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Workplace Relations Legal Update

Member clubs are advised that ClubsNSW continues to monitor and advocate on key workplace relations issues affecting clubs.

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This update outlines several recent developments, including:

- a successful outcome in defending proceedings brought by unions concerning vehicle allowances under the Registered and Licensed Clubs Award (Clubs Award)
- the release of the independent Closing Loopholes review
- new Fair Work Commission (Commission) requirements regarding the use of artificial intelligence in proceedings; and
- anticipated reforms relating to non-compete clauses and the proposed Secure Australian Jobs Code.

Fair Work Commission rejects union application to increase vehicle allowance

Members are advised that the Commission has rejected a union application to increase the vehicle allowance in the Clubs Award.

Following consultation with members through a survey, Clubs Australia participated in the proceedings and made submissions on behalf of the registered and licenced clubs' industry opposing the union application to the Clubs Award.

We are pleased to advise that the Commission did not grant any increase to the vehicle allowance in the Clubs Award.

In reaching its decision, the Commission was not satisfied that there was sufficient evidence to justify increasing vehicle allowances. The Commission rejected the broader claim for a permanent increase and dismissed the application.

Accordingly, there is no change to the vehicle allowance provisions under the Clubs Award, and clubs are not required to make any amendments to their current payroll or reimbursement arrangements.

Clubs Australia considers this a positive outcome for members and thanks those clubs that participated in the member survey, which assisted in the preparation of submissions opposing the union application on behalf of the industry.

Final Closing Loopholes review released

The independent review of the Closing Loopholes reforms (the Review) has now been released, concluding that the reforms are broadly operating as intended. While the Review identified a number of areas for potential refinement, particularly in relation to enterprise bargaining, labour hire, paid family and domestic violence leave, and gig economy regulation, it did not recommend winding back the key reforms.

The Government is yet to formally respond to the Review's findings. However, the report may inform future changes to workplace relations laws, particularly in relation to collective bargaining and recently introduced workplace protections. The final Review report may be accessed?here.

Fair Work Commission publishes statement on AI use

On 24 August 2026, the Commission's President, Justice Hatcher, released a?statement?and final ?guidance note?relating to the use of generative AI in Commission proceedings.

From 20 October 2026, parties will be required to disclose whether AI was used in preparing documents, explain how it was used and verify the accuracy of material lodged with the Commission. The changes are intended to ensure submissions remain accurate, properly sourced and reflective of the evidence relied upon.

Forthcoming reforms: Non-compete clauses

Clubs should also be aware that further workplace relations developments are expected in the coming weeks. The Government has previously announced its intention to restrict the use of non-compete clauses for lower and middle-income employees, with exposure draft legislation anticipated.

If you have any questions, please contact the Workplace Relations Team by calling ClubAssist on 1300 730 001 or by emailing enquiries@clubsnsw.com.au.

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