



DECISION

Fair Work Act 2009

s.158—Application to vary or revoke a modern award

s.160—Variation of modern award to remove ambiguity or uncertainty or correct error

Application by the Australian Retailers Association

(AM2024/9)

GENERAL RETAIL INDUSTRY AWARD 2020

[MA000004]

Retail industry

JUSTICE HATCHER, PRESIDENT

VICE PRESIDENT GIBIAN

COMMISSIONER MATHESON

SYDNEY, 5 JULY 2024

Application to vary the General Retail Industry Award 2020 – proposed variations M and N with slight amendments adopted – provisional view confirmed.

[1] The Australian Retailers Association (ARA) has made an application under ss 158(1) and 160(2)(c) of the *Fair Work Act 2009* (Cth) (FW Act) to vary several provisions of the *General Retail Industry Award 2020* (Retail Award).¹ The ARA proposed 17 variations, marked A through to Q, in its application. Proposed variations C and E have already been determined by a Full Bench of this Commission, with the latter having been determined together with matter AM2023/17.²

[2] On 21 June 2024, we issued a statement³ setting out our provisional view in relation to proposed variations M and N. The statement attached amended versions of those proposed variations and invited interested parties to file submissions in relation to our provisional view by 28 June 2024.

[3] No submissions were received by the above deadline. Accordingly, we confirm our provisional view at paragraph [3] of the 21 June 2024 statement. We consider variations M and N as amended are necessary to resolve ambiguity or uncertainty in clauses 21.2 and 15.7(c) of the Award respectively and should therefore be made pursuant to s 160 of the FW Act.

[4] A determination varying the Retail Award accordingly is issued with this decision. The variations will operate from today, 5 July 2024.



PRESIDENT

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¹ MA000005.

² [\[2024\] FWCFB 197](#); [\[2024\] FWCFB 251](#).

³ [\[2024\] FWCFB 288](#).