



STATEMENT

Fair Work Act 2009

s.157—FWC may vary etc. modern awards if necessary to achieve modern awards objective

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)

Variation at the Commissions own Initiative

(AM2024/33)

Application by Anthony Hicks

(AM2024/26)

Application by The Shop, Distributive and Allied Employees Association

(AM2024/40)

Retail industry

VICE PRESIDENT GIBIAN

SYDNEY, 2 JUNE 2025

Application to vary various clauses of the General Retail Industry Award 2020 – Letter from Hon Amanda Rishworth, Minister for Employment and Workplace Relations – Intention to legislate to protect penalty rates.

[1] On 29 May 2025, the President of the Commission received a letter from the Honourable Amanda Rishworth, Minister for Employment and Workplace Relations, advising of the Governments’ intention to legislate as soon as possible to protect penalty rates in modern awards from being reduced or removed.

[2] The letter refers to the submissions made by the former Minister, the Honourable Murray Watt, in these proceedings regarding penalty rates in the General Retail Industry Award. We publish a copy of the letter with this Statement.

[3] Interested parties are invited to provide submissions in relation to the approach the Commission should take in resolving the proceedings in light of the correspondence from the Minister. In particular, without limiting any submissions the parties may wish to make, the parties are asked to address whether the Commission should consider deferring consideration of the application to include an exemption rate clause in the Award in circumstances of the proposed legislative change.

[4] Submissions in relation to the Minister's letter should be provided to awards@fwc.gov.au by **4:00 pm (AEST) on Monday 16 June 2025**.



VICE PRESIDENT

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