

From: Chambers - Gostencnik DP <Chambers.Gostencnik.DP@fwc.gov.au>
Sent: Thursday, February 8, 2024 12:04 PM
To: Campbell Smith <csmith@nteu.org.au>
Cc: Chambers - Tran C <chambers.tran.c@fwc.gov.au>; Jeane Wells <jwells@nteu.org.au>; Awards <Awards@fwc.gov.au>
Subject: RE: Modern Awards Review 2023-24 - Job Security

OFFICIAL

Good afternoon,

The Deputy President and Commissioner Tran thank you for your correspondence.

The Deputy President and Commissioner Tran accept that the job security aspect of the review is not confined to the seven awards identified in the President's statement and discussed in the discussion paper. Nevertheless, the seven awards provide useful basis for reviewing standard award clauses which have general application across the award safety net. A statement will shortly be issued clarifying the position. The NTEU may raise its industry specific issues, as it appears to have done in its submission, relating to the Modern Awards in which it has an interest, through the consultation process outlined in our statement published on 7 February 2024. Separate industry specific consultations are not envisaged.

Kind regards,

Charlotte Coburn (she/her)

Associate to Deputy President Gostencnik



T (03) 8656 4528

I work in the [Melbourne office](#).



At the Fair Work Commission we respect and celebrate the diversity of our communities and we are committed to creating a safe and welcoming space for all.

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From: Campbell Smith <csmith@nteu.org.au>
Sent: Wednesday, February 7, 2024 1:36 PM

Deputy President Gostencnik

Deputy President

Fair Work Commission

By email: chambers.gostencnik@fwc.gov.au

7 February 2024

Dear Deputy President,

Re Modern Awards Review 2023-2024 – Job Security

We refer to the above matter, the Mention/Directions hearing held in respect of it yesterday, and comment as to whether the current job security review is limited to the **seven Awards** listed at paragraph [10](1) of the **President's Statement** dated 15 September 2023.

As stated by Ms Wells on behalf of the NTEU yesterday, NTEU respectfully does not agree that the job security review is limited to the seven Awards and submits that the Modern Awards **Review** 2023-2024 includes the ability for parties with no special interest in the seven Awards to ask for other modern awards to be considered as part of the Review, and we provide the below brief submissions in support of that position.

1. At paragraph [3] of the President's Statement, the President outlines the four issues that the **Minister** for Employment and Workplace Relations has identified as key priorities for the Review.
2. Priority issue (2) at paragraph [3] states that the Review should be
"Considering whether the terms of modern awards appropriately reflect the new object of the FW Act and modern awards objective regarding job security and the need to improve access to secure work across the economy, including by."
[emphasis added]
The paragraph then lists two specific considerations that the Award Review must consider.
3. In NTEU's submission, the words 'including by' demonstrate that the purpose of Review is to consider whether terms of modern awards (as a whole) meet the new object of the FW Act and modern awards objective, and the two items listed after those words provide explicit considerations that will *also* be the focus of that part of the Review.
4. As noted by Mr Clarke for the ACTU, paragraph [10] of the President's Statement confines the scope of the review only in respect of the issue outlined in paragraph [4] of that statement. That issue concerns ease of use of awards and does not confine the scope of the Review in relation to the new objects of the FW Act and modern awards objective. Therefore, in NTEU's submission, it is not the case that the Review is confined to considering only those seven Awards in respect of the new objects of the FW Act and modern awards objective.

Given the above, NTEU respectfully requests that there be an opportunity for industry-specific consultation in relation to whether the modern awards are meeting these objectives



National Tertiary Education Union ABN 38 579 396 344
National Office, 1st floor, 120 Clarendon St
PO Box 1323, South Melbourne VIC 3205
phone 03 9254 1910 fax 03 9254 1915
email national@nteu.org.au www.nteu.org.au

and the new FW Act object as part of the Review, as outlined by Ms Wells in the hearing yesterday.

We understand that this correspondence will be published on the Review website.

Yours sincerely,

Campbell Smith
Senior Legal Officer
NTEU National Office

To: Chambers - Gostencnik DP <Chambers.Gostencnik.DP@fwc.gov.au>

Cc: Chambers - Tran C <chambers.tran.c@fwc.gov.au>; Jeane Wells <jwells@nteu.org.au>

Subject: Modern Awards Review 2023-24 - Job Security

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Dear Associate,

We refer to the above matter and attach correspondence for the attention of the Deputy President.

Yours sincerely,
Campbell

Campbell Smith
Senior Legal Officer
National Office

P 0402 194 487 | M 0402 194 487
E csmith@nteu.org.au | nteu.au
Level 1, 120 Clarendon St, Southbank VIC 3006



Please be aware that I finish work at 4pm on Thursdays and do not work Fridays

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