

BEFORE THE FAIR WORK COMMISSION

MATTER No: AM2017/39

**Registered and Licensed Clubs Award 2010 and Hospitality Industry (General) Award
2010**

OUTLINE OF SUBMISSIONS

Submissions made by *Effective Workplace Solutions*, for and on behalf of the RSL & Services Clubs Association of Queensland Inc.

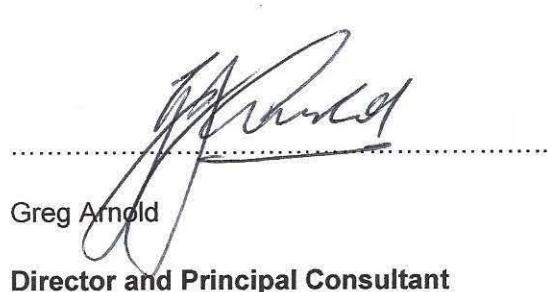
1. The RSL and Services Clubs Association of Queensland Inc. (the Association) is an industry body representing the interests of registered and licensed Clubs in Queensland for the RSL and services sector of the Club industry.
2. The Association represents 65 registered and licensed RSL and services Clubs throughout Queensland. Many of the members are amongst the largest Clubs in the State. These large Clubs employ between 150 to 250 full-time, part-time and casual employees.
3. It is the strong position of this organisation to oppose the revocation of the *Registered and Licensed Clubs Award 2010* and amend the Hospitality Industry (General) Award 2010 ('Hospitality Award') to cover the employees currently covered by the Clubs Award.
4. The position taken by this organisation was arrived at by a motion moved and accepted at the Associations Quarterly meeting held in June 2017, and further endorsed by unanimous feedback from the members through subsequent meetings of the members and through email communication with the Association's members.
5. This Association fails to see the logic in this current application.
6. In 2009, the Australian Industrial Relations Commission (AIRC) (as it was then constituted) decided to make a modern Award specifically to cover the Club industry in Australia (*Registered and Licensed Clubs Award 2010*). [2009] AIRCFB 450
7. In that case Clubs Australia Industrial strongly advocated the need for a separate and discreet Clubs Award during the Award Modernisation process. Clubs Australia Industrial submitted that the Club industry was separate and distinct from the hospitality industry and provided a number of grounds to support this claim. These grounds were persuasive. They included: the different characteristics of the industries, the differences

in trading operations between the sectors, and the differences in the types of employees between the industry sectors, including the inclusion of maintenance and horticultural and managerial staff in the Award coverage.

8. We submit that the AIRC accepted the industry view at the time that the differences between the Club industry and other hospitality industry sectors warranted the making of a distinct and separate modern Award for the Club industry.
9. We submit that there has been nothing that has occurred in the relevant industry sectors, (vis-a-vis Club industry sector and the other hospitality industry sectors) since 2009 that would warrant a departure from the long-held view of the Club industry that the industry sectors are distinct and different and require separate Award coverage.
10. It is our strong submission that the Club industry generally does not support the current application. It is clear from the submissions received thus far that many Clubs oppose the current application.
11. We further submit that the Applicant in this matter has not sought the broader views of the members of the industry prior to making this application. It is our intention to provide evidence to the FWC to suggest that there was little consultation with the industry prior to moving ahead with this Application.
12. It is the view of this Association, on behalf of its members, that the current Application is not warranted for the following reasons:
 - (a) The current *Registered and Licensed Clubs Award 2010* has served the industry well for the past 8 or so years;
 - (b) There is not broad industry support for the revocation of this Award;
 - (c) There is not broad industry support for the Club Industry to be covered by the *Hospitality (General) Award 2010*;
 - (d) The incorporation of the Club industry Award provisions into the Hospitality Award will make the Award complex. In turn this will make the Hospitality Award more difficult to properly interpret and therefore may result in costly mistakes for employers;
 - (e) The resultant reduction in penalty rates is not supported by the members of the Association. Rather, it is the current position of the members of this Association to

maintain the current levels of penalty rates. It is the view of the members of this Association that the current levels of penalty rates provides a level of competitiveness over the other hospitality sectors which makes it easier to attract quality staff;

- (f) It is the view of the members of this Association that with the current existence of the *Registered and Licensed Clubs Award 2010*, the parties to the Award are the “masters of their own destiny”. Meaning that they have a certain level of control over the terms and conditions of employment in the industry and hold a fear that if this Application is successful this may not be the case, and the terms and conditions of employment in the Club industry may be influenced and impacted by other hospitality industry bodies.



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Greg Arnold

Director and Principal Consultant

Effective Workplace Solutions

For and on behalf of the RSL & Services Clubs Association of Queensland Inc.

BEFORE THE FAIR WORK COMMISSION

MATTER No: AM2017/39

**RE: Registered and Licensed Clubs
Award 2010 and Hospitality Industry
(General) Award 2010**

WITNESS STATEMENT

**Deponent: Tim Wright
Date: 10 May 2018**

Filed on behalf of the Greenbank RSL Club Inc. and the Queensland RSL and Services Clubs Association Inc.

Filed by:
Effective Workplace Solutions

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On 10 May 2018 I, Timothy James Wright, C/- Greenbank RSL Services Club Inc. 54 Anzac Avenue, Hillcrest Qld, state as follows:

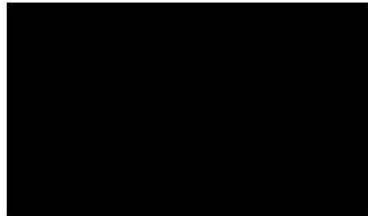
1. This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give the Fair Work Commission as a witness. This statement is true to the best of my knowledge and belief, and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false or which I do not believe to be true.
2. I am the General Manager of the Greenbank RSL Services Club Inc. (the Club) and I have held that position since 1 January 2011 and have taken over the overall management of the Club since 14 May 2014.
3. I have had 30 years experience in the Club industry and 26 years' experience in Club management.
4. I am also a member of the Board of Directors of the Queensland RSL and Service Clubs Association Inc. and I have served on that Board for the past 3 years.

5. My qualifications are as follows:
 - Diploma in Hospitality Management.(Club Management.)
 - Advanced Diploma in Hospitality Management (Club Management.)
 - ACCM (Active Certified Club Manager Club Managers Association).
6. The evidence that I shall give refers both to my position as General Manager of the Greenbank RSL Club and as a spokesperson for the Queensland RSL and Services Clubs Association.
7. In June 2017, the day after the Penalty Rates case decision was handed down by the Fair Work Commission, a meeting of Queensland RSL and Services Clubs Association was held. I attended that meeting. A synopsis of the decision was provided to the members at that meeting, as well as the options provided by the Fair Work Commission in that decision as it related to the Club industry was also provided. Following that, a motion was put forward to the meeting that the Club Industry Award should remain in place and that there should be no further claims to alter the Penalty Rates as they currently existed in the Award.
8. After some debate about the issue, and clarification sought, the motion was put to the meeting, and the motion was passed without opposition. It was a unanimous view of the members at the meeting that we value our staff and they should be paid penalty rates should and when they work these related shifts.
9. The RSL Association also believes staff performing these shifts requiring penalty rates should remain. Clubs have paid these for many years and have had no issue on doing so and should continue to do so to show the value of the staff and the role they perform in our businesses and Industry. This was the unanimous feedback from Members canvassed at Quarterly Meetings and via email communication from the RSL and Services Clubs Association CEO Penny Wilson.
10. Insofar as the Greenbank RSL Club is concerned, the Hospitality General Award and its coverage applies to Hotels. Greenbank RSL has a higher incidence of Hotel competition over Club competitors and several former staff having left our employ have worked or still work at these competing hotels. They complain to me of the lower wage rate at some of these venues. Whilst a competitor, we believe being an employer of choice in a highly competitive market is essential and being able to pay staff at a higher rate to those competitors is an unusual advantage. The relevance of Award levels in the Hospitality

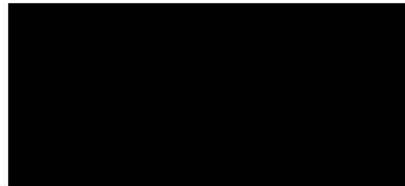
Industry General Award also does not allow the flexibility and the diversity in the Club Industry with its wider employment options and roles. Greenbank RSL believes for these reasons the observance of the Registered and Licensed Clubs Award should remain in its current form.

11. We do not want to reduce penalty rates because we value the role the staff perform at the times penalty rates apply. Nights and weekends, they should receive an advantage over working office hours Monday to Friday. We are happy with the current rates, have paid these for many years, budget for these in the future and creates a competitive edge against local hotels and restaurants who have the advantage of reducing these rates.
12. The Clubs Award was developed in 2009 for good and cogent reasons. The Club industry fought long and hard to have this Award approved so to move away from it is viewed a negative result for Clubs as this Award has served the industry well over the past 8-9 years. We want to be the ‘master of our own destiny” in determining the terms and conditions of employment for the industry and our employees. Further I am of the view that having the terms and conditions of employment inserted into the Hospitality Award would make it a more complex Award and more difficult to interpret.
13. As for the industry support of this Application; as well as being a Board member of the RSL and Services Clubs Association of Queensland, I am also a member of the Club Managers Association of Australia. As such I have had many discussions with many Club Managers and Board members about this Application. I have not come across any Club Manager or Board members that supports the current Application. Further, I have not come across any Club Managers or Board members that were consulted about this Application prior to it being filed. It is therefore my view that this Application does not have broad industry support and I hold a great deal of doubt about the level of consultation with the industry prior to the Application being made.

SIGNED at Greenbank in the
STATE OF QUEENSLAND
by the Deponent:



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Tim Wright



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Witness:



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Print Name