

# DRAFT DETERMINATION

*Fair Work Act 2009*  
Part 2-3, Div 4 – 4 Yearly reviews of modern awards

## **Registered and Licensed Clubs Award 2010** [MA000058]

Registered and licensed clubs industry

COMMISSION MEMBER

SYDNEY, XX YYY 2019

*Review of modern awards to be conducted.*

Further to the Decision and Reasons for Decision <<DecisionRef>> in AM2014/283, it is determined pursuant to section 157(2)(b)(i) of the *Fair Work Act 2009*, that the *Registered and Licensed Clubs Award 2010* be varied as follows:

- [1] By deleting from clauses C.9.1, C.9.2, C.9.3, C.9.4, C.9.5, C.9.6 of the Award, the word:

“level”

and by inserting the following word in their place:

“grade”

- [2] The determination shall operate on and from XX YYY 2019.

BY THE COMMISSION

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[1] By deleting clause 24.4 and inserting in lieu thereof:

**29.1** Where the club employs fewer than 15 people covered by this award, then the break prescribed by clause 24.2 can be substituted by a paid 20 minute crib break, which can be taken, as trade permits, at any time within that day's shift, and the penalty prescribed by clause 24.2 will not apply.

[2] The determination shall operate on and from XX YYY 2019.

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[1] By deleting clause 10.5(b) and inserting in lieu thereof:

### **10.5(b) Casual loading**

Casual employees will be paid the percentage at the ordinary hourly rate for the classification in which they are employed as prescribed in clause 29.1 and 29.2 which includes a 25% casual loading. The late and early work penalty prescribed in clause 29.4 for work between Monday to Friday also applies to casual employees.

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- [1] By amending the definition of ‘club’ in clause **3.1** as follows:

### **3.1 Definitions and Interpretation**

**Club** means any club which is registered and/or licensed under the provisions of relevant State or Commonwealth Statutes (Liquor and/or Gaming Acts, Associations’ Incorporation Acts or Corporation Acts) and which is established and operates on a not-for-profit basis for the benefit of members and the community.

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- [1] By deleting clause C.7.1 in Schedule C as inserting in lieu thereof:
- (a) attends a shop associated with the club's activities, for example a golf pro shop owned and operated by the club; or
  - (b) acts as an assistant instructor, pool attendant and/or can be responsible for the setting up, distribution and care of equipment, and the taking of bookings; or
  - (c) engages in work related to boats and/or works on a marina.
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- [1] By deleting clause 26.7.
- [2] By renumbering clauses 26.8 and 26.9 as clauses 26.7 and 26.8.
- [3] By amending clause 28.6 as follows:

### **28.5 Overtime**

Notwithstanding the rates prescribed in clause 28.3 at the instigation of the employee there may be an agreement in writing between the employee and the employer to take time off with pay equivalent to the amount for which payment would otherwise have been made.

Such accumulated time must be taken within four weeks from the time of accrual or banked in accordance with the provisions below.

- a) Accrued overtime may, by agreement, be banked to a maximum of “five days” credit and will be taken at a time or times that are mutually agreeable to the employer and the employee.

- b) Once the limit of “5 days” credit is reached, overtime rates shall be payable in accordance with clause 28.3.
- c) Upon termination of the employee’s employment for any reason, the money value for any accrued overtime will be paid to the employee at normal time rates of pay. Any accrued overtime in excess of “5 days” will be disregarded.

[3] The determination shall operate on and from XX YYY 2019.

BY THE COMMISSION

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