

IN THE FAIR WORK COMMISSION

FWC Matter No. AM2014/305

APPLICANT: CLUBS AUSTRALIA INDUSTRIAL

FOUR YEARLY REVIEW OF MODERN AWARDS – PENALTY RATES  
RESPONSE BY CAI TO DIRECTION NO. 7 ISSUED BY THE FULL BENCH  
ON 7<sup>TH</sup> AUGUST, 2015.

1. Clubs Australia Industrial intends to rely, at the final hearing of this matter, on the following specific findings of Professor P. Lewis, Director, Centre for Labour Market Research, University of Canberra:
  - (a) The Australian economy today is dominated by the service sector in which part-time work, casual work, working women and flexibility are the norm for many businesses (page 39).
    - Clubs Australia Industrial is the National peak body which represents the industrial interests of Australia's 4,000 licensed clubs, which clubs are squarely in the service industry.
  - (b) The social mores which previously defined Australian society have changed and among the most relevant with respect to weekend work has been the growth in participation in education and the consequent supply of part-time and casual labour resulting from this participation (at page 39).
  - (c) The use of leisure time for activities such as church attendance and participation in sporting activities account for a very small percentage of people's leisure time on weekends (at pages 34, 35 and 39).
  - (d) Although most employees do value leisure time on Sundays and public holidays more than time on weekdays, the premium (of that value) is much less than the current penalty rates (as expressed in industrial instruments) (at page 39).
  - (e) If penalty rates on weekends and public holidays were removed (or in the case of the CAI claim reduced) there would be more employment opportunities for the unemployed and the potential for providing a stepping stone into further employment (at page 40).

- (f) An increase in employment opportunities and the flexibility of that employment would allow students and parents to better balance work and other commitments (at page 40).
  - (g) The removal of penalty rates would make the economy more efficient and productive as distortions in the allocation of resources would be reduced (at page 40).
2. The above findings, which are clearly relevant to the CAI position in this matter, can be made based on Professor Lewis' report and would form part of the basis of the case put by CAI for a reduction in penalty rates for all employees in the club industry engaged on Sundays and public holidays and for full and part-time employees engaged on Saturdays.

**FILED ON BEHALF OF CLUBS AUSTRALIA INDUSTRIAL**

3<sup>rd</sup> September, 2015.