

From: Corey Rabaut <CRabaut@asu.asn.au>
Sent: Friday, 3 September 2021 9:24 AM
To: AMOD <AMOD@fwc.gov.au>
Subject: Casual terms award review [2021] FWCFB 5466

Dear Vice President,

I refer to the matter above.

At [14], the Fair Work Commission is proposing an amendment to the *Clerks – Private Sector Award 2020*:

It has been identified that clause 2 in the Clerks – Private Sector Award 2020 contains an outdated reference to the Divisions comprising the NES. This issue was not identified in the August 2021 statement. As outlined in the July 2021 decision, such provisions are not ‘relevant terms’ but can be updated by the Commission exercising its general award variation powers under Part 2-3 of the Act. Under s.160, the Commission can on its own initiative vary modern awards to remove ambiguity or correct error. As such, we propose to vary the definition of National Employment Standards at clause 2 to insert an additional subclause after paragraph (b) in the extract of s.61 of the Act that appears in clause 2 under the definition of ‘National Employment Standards’ as follows:

“(ba) offers and requests for casual conversion (Division 4A);”

The Commission has asked for any relevant parties to provide a comment.

The ASU does not object to the amendment.

Regards,

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