

16 February 2025

Emeritus Professor Mark Bray
Professor Alison Preston
Secure Jobs, Better Pay Review Panel
Department of Employment and Workplace Relations
Australian Government

Via consultation hub

Dear Emeritus Professor Bray and Professor Preston,

Secure Jobs, Better Pay Review Draft Report

Thank you for the opportunity to comment on Secure Job, Better Pay Review Draft Report.

Clubs Australia represents over 5,000 clubs across Australia that employ more than 140,000 people. Clubs are not-for-profit, member-owned organisations whose central activity is to provide sporting and recreation infrastructure to their members and the wider community. Clubs offer a safe and inclusive environment for employment, work experience, apprenticeships and traineeships. The sector also has its own modern award, the *Registered and Licensed Clubs Award 2020*.

Clubs Australia participated in the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill 2022 consultation and the initial review of the Secure Jobs, Better Pay Bill. Regarding the draft report, Clubs Australia:

1. Flexible Workplace Arrangements and Sexual Harassment Protections

Clubs Australia welcomes and supports the following recommendations, which align with the interests of clubs and the broader employment framework:

- **Flexible Workplace Arrangements** – we support the Review Panel's recommendation to maintain a balanced approach that ensures clubs can accommodate employee requests while considering operational needs.
- **Sexual Harassment Protections** – Clubs Australia strongly supports the continued emphasis on positive duty reforms introduced under the Respect@Work Inquiry. Clubs have been proactive in driving these reforms through governance, training, and compliance measures, and we appreciate the ongoing focus on strengthening workplace protections.



2. Fixed-Term Contracts and Review of the Legislation in 2-3 Years

While we support the government's willingness to reconsider aspects of the following issues, we encourage further refinements to ensure they fully address concerns raised by employers and employees alike:

- **Fixed-Term Contracts** – We acknowledge the Review Panel's recognition of issues surrounding fixed-term contracts and its proposal for further stakeholder consultation and potential reforms. However, given the unique operational requirements of clubs, we urge the government to permanently embed the Organised Sport and International Sporting Events Exemption beyond November 2025. This would provide long-term certainty for clubs that rely on structured contract cycles linked to seasonal and event-based employment.
- **Review of the Legislation in 2-3 Years** – We support the recommendation for a further legislative review to ensure the Secure Jobs, Better Pay reforms continue to meet their intended objectives. Given the evolving nature of workplace regulation, we encourage a structured evidence-based review process that includes comprehensive stakeholder engagement, particularly from industries like clubs that operate under unique employment models.

3. Clubs Australia reaffirms key recommendations that remain essential for a fair and practical industrial relations framework:

- Enterprise bargaining rules must allow for flexibility. A structured review should ensure industry-specific bargaining needs are met while allowing above-award trade-offs.
- Employers need clarity on BOOT obligations before agreements are submitted. A pre-lodgment BOOT risk tool should be introduced to help employers identify risks and avoid disputes.
- Bargaining should be transparent and clearly communicated to employees. A short consultation period before bargaining begins would ensure employees fully understand their rights and obligations.
- Termination of outdated enterprise agreements should be streamlined. A fast-track option for agreements older than 10 years should be introduced where both parties agree the agreement no longer reflects modern conditions.
- Pay secrecy penalties should not unfairly impact small clubs. A tiered penalty system should ensure not-for-profit clubs are not disproportionately affected.
- Clubs need flexibility in job advertisement compliance. A "good faith



compliance” exemption should allow for minor adjustments to roles, such as shifting from part-time to casual where necessary.

- Union involvement in HSR processes should be transparent. If union officials can assist without an entry permit, clear documentation and oversight should be required to ensure accountability.

We have included our recommendations from our previous submission in November 2024 in **Attachment A**.

Clubs Australia remains committed to constructive engagement on the Secure Jobs, Better Pay reforms. We appreciate the opportunity to contribute and look forward to further discussions.

Should you require any further information from Clubs Australia regarding this submission, please do not hesitate to reach out.

Yours sincerely,

Alison Tehan

Deputy Executive Director

Clubs Australia



Attachment A: Summary of Clubs Australia Recommendations

Rec. No.	Theme	Recommendation
1	Bargaining Disputes	Clubs Australia recommends an amendment to the Act to ensure that agreements can incorporate flexibility and above-award trade-offs that support productivity improvements
2	Better Off Overall Test	Clubs Australia recommends allowing a new employee to apply to the FWC for compensation if they are worse off than under the relevant award due to their specific role or working patterns not being considered when the enterprise agreement was made.
3	Initiating Bargaining	Clubs Australia recommends amending the Act to reintroduce the requirement for an employee bargaining representative to prove majority support from employees covered by the agreement before initiating bargaining.
4	Termination of Enterprise Agreements	Clubs Australia recommends amending section 226 to streamline the conditions for terminating enterprise agreements, enabling more flexible and practical outcomes.
5	Requesting Flexible Workplace Arrangements	Clubs Australia supports maintaining a balanced approach that enables clubs to accommodate employee requests for flexible workplace arrangements while considering operational requirements.
6	Fixed Term Contracts	Clubs Australia recommends the Organised Sport and International Sporting Events Exemption be permanently embedded in legislation beyond its current expiry of 1 November 2025.
7	Pay Secrecy Clauses	Clubs Australia asks for a review of the penalty structure to ensure that fines are proportionate and take into account the financial capacity of not for profit, community-focused, member-run organisations like clubs.
8	Sexual Harassment	Clubs Australia supports the positive duty reforms from the Respect@Work inquiry, which have set new standards to eliminate sexual harassment across the sector.
9	Job Advertisements	Clubs Australia requests greater flexibility for employers to avoid unintentional breaches of the Act in job advertisements.



10	Health and Safety Representative	Clubs Australia recommends repealing this amendment and reinstating the requirement for union officials to hold an entry permit when assisting HSRs. Alternatively, if the amendment is retained, we suggest implementing additional oversight measures to ensure proper accountability and maintain workplace safety.
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