

**AM2017/39 - Registered and Licensed Clubs Award 2010 and the Hospitality Industry (General) Award 2010**

Vice President Hatcher  
Fair Work Commission  
Level 4, 11 Exhibition Street  
MELBOURNE VIC 3000

By email to: chambers.hatcher.vp@fwc.gov.au

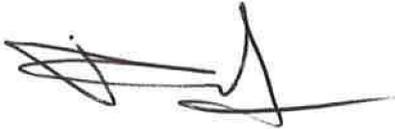
Dear Vice President

I am writing to you as the President of Australian Croatian National Hall (the Club) in relation to the application by Clubs Australia to revoke the *Registered and Licensed Clubs Award 2010* ('Clubs Award').

The Club's position is that it does not support the application by Clubs Australia to revoke the Clubs Award. The Club supports the continued operation of the Clubs Award and the current penalty rates under that Award.

Our staff are highly valued by our Club members, Management and Board and in our local community. We do not wish to see them face a pay cut from a reduction in weekend and public holiday penalty rates.

Yours sincerely

A handwritten signature in black ink, appearing to be a stylized name, possibly 'J. Hatcher', written over a horizontal line.





23 July 2018



023\_6395\_001772

The Club President and Club Manager  
Australian Croatian National Hall  
101-111 Separation Street  
BELL PARK VIC 3215

Dear Club President and Club Manager

As you may be aware Clubs Australia Industrial has applied to the Fair Work Commission to abolish the Clubs Award and make the clubs sector part of the Hospitality Award. The application's goal is to cut the penalty rates of club workers, which are lower under the Hospitality Award.

It is important for you to understand the potential consequences for **all clubs** of the arguments Clubs Australia has made to the Fair Work Commission.

**In the application Clubs Australia has sought to downplay the differences between clubs and hotels. The stance taken by Clubs Australia is surprising considering the long history of clubs arguing they are different from pubs and hotels.** In 2009 Clubs Australia and clubs successfully argued for a separate award – and a comprehensive pay scale for managers – based on nine separate differences from hotels, including the fact clubs are community-based and community-run.

In two weeks of hearings Clubs Australia has argued that clubs are hospitality businesses and that there is no real difference between a club and a pub or hotel. Clubs enjoy beneficial treatment and a number of tax concessions, principally due to recognition that clubs are community organisations that “give back”. Further, the Clubs Award contains seven rates of pay for managers compared to only one rate of managerial pay in the Hospitality Award.

In the hearings Clubs Australia Industrial's executive officer Chris Mossman has repeatedly denied there are substantive differences between clubs and pubs. Clubs Australia effectively doubled down on its “we're just the same as pubs” argument with a late change to its application (link below) – extending the case until the next hearing date on October 29.

United Voice and Club Managers' Association Australia have been fighting this application and seeking to preserve the Clubs Award and the terms and conditions of club workers across Australia. United Voice also recognises the unique role clubs play in their community. We understand that the community supports good clubs; and that good clubs support their workers.

**Evidence before the commission has been very clear: Clubs Australia did not consult member clubs about its application and it has disregarded clubs' special status in the community.**

Clubs Australia has also ignored the risks its argument poses to maintaining managers' Clubs Award pay scales.

The risk to clubs' survival is not penalty rates. The risk is that if the Commission finds clubs are not different to hospitality enterprises, there will no longer be any justification for clubs' not-for-profit status, income tax treatment, preferential treatment of gaming machines and the preferential rates of taxation on their gaming profits.

**Furthermore, it is entirely open to the Fair Work Commission – given the argument that clubs are the same as pubs – to abandon the beneficial pay scale for club managers and move to the Hospitality Award's single rate of pay for managers.**

Clubs Australia's arguments are putting at risk the special place of clubs in the community.

**What we are asking you to do:**

- We ask that you join more than 50 other clubs who have written to the Commission and state that you do not support the application to abolish the Clubs Award. We have attached for your consideration a three-paragraph template letter that can be emailed to the Fair Work Commission.

I look forward to hearing back from you regarding the support of your Club to retain the Award and maintain weekend and public holiday rates for your loyal staff.

Yours sincerely



Jo Schofield  
National Secretary  
United Voice

**Addendum 1:**

You can make your submission against the abolition of the Clubs Award and support your staff by emailing Vice President Hatcher of the Fair Work Commission here – [chambers.hatcher.vp@fwc.gov.au](mailto:chambers.hatcher.vp@fwc.gov.au)

**Addendum 2:**

Link to Clubs Australia's revised application to the Fair Work Commission:  
<https://www.fwc.gov.au/awards-agreements/awards/modern-award-reviews/penalty-rates-case/award-specific-matters/am201739>

**Attachment 1:**

Blank template you can use as a guide in making your submission to the Fair Work Commission.