



# STATEMENT

*Fair Work Act 2009*

cl.95, Schedule 1– FWC to vary certain modern awards

## **Variation of modern awards to include a delegates’ rights term** (AM2024/6)

JUSTICE HATCHER, PRESIDENT

SYDNEY, 30 JANUARY 2024

*Variation of modern awards to include a delegates’ rights term for workplace delegates– Fair Work Legislation Amendment (Closing Loopholes) Act 2023 – commencing process to make a delegates’ rights term –timetable confirmed.*

### **Introduction**

[1] On 18 January 2024, I issued a [statement](#) commencing a process to vary all modern awards so that they include a delegates’ rights term for workplace delegates by 30 June 2024. The process is required following the passage of the *Fair Work Legislation Amendment (Closing Loopholes) Act 2023* (Cth) (Closing Loopholes Act) which received Royal Assent on 14 December 2023 and commenced operation from 15 December 2023.

[2] The 18 January 2024 statement included a draft timetable for the award variation process and interested parties were invited to comment on the draft. One response was received from the [Australian Industry Group](#) (Ai Group). The Ai Group proposed an extension to the dates for filing submissions in reply and submissions in response to draft award terms. It also proposed a change in the dates for consultation.

[3] In preparing the draft timetable, I considered the [draft timetable for the Annual Wage Review 2023-34](#) and the [timetable for the Modern Awards Review 2023-24](#). I also noted that the Commission is required by the Closing Loopholes Act amendments to make determinations varying modern awards by 30 June 2024. In these circumstances, I am unable to accommodate Ai Group’s request to vary the draft timetable.

[4] The final timetable is set out below:

<b>Date</b>	<b>Task or event</b>
Week beginning 19 February 2024	Consultations with peak councils
1 March 2024	Parties to lodge submissions and proposed workplace delegates’ rights terms including any award specific terms required

28 March 2024	Parties to lodge submissions in reply
Week commencing 8 April 2024	Consultation sessions with interested parties
Week beginning 6 May 2024	Draft award terms published for comment
17 May 2024	Comments on draft award terms due
By 28 June 2024	Final determinations varying modern awards published
1 July 2024	Determinations come into operation

[5] This matter will now be allocated to a Full Bench consisting of Vice President Asbury, Deputy President Binet and Commissioner Lim.



PRESIDENT

Printed by authority of the Commonwealth Government Printer

<PR770746>