



STATEMENT

Fair Work Act 2009

s.157—FWC may vary etc. modern awards if necessary to achieve modern awards objective
s.576(2)(aa)—Promoting cooperative and productive workplace relations and preventing disputes

Modern Awards Review 2023-24 (AM2023/21)

DEPUTY PRESIDENT GOSTENCNIK
COMMISSIONER TRAN

MELBOURNE, 18 DECEMBER 2023

Modern Awards Review 2023-24 – job security – discussion paper published – next steps.

[1] On 15 September 2023, the President issued a statement¹ initiating the Modern Awards Review 2023-24 (Review) following a request from the Minister for Employment and Workplace Relations.² The matter was initiated on the Commission’s own motion under ss 157(3)(a) and 576(2)(aa) of the *Fair Work Act 2009* (Act).

[2] The President’s statement set out the key issues raised by the Minister to be considered in the Review. Relevantly, this includes consideration of whether the terms of modern awards appropriately reflect the new object of the Act and modern awards objective regarding job security, as amended by the *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022*.³ We are the Members responsible for conducting consultation for this aspect of the Review.

[3] The President issued a statement on 4 October 2023⁴ finalising the timetable for the Review. The timetable included the following dates in relation to job security:

18 December 2023:	Discussion/research paper issued.
5 February 2024:	Submissions in response due.
12 February – 8 March 2024:	Consultation with interested parties.

[4] As foreshadowed, a discussion paper concerning job security has been published alongside this statement. The discussion paper has been prepared by staff of the Commission to support the Full Bench’s consideration of the job security aspect of the Review.

[5] A series of questions are posed at the end of the discussion paper. The questions are intended to guide discussion during the consultation process and interested parties are invited to provide responses to these questions as part of their submissions.

[6] Guidance about the process of the Review and how to participate has been published on the Commission's website to assist interested parties: [Modern Awards Review 2023–24 | Fair Work Commission \(fwc.gov.au\)](#). There is also a submissions template to use when making a submission. The Commission generally publishes all correspondence and submissions relating to the review on the [Commission's website](#).

Next steps

Responses to discussion paper

[7] Pursuant to the timetable for the Review, interested parties are invited to file submissions in response to the discussion paper by no later than **12pm (AEDT) Monday, 5 February 2024**.

Consultation

[8] We have set aside the following dates for the consultation process:

- Thursday 15 February 2024
- Wednesday 21 February 2024
- Tuesday 27 February 2024
- Monday 4 March 2024

[9] Interested parties are invited to comment on their intention to participate in the consultation process, the conduct of the consultation process, and the desirability of any additional consultation dates, by no later than **12pm (AEDT) on Monday 5 February 2024**.

[10] Parties filing a submission in response to the discussion paper are to include any comments regarding the consultation process in the same document.

[11] A mention to finalise arrangements for the consultation process will be held at **3pm (AEDT) on Tuesday, 6 February 2024**. A Notice of Listing is published with this Statement.

[12] All correspondence and submissions should be emailed to awards@fwc.gov.au.



DEPUTY PRESIDENT

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¹ [President's statement](#).

² [Letter](#) from the Hon Tony Burke, Minister for Employment and Workplace Relations and Minister for the Arts to Hatcher J, President of the Fair Work Commission, 12 September 2023.

³ [President's statement](#) at [3](2). For the amendments see *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022*, s 346-347, amending *Fair Work Act 2009* ss 3(a) and 134(1) respectively. These amendments took effect on 7 December 2022.

⁴ [\[2023\] FWCFB 179](#)