

DIRECTIONS

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

4 yearly review of modern awards – Family and domestic violence clause and Family friendly work arrangements

(AM2015/1 and AM2015/2)

JUSTICE ROSS, PRESIDENT

MELBOURNE, 23 FEBRUARY 2015

The ACTU is seeking to vary all 122 modern awards to insert a family and domestic violence clause and a family friendly work arrangements clause. The form of the variations proposed is set out in a document filed by the ACTU on 13 February 2015 and is available on the [FWC website](#).

The Australian Industry Group and the Australian Chamber of Commerce and Industry have identified the following preliminary jurisdictional issues:

- (i) Are any elements of the claims of the ACTU or individual unions inconsistent with Part 2-1 or Part-2-2 of the *Fair Work Act 2009*?
- (ii) Do any elements of the claims of the ACTU or individual unions require terms that are not permitted to be included in a modern award under Part 2-3 of the *Fair Work Act 2009*?
- (iii) Are any elements of the claims of the ACTU or individual unions inconsistent with Part 6-2 of the *Fair Work Act 2009*?
- (iv) Do any elements of the claims of the ACTU or individual unions purport to give the Commission powers which it does not have under the *Fair Work Act 2009*?

It is generally agreed that there preliminary/jurisdictional issues should be heard and determined before any directions are made in relation to the hearing of the merits in respect of the ACTU's claims.

It is directed that:

1. On or before **4.00 pm on Monday 20 April 2015**, the Australian Industry Group, the Australian Chamber of Commerce and Industry and other interested parties are to file in the Commission comprehensive written submissions on the preliminary/jurisdictional issues.

2. On or before **4.00 pm on Monday 15 June 2015**, the ACTU, individual unions and any other interested parties are to file in the Commission reply submissions on the preliminary/jurisdictional issues.
3. The matter will be listed for hearing re jurisdictional issues before a Full Bench on **Monday 6 July 2015**.
4. Leave is granted to apply generally.
5. All material should be sent in a Word document to amod@fwc.gov.au.
6. Copies of any submissions filed in response to these directions will be published on the [AM2015/1—Family and domestic violence clause](#) or [AM2015/2—Family friendly work arrangements](#) pages of the Commission's website.

PRESIDENT