

## FAIR WORK COMMISSION

Matter No.: AM2025/28

### Variation of delegates' rights term in modern awards

#### SUBMISSIONS OF THE AUSTRALIAN SERVICES UNION

*Filed in accordance with the Statement and Direction dated 23 December 2025*

##### 1. The Australian Services Union

1. The Australian Services Union (**ASU**) represents the interests of approximately 135,000 members across the country, in a diversity of industries including local government, energy, water, public transport, airlines, shipping, travel, ports, social and community services, information technology and the private sector clerical and administrative.
2. ASU provides extensive support and training to our delegates as they play an important and direct role in ensuring the rights of their co-workers are upheld and are integral to keeping workplaces accountable to their workers. ASU delegates are a crucial function of our union and hold one of the most important positions in our union, keeping members directly informed and united, as well as supporting and representing other union members at the workplace.

##### 2. Impact of *CFMEU v AIG* [2025] FCAFC 187

3. For the reasons outlined by the Australian Council of Trade Unions (ACTU), the ASU agrees with the Full Bench's provisional view that all modern awards should be varied to include a delegates' rights term pursuant to s.160(1) of the FW Act.
4. The ASU further supports the provisional view expressed in the Statement at [14], for the reasons outlined by the ACTU, that exceptional circumstances justify specifying the variations come into operation on 1 July 2024, pursuant to s.165(2) of the FW Act.

##### 3. Form of the varied delegates' rights term

5. The ASU has considered the draft delegates' rights term set out in Attachment C to the Statement.
6. The ASU has considered the submissions of the ACTU with respect to the content of the draft delegates' rights term. The ASU supports all of the amendments proposed by the ACTU for the reasons outlined in its submissions.

**Lodged by:**

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7. In particular, the ASU adopts the position with respect to proposed XX.9 “Exercise of entitlements under clause XX”. No such obligation ought be included in the model delegates’ rights term contained in modern awards. The ASU adopts the ACTU submissions in this regard.

**16 January 2026**

**Australian Services Union**