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**Fair Work Commission: 4 Yearly Review of Modern Awards**

**SUBMISSION REGARDING DICTIONARY DEFINITIONS  
PLAIN LANGUAGE STANDARD CLAUSES:  
NOTICE OF TERMINATION BY EMPLOYEES**

**AUSTRALIAN BUSINESS INDUSTRIAL**

**- and -**

**THE NSW BUSINESS CHAMBER LTD**

**18 DECEMBER 2017**

## 1. INTRODUCTION

- 1.1 This submission is filed on behalf of Australian Business Industrial (**ABI**) and the New South Wales Business Chamber Ltd (**NSWBC**) with respect to matter AM2016/15 - Plain language - standard clauses.
- 1.2 The Full Bench previously issued a Decision ([2017] FWCFB 5258) (**Decision**) and Statement and Directions on 18 October 2017 ([2017] FWCFB 5367) (**Statement**) with respect to this matter.
- 1.3 The matter was also the subject of a hearing before the Full Bench on Friday 15 December 2017 (**Hearing**).
- 1.4 At the Hearing, our clients made submissions in relation to the meaning of the term 'essential' in the context of subsection 142(1)(b) of the *Fair Work Act 2009* (Cth) (**Act**), and the use of both that term and the term 'necessary' in the context of the Act as a whole.
- 1.5 The Full Bench invited our clients to provide dictionary definitions of both terms in an attempt to provide further clarity concerning those submissions.
- 1.6 We have identified the following definitions, using a variety of hard copy and online sources.

**2. CONCISE OXFORD ENGLISH DICTIONARY**

2.1 The Concise Oxford English Dictionary<sup>1</sup> provides definitions of the terms “*essential*” and “*necessary*” as both adjectives and nouns. We have extracted all relevant parts in the table below. Numbering in the table reflects the numbers given to the various definitions within the dictionary.

Term	Adjective	Noun	Origin
Essential	1. Absolutely necessary; extremely important. 2. Central to the nature of something; fundamental: <i>the essential weakness of the plaintiff's case.</i>	(“essentials”) 1. Things that are absolutely necessary. 2. The fundamental elements of something.	Middle English (in the sense ‘in the highest degree’): from late Latin <i>essentialis</i> , from Latin <i>essentia</i> (see <i>essence</i> ).
Necessary	1. Required to be done, achieved, or present; needed. 2. Inevitable: <i>a necessary consequence.</i>	(“necessaries”) 1. The basic requirements of life, such as food and warmth. (“the necessary”) 2. The action or item needed.	Middle English: from Latin <i>necessarius</i> , from <i>necesse</i> (‘be needful’).

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<sup>1</sup> Twelfth Edition, 2011

3. ONLINE OXFORD DICTIONARY

3.1 The online Oxford Dictionary<sup>2</sup> provides definitions of the terms “essential” and “necessary” as both adjectives and nouns. We have extracted all relevant parts in the table below. Numbering in the table reflects the numbers given to the various definitions within the dictionary.

Term	Adjective	Noun	Origin
Essential	<p>1. Absolutely necessary; extremely important.</p> <p><i>‘it is essential to keep up-to-date records’</i></p> <p><i>‘fibre is an essential ingredient of our diet’</i></p> <p>1.1. [attributive] Fundamental or central to the nature of something or someone.</p> <p><i>‘the essential weakness of the plaintiff’s case’</i></p>	<p>2. A thing that is absolutely necessary.</p> <p><i>‘we only had the bare essentials in the way of equipment’</i></p> <p>2.1. <b>essentials</b> The fundamental elements or characteristics of something.</p> <p><i>‘he was quick to grasp the essentials of an opponent’s argument’</i></p>	<p>Middle English (in the sense ‘in the highest degree’): from late Latin <i>essentialis</i>, from Latin <i>essentia</i> (see <i>essence</i>).</p>
Necessary	<p>1. Needed to be done, achieved, or present; essential.</p> <p><i>‘they granted the necessary planning permission’</i></p> <p><i>‘it’s not necessary for you to be here’</i></p> <p>2. Determined, existing, or happening by natural laws</p> <p>Determined, existing, or happening by natural laws or</p>	<p>(usually “necessaries”)</p> <p>2. The basic requirements of life, such as food and warmth.</p> <p><i>‘not merely luxuries, but also the common necessities’</i></p> <p><i>‘poor people complaining for want of the</i></p>	<p>Late Middle English: from Latin <i>necessarius</i>, from <i>necesse</i> ‘be needful</p>

<sup>2</sup> <https://en.oxforddictionaries.com/definition/essential>; <https://en.oxforddictionaries.com/definition/necessary>

	<p>or predestination; inevitable.</p> <p><i>'a necessary consequence'</i></p>	<p><i>necessaries of life'</i></p> <p>1.1 <b>the necessary</b> <i>informal</i> The action or item needed.</p> <p><i>'see when they need a tactful word of advice and do the necessary'</i></p>	
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**4. MACQUARIE DICTIONARY**

4.1 The Macquarie Dictionary<sup>3</sup> provides definitions of the terms “essential” and “necessary” as both adjectives and nouns. We have extracted all relevant parts in the table below. Numbering in the table reflects the numbers given to the various definitions within the dictionary.

Term	Adjective	Noun	Origin
Essential	<p>1. absolutely necessary; indispensable: <i>discipline is essential in an army.</i></p> <p>2. relating to or constituting the essence of a thing.</p> <p>3. having the nature of an essence of a plant, etc.</p> <p>4. being such by its very nature, or in the highest sense: <i>essential happiness; essential poetry.</i></p>	<p>6. an indispensable element; a chief point: <i>concentrate on essentials rather than details.</i></p>	<p>[Middle English, from Late Latin <i>essentiālis</i>. See essence]</p>
Necessary	<p>1. that cannot be dispensed with: <i>a necessary law.</i></p> <p>2. happening or existing by necessity.</p> <p>3. acting or proceeding from compulsion or necessity; not free; involuntary: <i>a necessary agent.</i></p>	<p>5. something necessary, indispensable, or requisite.</p> <p>6. (<i>plural</i>) Law food, clothing, etc., required by dependants or incompetents and varying with their social or economic position or that of the person or persons upon whom they are dependent.</p>	<p>[Middle English, from Latin <i>necessārius</i> unavoidable, indispensable]</p>

<sup>3</sup> Fifth Edition, 2009. See also: [https://www.macquariedictionary.com.au/features/word/search/?word=essential&search\\_word\\_type=Dictionary;](https://www.macquariedictionary.com.au/features/word/search/?word=essential&search_word_type=Dictionary;)  
[https://www.macquariedictionary.com.au/features/word/search/?word=NECESSARY&search\\_word\\_type=Dictionary](https://www.macquariedictionary.com.au/features/word/search/?word=NECESSARY&search_word_type=Dictionary)

5. CAMBRIDGE ADVANCED LEARNERS DICTIONARY ONLINE

5.1 The Cambridge Advanced Learners Dictionary<sup>4</sup> provides definitions of the term “essential” as both an adjective and a noun. There is no noun definition for “necessary”. We have extracted all relevant parts in the table below.

Term	Adjective	Noun
Essential	<p>necessary or needed:</p> <p><i>Government support will be essential if the project is to succeed.</i>  <i>There is essential work to be done before the building can be re-occupied.</i>  <i>Water is essential for/to living things.</i>  <i>It is essential (that) our prices remain competitive.</i>                      [ + to infinitive ] <i>For the experiment to be valid, it is essential to record the data accurately.</i></p>	<p>a basic thing that you cannot live without:</p> <p><i>Because I live in a remote village, I regard my car as an essential.</i>  <i>When we go on holiday, we only take the bare essentials.</i>  <i>This leaflet will give you the essentials of how to prepare for a hurricane.</i></p>
Necessary	<p>needed in order to achieve a particular result:</p> <p><i>He lacks the necessary skills for the job.</i>  <i>I don't have much time so I won't be staying any longer than necessary.</i>  <i>Just do what's necessary and then leave.</i>  <i>If necessary, we can always change the dates of our trip.</i>  <i>Is it necessary for all of us to be present at the meeting this afternoon?</i>  <i>We don't want to take any more luggage with us than is strictly necessary.</i></p>	N/A

<sup>4</sup> <https://dictionary.cambridge.org/dictionary/english/essential> ; <https://dictionary.cambridge.org/dictionary/english/necessary>.

	<p>used in negatives and questions to show that you disapprove of something and do not think it should be used or done:</p> <p><i>I don't think that kind of language is necessary in a show that kids could be watching.</i></p> <p><i>Was it really necessary for you to say that?</i></p>	
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**6. COLLINS ENGLISH DICTIONARY**

6.1 The Collins English Dictionary<sup>5</sup> provides definitions of the term “*essential*” and “*necessary*” as both adjectives and nouns. We have extracted all relevant parts in the table below. Numbering in the table reflects the numbers given to the various definitions within the dictionary.

Term	Adjective	Noun
Essential	1. Vitally important; absolutely necessary. 2. Basic; fundamental: <i>the essential feature</i> . 3. Completely realised; absolute; perfect: <i>essential beauty</i> .	10. Something fundamental or indispensable: <i>a sharp eye is an essential for a printer</i> .
Necessary	1. Needed to achieve a certain desired effect or result; required. 2. Resulting from necessity; inevitable: <i>the necessary consequences of your action</i> .	6. The necessary ( <i>informal</i> ) the money required for a particular purpose.

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<sup>5</sup> Tenth Edition, 2009.

**7. COLLINS DICTIONARY ONLINE**

7.1 The Collins Dictionary<sup>6</sup> online provides definitions of the term “essential” and “necessary” as both adjectives and nouns. We have extracted all relevant parts in the table below. Numbering in the table reflects the numbers given to the various definitions within the dictionary.

Term	Adjective	Noun
Essential	<p>1. Something that is essential is extremely important or absolutely necessary to a particular subject, situation, or activity. <i>It was absolutely essential to separate crops from the areas that animals used as pasture.</i> <i>As they must also sprint over short distances, speed is essential.</i> <i>Jordan promised to trim the city budget without cutting essential services.</i></p> <p>3. The essential aspects of something are its most basic or important aspects. <i>Most authorities agree that play is an essential part of a child's development.</i> <i>In this trial two essential elements must be proven: motive and opportunity.</i></p>	<p>2. (countable noun [usually plural]) The essentials are the things that are absolutely necessary for the situation you are in or for the task you are doing. <i>The flat contained the basic essentials for bachelor life. [+ for]</i></p> <p>4. (plural noun) The essentials are the most important principles, ideas, or facts of a particular subject. <i>...the essentials of everyday life, such as eating and exercise. [+ of]</i> <i>This has stripped the contest down to its essentials.</i> <i>...the bare essentials.</i></p>
Necessary	<p>1. Something that is necessary is needed in order for something else to happen. <i>I kept the engine running because it might be necessary to leave fast. [+ to-infinitive]</i> <i>We will do whatever is necessary to stop them.</i> <i>Is that really necessary?</i> <i>Make the necessary arrangements.</i></p>	<p>(plural noun) Necessaries are things, such as food or clothing, that you need to have in order to live. [old-fashioned] <i>...a small parcel of necessaries tied up in a handkerchief and carried on a stick.</i></p>

<sup>6</sup> <https://www.collinsdictionary.com/dictionary/english/essential>; <https://www.collinsdictionary.com/dictionary/english/necessary>

8. MACMILLAN DICTIONARY ONLINE

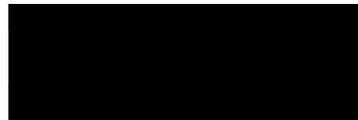
8.1 The Macmillan Dictionary<sup>7</sup> online does not differentiate between its definitions of the terms “essential” and “necessary”. We have extracted all relevant parts in the table below. Numbering in the table reflects the numbers given to the various definitions within the dictionary.

Term	Definition
Essential	<p>1. completely necessary.</p> <p><i>In a large organization, good internal communication is essential.</i></p> <p><b>essential for:</b> <i>Light is absolutely essential for the healthy development of plants.</i></p> <p><b>essential to:</b> <i>He had acquired the skills essential to his later success in politics.</i></p> <p><b>it is essential (that):</b> <i>It is essential that all equipment is properly maintained.</i></p> <p><b>it is essential to do something:</b> <i>If you want to make major changes, it is essential to involve your staff.</i></p> <p><b>essential reading:</b> <i>Her articles are essential reading for anyone interested in the war.</i></p> <p><b>play an essential role/part in something:</b> <i>She has always played an essential part in the smooth running of the business.</i></p> <p>2. the essential features of something are its most basic and typical features</p> <p><i>the essential characteristics of Marxist political thought</i></p> <p><i>The essential difference between us is that I take life seriously</i></p>
Necessary	<p>1 essential or needed in order to do something, provide something, or make something happen</p> <p><i>I don't want to be disturbed unless it's absolutely necessary.</i></p> <p><b>necessary for:</b> <i>basic foods regarded as necessary for health</i></p> <p><b>necessary for:</b> <i>What type of clothing is necessary for survival at these altitudes?</i></p> <p><b>it is necessary for someone to do something:</b> <i>It was necessary for all students to register a week in advance.</i></p>

<sup>7</sup> [https://www.macmillandictionary.com/dictionary/british/essential\\_1](https://www.macmillandictionary.com/dictionary/british/essential_1); [https://www.macmillandictionary.com/dictionary/british/necessary\\_1](https://www.macmillandictionary.com/dictionary/british/necessary_1)

	<p><b>if necessary:</b> <i>I can take your place at the meeting tomorrow if necessary.</i> <b>as necessary:</b> <i>We'll be adding more workers as necessary (=as they are needed).</i></p>
2	<p>certain to happen or exist</p> <p><i>The necessary risks of medicines must be weighed against their benefits.</i></p>

8.2 Should you have any questions about these submissions please contact Kate Thomson on 02 49891003.



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**On behalf of Australian Business Industrial and the NSW Business Chamber Ltd**