



# 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)

JUSTICE HATCHER, PRESIDENT  
DEPUTY PRESIDENT GOSTENCNIK  
DEPUTY PRESIDENT MILLHOUSE  
DEPUTY PRESIDENT O'NEILL  
COMMISSIONER TRAN

SYDNEY, 24 NOVEMBER 2023

*Modern Awards Review 2023-24 – November 2023 update.*

[1] In a statement published on 4 October 2023,<sup>1</sup> we set out a timetable for the conduct of the Modern Awards Review 2023-24 which was finalised following consultation with interested parties.

[2] This statement provides an update on the progress of the Review. It also provides some further information about how the Review is being conducted and how people can be involved in the Review.

[3] As we mentioned in our 4 October 2023 statement, the process for each of the issues the subject of the Review items will be conducted by a specific member or members of the Full Bench. We confirm that the issues have been divided as follows:

- Arts and culture sector – Deputy President Millhouse
- Job security – Deputy President Gostencnik and Commissioner Tran
- Work and care – Deputy President O'Neill
- Making awards easier to use – Justice Hatcher

[4] Deputy President Millhouse issued a [statement](#) about the arts and culture sector together with a [staff discussion paper](#) on 6 November 2023. The Deputy President conducted a mention on 23 November 2023 for the purpose of finalising the arrangements for the consultation process relating to the arts and culture sector. A [notice of listing](#) confirming the consultation timetable was published on 23 November 2023.

*Additional guidance for interested parties*

[5] As set out in the [President's statement](#) dated 15 September 2023, this Review involves the exercise of the Commission's functions under s 576(2)(aa) of the FW Act and, because the Review may ultimately lead to the variation of one or more modern awards, s 157. The Review will consist of research/discussion papers, written submissions, consultations and a final report. We recognise that there may be a broad range of interested parties that may wish to be involved. To facilitate participation, staff of the Commission have prepared some guidance to assist those who want to be involved in the Review. Attached to this statement is:

- A document explaining the various Review processes, and
- A template for submissions.

[6] All submissions should be sent to [awards@fwc.gov.au](mailto:awards@fwc.gov.au) and will be published on the Commission's website. This email address can also be used for enquiries about the Review process.

*Work and care research*

[7] The Commission has engaged Western Sydney University to produce a report to support the work and care stream of the Review. The report will:

- Analyse existing literature on modern awards, including the modern awards and National Employment Standards framework and its impact on employees' work and caring responsibilities.
- Identify and synthesise the key findings, trends, and emerging themes in the field.
- Analyse existing literature to highlight various factors influencing the relationships between modern awards and employees' ability to balance their caring responsibilities.

[8] The Commission also intends to conduct a survey of employers to gather information about variations to modern award provisions that may assist in offering greater flexibility to employees in respect of balancing work and care. The survey will include questions relating to working from home.

[9] We will publish further details about both the literature review and the survey in the coming months.

PRESIDENT

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## The Modern Awards Review 2023-24

The Fair Work Commission (Commission) has started a review of modern awards after receiving a request from the Minister for Employment and Workplace Relations. The Modern Awards Review 2023-24 (Review) will look at 4 priority topics:

1. **Arts and Culture Sector** – this topic will look at which awards cover workers and the minimum standards in the arts and culture sector.
2. **Job Security** – this topic will consider whether modern award provisions support the objective of promoting job security and the need to improve access to secure work across the economy
3. **Work and Care** – this topic will look at how award terms can impact workers with caring responsibilities.
4. **Making the most commonly-used awards easier to use** – this topic will invite interested parties to make proposals on how to do this, without reducing entitlements for workers.

## Getting involved in the Modern Awards Review 2023-24

Interested parties, including individuals, organisations, and academics, can get involved in the Review. The final timetable sets out the process and key dates for the Review.

Interested parties will be invited to make written submissions and attend consultation hearings as part of the Review. The Commission might also schedule directions hearings to discuss the next steps in the Review. You should attend a directions hearing if you would like to comment on the timetable or other issue about the process for the Review.

Each Review topic has been assigned to a Commission Member who is responsible for inviting written submissions and holding consultation hearings.

## Making a written submission

Written submissions are the legal points that support your arguments. It is useful to prepare a written submission before attending a consultation hearing – it can help you organise your arguments and think about what you want to say. As a guide, the Commission has prepared a submission coversheet and template.

Further information about topics you might want to cover in your written submissions will be outlined in the discussion/issues papers published by the Commission. The closing date for making written submissions on each of the Review topics is outlined in the final timetable.

You should send your written submissions to the Pay Equity and Awards Team at [awards@fwc.gov.au](mailto:awards@fwc.gov.au). All submissions will be published here: [Modern Awards Review 2023–24 | Fair Work Commission \(fwc.gov.au\)](#).

## Preparing for a consultation hearing

The consultation hearings will be public and held by a Commission Member. The consultation hearing date windows are set out in the [final timetable](#). After written submissions are received, the Member will ask interested parties about the specific dates, times, locations, and methods for consultation within the specified window.

At the consultation hearing, the Member will listen to submissions and evidence from interested parties. The Member might also ask you questions about your submission.

## Further information about the Review

You can sign up to the Commission's [subscription service](#) to stay up to date with news about the Review. The Review subscription service is part of the 'Major Cases' subscription.

If you have any questions about the process for the Review or how to file a submission, you can contact the Pay Equity and Awards Team at [awards@fwc.gov.au](mailto:awards@fwc.gov.au).

# MODERN AWARDS REVIEW 2023-24 (AM2023/21)

## SUBMISSION COVER SHEET



**Name** (Please provide the name of the person lodging the submission)

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**Organisation** (If this submission is completed on behalf of an organisation or group of individuals, please provide details)

.....

### Contact details:

Street Address 1: .....

Street Address 2: .....

Suburb/City: .....

Postcode: .....

Email: .....

Telephone: .....

### Modern Award Review Stream:

Arts and Culture:

Job Security:

Work and Care:

Usability of awards:

### How to prepare a submission

Submissions should be emailed to [awards@fwc.gov.au](mailto:awards@fwc.gov.au). Directions set out the due dates for submissions. Directions are issued by a Member of the Commission and will be published on the [Commission website](#).

Make sure you use numbered paragraphs and sign and date your submission.

11 Exhibition Street Melbourne VIC 3000 GPO Box 1994 Melbourne VIC 3001	Telephone: (03) 8661 7777 International: (613) 8661 7777 Facsimile: (03) 9655 0401 Email: <a href="mailto:awards@fwc.gov.au">awards@fwc.gov.au</a>
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Your submission. Provide a summary of your experience and any relevant issues. You may wish to refer to one or more of the issues outlined in the relevant discussion paper.

## **ISSUES**

1. [Using numbered paragraphs, outline the main issues you want the Fair Work Commission to consider as part of the Modern Award Review 2023-34 including your responses to any questions set out in Commission discussion papers. Include, if possible, references to any relevant sections of the *Fair Work Act 2009*, or other legislation or specific clauses in modern awards that apply.]

## **PROPOSALS**

2. [Tell us your proposals to address the issues you have raised in the submission. If you are proposing that the Commission should consider varying an award, you should include draft wording for the proposed variation.]

**Signature:**

**Name:**

**Date:**

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<sup>1</sup> [\[2023\] FWCFB 179](#).