

Senator Marielle Smith
Chair, Senate Standing Committee of Education and Employment
PO Box 6100
Parliament House
Canberra ACT 2600

Submission uploaded via MyParliament Portal

Dear Senator Smith

Re: Fair Work Act Amendment (Protecting Penalty and Overtime Rates) Bill 2025 (Cth)

The Club Managers' Association Australia (CMAA) is the club industry Association that represents over 1,500 club managers across Australia under the Registered and Licensed Clubs Award (2020).

The CMAA's primary objective is to protect the employment rights and entitlements of club managers hence our support of Clubs Australia in its submission as below.

The Club Managers' Association Australia (CMAA) supports the intent of the Fair Work Act Amendment (Protecting Penalty and Overtime Rates) Bill 2025 to protect worker entitlements and eliminate exploitative pay practices. However, we share Clubs Australia's concern that the current drafting of Section 135A may unintentionally capture legitimate, long-standing salary exemption provisions under Clause 18.4 of the Registered and Licensed Clubs Award 2020.

These provisions have operated transparently for over a decade, have never been the subject of dispute, and deliver above-award remuneration and genuine operational flexibility for both managers and maintenance/horticulture staff. They are integral to ensuring consistent rosters, role stability, and service delivery—particularly in regional areas where recruitment challenges are acute.

We believe the Bill should be amended to:

- ☐ Exclude existing, above-award provisions in modern awards from its operation, ensuring it only applies to new or exploitative arrangements; and
- ☐ Include transitional provisions to preserve current arrangements for employers and employees already operating under them.

These changes would align with the Bill's purpose, protect workers, and preserve industrial stability while avoiding unintended harm to clubs and their employees.

The CMAA strongly supports Clubs Australia's submission and urges the Committee to adopt these targeted amendments.

Yours sincerely

Ralph Kober

CEO

Club Managers' Association Australia