



# STATEMENT AND DIRECTIONS

*Fair Work Act 2009*  
Clause 48 of Schedule 1

## Casual terms award review 2021 (AM2021/54)

JUSTICE ROSS, PRESIDENT  
VICE PRESIDENT HATCHER  
VICE PRESIDENT CATANZARITI  
DEPUTY PRESIDENT EASTON  
COMMISSIONER BISSETT

MELBOURNE, 19 APRIL 2021

*Fair Work Amendment (Supporting Australia's Jobs and Economic Recovery) Act 2021—  
casual amendments—review of modern awards.*

[1] On 9 April 2021 the President issued a Statement<sup>1</sup> setting out a proposed approach to reviewing and varying modern awards based on their interaction with the new casual employee definition and casual conversion arrangements inserted in the *Fair Work Act 2009* (Cth) (FW Act) (the Casual terms review).<sup>2</sup>

[2] In short, it was proposed that the Casual terms review be conducted in two stages:

1. **First stage** - a 5 member Full Bench will consider the nature and scope of Casual terms review, and review relevant terms in a small initial group of modern awards that raise a range of possible interaction issues. The Full Bench will then issue a decision on the outcome of its review and determine the process for the second stage.

The following initial group of 6 awards will be considered in the first stage of the Casual terms review (the Stage 1 Awards):

- *General Retail Industry Award 2020*
- *Hospitality Industry (General) Award 2020*
- *Manufacturing and Associated Industries and Occupations Award 2020*
- *Educational Services (Teachers) Award 2020*
- *Pastoral Award 2020*

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<sup>1</sup> [2021] FWC 1894.

<sup>2</sup> *Fair Work Act 2009* (Cth), Schedule 1, s.48. See *Fair Work Amendment (Supporting Australia's Jobs and Economic Recovery) Act 2021*.

- *Fire Fighting Industry Award 2020.*

2. **Second stage** - a 3 member Full Bench (a subset of the 5 member Full Bench) will review the remaining modern awards in convenient groupings.

[3] On 15 April 2021 a Conference was held to discuss the proposed approach. No substantive objections to the proposed approach were raised during the Conference. A transcript of the Conference is available [here](#).

[4] We are proposing to make the directions set out below:

### **DRAFT DIRECTIONS**

1. All interested parties are to file submissions by **4.00pm (AEST) on Friday, 21 May 2021** responding to the questions in the Discussion Paper published by the Commission on Monday, 19 April 2021 and any other matter the party wishes to raise. If a party is proposing a variation to one of the six Stage 1 Awards then they should also file a proposed draft determination.

Note: The Commission staff will prepare a Submission Summary Document summarising the submissions in respect of each question posed in the Discussion Paper. The Full Bench will issue a statement publishing the Submission Summary Document and expressing some *provisional* views about the issues raised. It is anticipated that the Statement and Submission Summary Document will be published in the week commencing 31 May 2021.

2. All interested parties are to file any reply submissions by **4.00pm (AEST) on Monday, 14 June 2021**. The reply submissions should address any *provisional* views published by the Commission.
3. All submissions are to be sent in word format only to [amod@fwc.gov.au](mailto:amod@fwc.gov.au).
4. Parties are encouraged to subscribe to receive notifications on the [subscription services page](#) of the Commission's website. Any questions about the subscription service can be sent to [amod@fwc.gov.au](mailto:amod@fwc.gov.au).
5. A Hearing will be listed on **Wednesday, 16 June 2021, at 10.30am (AEST)**.

[5] The President will convene a conference on **Thursday 22 April 2021 at 9.30am (AEST)** to provide interested parties with an opportunity to comment on the draft directions.

### PRESIDENT

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