



# STATEMENT

*Fair Work Act 2009*

s 157—FWC may vary etc. modern awards if necessary to achieve modern awards objective  
s 576(2)(aa)—Promoting cooperative and productive workplace relations and preventing disputes

## **Modern Awards Review 2023-24**

(AM2023/21)

DEPUTY PRESIDENT O'NEILL

MELBOURNE, 21 FEBRUARY 2024

*Modern Awards Review 2023-24 – work and care –timetable for consultation.*

[1] On 29 January 2024, the Fair Work Commission (Commission) published a discussion paper concerning work and care as part of the Modern Awards Review 2023-24 (the Review). I issued a statement<sup>1</sup> proposing a timetable for responses to the discussion paper as well as any comments on the conduct of the consultation process and the desirability of any additional consultation dates. The provisional dates that were set aside for consultation as set out in that statement were:

- 21 March
- 22 March
- 3 April
- 4 April

[2] On 21 February 2024, I held a mention to discuss the timetable and process for consultation. The parties were also provided information concerning the proposed employer survey foreshadowed in the President's statement on 24 November 2023, and invited to put forward any topics or questions for inclusion in the survey.<sup>2</sup> Any interested person is able to put forward any such suggestions by email to [awards@fwc.gov.au](mailto:awards@fwc.gov.au) by **4:00PM AEDT on Friday, 23 February 2024**. Queries raised by parties concerning the survey will be provided to the relevant Commission staff and considered.

[3] In consultation with the parties attending the mention, the arrangements for the consultation process were finalised.

*Directions to file reply submissions*

[4] The initial timetable did not provide an opportunity for parties to file any submissions in reply. I therefore vacate the initial consultation dates on 21-22 March and direct that any interested parties may file submissions in reply by **no later than 12:00PM AEDT on Tuesday, 26 March 2024** by email to [awards@fwc.gov.au](mailto:awards@fwc.gov.au).

*Consultation timetable and agenda*

- [5] The following dates have been set aside for the work and care consultation:
- 3 April
  - 4 April
  - 9 April
  - 10 April
  - A further date on 11 April is set aside, if necessary, to allow for further discussions on any proposed variations to modern awards where there is or is likely to be agreement.

[6] To make effective use of the consultation dates, I propose to group the consultation process according to discussion question topics as follows:

- **Consultation 1 on 3 April in Sydney:**
  - Morning session (9:30AM to 12:30PM AEDT):
    - discussion question 1 – part-time.
    - discussion question 2 – individual flexibility agreements.
  - Afternoon session (2:00PM to 4:30PM AEDT):
    - discussion question 3 – facilitative provisions.
    - discussion question 4 – working from home.
- **Consultation 2 on 4 April in Sydney:**
  - Morning session (9:30AM to 12:30PM AEDT):
    - discussion question 6 – minimum payment periods.
    - discussion question 7 – span of hours.
  - Afternoon session (2:00PM to 4:30PM AEDT):
    - discussion question 8 – notice of rosters.
    - discussion question 9 – availability and guaranteed regular hours.
- **Consultation 3 on 9 April in Melbourne:**
  - Morning session (9:30AM to 12:30PM AEDT):
    - discussion question 10 – overtime, TOIL and make-up time.
    - discussion question 11 – on-call and recall to duty.
    - discussion question 12 – travel time.
  - Afternoon session (2:00PM to 4:30PM AEDT):
    - discussion question 13 – annual leave
    - discussion question 14 – personal/carer’s leave.
    - discussion question 17 – personal/carer’s leave separation.
    - discussion question 18 – ceremonial leave.
- **Consultation 4 on 10 April in Melbourne:**
  - Morning session (9:30AM to 12:30PM AEDT):
    - discussion question 15 – definition of immediate family.

- discussion question 16 – unpaid carer’s leave, workplace flexibilities.
- Afternoon session (2:00PM to 4:30PM AEDT):
  - discussion question 19 – other variations to modern awards.

[7] The consultation process may need to be adjusted following the filing of submissions in response to the discussion paper. As I mentioned in my 29 January 2024 statement,<sup>3</sup> parties filing a submission in response to the discussion paper are to include any comments regarding the conduct of the consultation process in the same document.

*Updated timetable*

[8] The timetable for next steps in the work and care stream of the Review is set out below:

23 February 2024	Submissions on the survey of employers due.
8 March 2024	Literature Review paper published.
12 March 2024	Submissions in response to discussion paper due.
26 March 2024	Submissions in reply due.
3 and 4 April 2024	Consultations with interested parties in Sydney.
9 and 10 April 2024	Consultations with interested parties in Melbourne.
11 April 2024	Tentative date set aside for consultations with interested parties.

[9] Notices of listing are published with this statement.

[10] All correspondence and submissions should be emailed to [awards@fwc.gov.au](mailto:awards@fwc.gov.au).



DEPUTY PRESIDENT

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<PR771686>

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<sup>1</sup> [\[2024\] FWC 213](#).

<sup>2</sup> [\[2023\] FWC 218](#).

<sup>3</sup> [\[2024\] FWC 213](#).