on how they acquired them. People undertaking training may be assessed on or off the job. In the workplace, people who already have the skills may also be assessed.

(c) Qualifications framework

When individuals have been assessed, whether in the workplace or as part of their training; they are able to receive formal recognition of their skills.

The Qualifications Framework defines all the different hospitality qualifications. There are six levels of qualification:

1. Certificate I; suitable for club operational level staff.
2. Certificate II; suitable for club operational level staff.
3. Certificate III; suitable for club operational level staff.
4. Certificate IV; suitable for club managers Level A.
5. Diploma; suitable for club managers Level B.
6. Advanced Diploma; suitable for club managers Level C–E.

(d) How does it relate to the club management training system?

The *Registered and Licensed Clubs Award 2019* training requirements and the management traineeship are linked directly to the Australian Qualifications Framework.

€ Looking at industrial requirements

Training requirement	Qualification
Level A manager	SIT40416 Certificate IV in Hospitality (Club Supervision)
Level B manager	SIT50416 Diploma of Hospitality Management (Club Management)
Level C, D or E manager	SIT60307 Advanced Diploma of Hospitality (Club Management)

(f) Looking at traineeship guidelines

Management traineeship	Qualification
Stage 1	SIT20316 Certificate II in Hospitality (Club Operations)
Stage 2	SIT30616 Certificate III in Hospitality (Club Operations)
Stage 3	SIT40416 Certificate IV in Hospitality (Club Supervision)
Stage 4	SIT50416 Diploma of Hospitality Management (Club Management)

(g) What training units should you do?

The *Registered and Licensed Clubs Award 2019* sets out seven levels of management from A to G that are classified according to duties and responsibilities. Each level has training requirements to assist the development of the required skills and knowledge to carry out the particular management role. This provides a clear career path to follow.

By comparing your existing skills and knowledge to each level you can determine which unit you need to complete to address any 'skills' gap and to move up the career ladder.

(i) Level A manager

Completion of all SIT30616 Certificate III in Hospitality (Club Operations) requirements, PLUS the Core units listed below, and the required Elective units (12) refer to the Elective List, satisfies the requirements for National SIT40416 Certificate IV in Hospitality (Club Supervision).

BSBDIV501	Manage diversity in the workplace
BSBMGT517	Manage operational plan
SITXCCS007	Enhance customer service experiences
SITXCCS008	Develop and manage quality customer service practices
SITXCOM005	Manage conflict

SITXFIN003	Manage finances within a budget
SITXFIN004	Prepare and monitor budgets
SITXGLC001	Research and comply with regulatory requirements
SITXHRM002	
SITXHRM003	Roster staff
SITXMGT001	Lead and manage people
SITXMGT002	Monitor work operations
SITXWHS003	Establish and conduct business relationships
	Implement and monitor work health and safety practices

(ii) Level B manager

Completion of all Certificate IV requirements, PLUS the Core units listed below, and the required Elective units (13) refer to the Elective List, satisfies the requirements for National SIT50416 Diploma of Hospitality Management (Club Management).

(iii) Level C manager

Competencies for Levels A and B plus:

BSBDIV501	Manage diversity in the workplace
BSBMGT517	Manage operational plan
SITXCCS007	Enhance customer service experiences
SITXCCS008	Develop and manage quality customer service practices
SITXCOM005	Manage conflict
SITXFIN003	Manage finances within a budget
SITXFIN004	Prepare and monitor budgets
SITXGLC001	Research and comply with regulatory requirements
SITXHRM002	Roster staff
SITXHRM003	Lead and manage people
SITXMGT001	Monitor work operations
SITXMGT002	Establish and conduct business relationships
SITXWHS003	Implement and monitor work health and safety practices
SITHGAM005	Analyse and report on gaming machine data
SITXHRM006	Monitor staff performance
SITXMPR007	Develop and implement marketing strategies

(iv) Level D manager

Competencies for Levels A, B and C plus:

SITXFIN601	Manage physical assets
SITXHGAM014	Manage gaming activities

(v) Level E manager

Competencies for Levels A, B, C and D plus:

SITXHRM004	Recruit, select and induct staff
SITXINV005	Establish stock and purchasing and control systems

Completion of all SIT50416 Diploma of Hospitality Management (Club Management) requirements, PLUS the Core units listed above Level C–Level E manager, and the required Elective units (18) refer to the Elective List, satisfies the requirements for National SIT60307 Advanced Diploma of Hospitality (Club Management).

(vi) Level F manager

Competencies for Levels A, B, C, D, and E.

(vii) Level G manager

The training requirements are as for a Level E manager and additionally where duties are clearly within the scope of this level.

A12.3.3 Elective units

		Certificate level
Client and customer service, and Sales		
SIIRXSL001	Sell to retail customer	III
SIRXPDK001	Advise on products and services	III
SITXCCS002	Provide visitor information	III
SITXCCS004	Provide lost and found services	III
SITXCCS005	Provide Club reception services	III
Communication and team work		
BSBCMM201	Communicate in the workplace	III
SITXCOM001	Source and present information	III

		Certificate level
SITXCOM004	Address protocol requirements	III
Finance		
SITXFIN001	Process financial transactions	II
BSBFIA301	Maintain financial records	III
Food and beverage		
SITHFAB001	Clean and tidy bar areas	III
SITHFAB002	Provide responsible service of alcohol	III
SITHFAB003	Operate a bar	III
SITHFAB004	Prepare and serve non-alcoholic beverages	III
SITHFAB005	Prepare and serve espresso coffee	III
SITHFAB006	Provide room service	III
SITHFAB007	Serve food and beverage	III
SITHFAB008	Operate and monitor cellar systems	III
SITHFAB009	Conduct a product tasting for alcoholic beverages	III
SITHFAB010	Prepare and serve cocktails	III
SITHFAB011	Provide advice on beers, spirits and liqueurs	III
SITHFAB012	Provide advice on Australian wines	III
SITHFAB013	Provide advice on imported wines	III
SITHFAB014	Provide table service of food and beverage	III
SITHFAB015	Provide silver service	III
SITHFAB016	Provide advice on food	III
SITHFAB017	Provide advice on food and beverage matching	III
SITHFAB018	Provide gueridon service	III
Food safety		
SITXFSA001	Use hygienic practices for food safety	II
SITXFSA002	Participate in safe food handling practices	III
SITXFSA003	Transport and store	III
Inventory		
SITXINV001	Receive and store stock	I
SITXINV002	Control and order stock	III

Certificate level**Administration**

TLIE1005 Carry out basic workplace calculations III

Gaming

SITHGAM001 Provide responsible service of gaming III

SITHGAM002 Attend Gaming Machines III

SITHGAM003 Operate a TAB outlet III

SITHGAM004 Conduct Keno games III

SITHGAM005 Analyse and report on gaming machine data III

Computer operations and ICT management

BSBITU202 Create and use spreadsheets III

BSBITU301 Create and use databases III

BSBITU306 Design and produce business documents III

Working in industry

SITHIND001 Use Hygienic practices for hospitality service III

Environmental sustainability

BSBSUS201 Participate in environmentally sustainable work
practices III

First aid

HLTAID003 Apply first aid III

E-Business

SITXEBS001 Use social media in a business III

**Languages other
than English**

SITXLAN001	Conduct basic oral communication in a language other than English	III
SITVLAN002	Conduct routine oral communication in a language other than English	III

Security

CPPSEC2012A	Monitor and control individual and crowd behaviour	III
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Workplace Health and Safety

SITXWHS002	Identify hazards, assess and control safety risks	III
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Grounds

1. To update national training modules codes.
2. Our request does not seeks a substantial change the Award and seeks only to update national training codes applying to managers covered by the modern award.

*Filed by: 29 April 2019
Peter Cooper
Senior Industrial Advocate
CMAA
23 Forest Road
Hurstville NSW 2220*

“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.

Peter Cooper

From: Barry Murray <manager@winghamservicesclub.com.au>
Sent: Friday, 26 April 2019 11:46 AM
To: Peter Cooper
Subject: Employment Status

Hi Peter,

Just letting you know that I will be finishing my employment here at Wingham Services Club on Wednesday the 22nd May to take up the role of Secretary Manager of Taree Aquatic Club.

I thank you for your advice over the past months and look forward to working with you in the future.

Regards

Barry Murray
Secretary Manager
Wingham Services Club
02 6553 4577

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