



12 February 2015

The Hon Justice Iain Ross AO  
Fair Work Commission  
Level 4, 11 Exhibition street  
MELBOURNE VIC 3000

**BY EMAIL: [amod@fwc.gov.au](mailto:amod@fwc.gov.au)**

Dear Justice Ross

**Review of the Modern Award – Public Holiday Common Issue**

1. We refer to the above matter and confirm that Clubs Australia Industrial is seeking to vary the *Registered and Licensed Clubs Award 2010 (Award)* in relation to public holidays.
2. The Fair Work Commission in its Statement of 17 December 2014 gave directions to file a draft document setting out the scope of the case, anticipated number of witnesses and duration.
3. In accordance with that direction, we advise as follows.
4. In terms of scope, Clubs Australia Industrial will seek:
  - 4.1 that the days which are to be regarded as public holidays for the purposes of the Award be defined by the Award;
  - 4.2 subject to paragraph 4.3 below, that employees only be entitled to one public holiday in respect of each celebration (either the day itself or any day substituted for the day itself); and
  - 4.3 that employees be entitled to be paid for absences on a public holiday only if they would have ordinarily worked on that day (and not otherwise) by the deletion of clause 34.3(a) and (b) of the Award.
5. It is anticipated that Clubs Australia Industrial will call 5 to 10 witnesses and we estimate a hearing of 3 day's duration.

6. Clubs Australia Industrial will also advance changes, amongst other things, to public holiday penalty rates.
7. Separate submissions dealing with penalty rates will be made in accordance with the directions of the Commission.

Yours faithfully

**Clubs Australia Industrial**

Richard Tait  
Executive Director