

IN THE FAIR WORK COMMISSION

Fair Work Legislation Amendment (Closing Loopholes) Act 2023

Variation of modern awards to include a delegates' rights term

(AM2024/6)

Introduction

1. This is a submission by the Commissioner for Public Employment (CPE) in the Northern Territory Public Sector (NTPS) in response to the Fair Work Commission's ("the FWC") statement dated 18 January 2024 relating to The Closing Loopholes Act dealing with terms that must be included in modern awards.
2. These amendments provide that the Commission must make determinations varying modern awards so that they include terms for workplace delegates by 30 June 2024.
3. The Northern Territory Public Sector Enterprise Award 2016 [MA000151] ("the Modern Award") is the enterprise for the NTPS as established by the *Public Sector Employment and Management Act 1993* (NT) ("the PSEM Act").
4. The CPE supports the inclusion of the proposed Workplace delegates and their rights model clause under section 350C of the Act into the Modern Award.
5. The CPE has consulted with the Unions and have received no feedback or comment from them about inclusion of the proposed delegates' rights clause into the Modern Award.

The employees who are covered by the award

6. The national system employees who would be covered by the proposed award are employed within the meaning of public sector employment as set out in paragraph 795(4)(e) of the Act are all those employees employed on behalf of the Territory or an Agency, with the exception of Executive Contract Officers, Executive Contract Principals.

Single enterprise

7. Although the NTPS currently consists of 20 agencies it is a single enterprise that is responsible for the following enterprise agreements, The terms and conditions of NTPS employees have been set through legislation and subordinate legislation such as the PSEM Act or By-laws; Public Service Arbitrator determinations; or awards; enterprise agreements; or a combination of instruments and regulation. The following table sets out the current enterprise agreements regulating the terms and conditions of employment of the NTPS.

AE522001	Northern Territory Public Sector Fire and Rescue Service 2021 - 2025 Enterprise Agreement
AE516636	2021 - 2025 Jacana Energy Enterprise Agreement
AE521098	2022 - 2026 Territory Generation Enterprise Agreement
AE520629	2021 - 2016 Power and Water Enterprise Agreement
AE520822	Medical Officers Northern Territory Public Sector 2022 - 2025 Enterprise Agreement
AE515498	Northern Territory Public Sector 2021 - 2025 Enterprise Agreement
AE520815	Northern Territory Public Sector Dental Officers 2022 - 2026 Enterprise Agreement
AE520978	Northern Territory Public Sector Nurses and Midwives 2022 - 2026 Enterprise Agreement
AE520226	NTPS Aboriginal Health Practitioner 2022 – 2025 Enterprise Agreement
AE518841	Northern Territory Public Sector non-Contract Principals, Teachers and Assistant Teachers' 2021 – 2024 Enterprise Agreement
AE519759	Correctional Officer (NTPS) 2021 – 2025 Enterprise Agreement

8. Majority of these NTPS enterprise agreements have a Union rights clause that will be updated to reflect the Fair Work Commission's model delegates' rights clause as they come up for renegotiation.



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Office of the Commissioner for Public Employment

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