



STATEMENT

Fair Work Act 2009

Schedule 1, cl.111C–FWC to vary certain modern awards

Variation of modern awards to include a right to disconnect term

(AM2024/14)

JUSTICE HATCHER, PRESIDENT

SYDNEY, 26 MARCH 2024

Variation of modern awards to include a right to disconnect term – Fair Work Legislation Amendment (Closing Loopholes No. 2) Act 2024 – commencing process to develop a right to disconnect award term and guidelines – timetable confirmed.

Introduction

[1] On 12 March 2024, I issued a [statement](#) commencing a process to vary all modern awards to include provisions for a right to disconnect term by 26 August 2024. This is a requirement stipulated by the *Fair Work Act 2009* (Cth) following the passage of the *Fair Work Legislation Amendment (Closing Loopholes No. 2) Act 2023* (Closing Loopholes Act (No 2)).

[2] The statement of 12 March 2024 included a proposed timetable for the award variation process and invited comments from interested parties. Responses to the proposed timetable were received from the [Australian Industry Group](#) (Ai Group), the [Australian Council of Trade Unions](#) (ACTU) and [Queensland Law Society](#) (QLS). QLS did not provide any feedback on the timetable. Both the Ai Group and the ACTU proposed amendments to allow the parties additional time to file their submissions in reply. The Ai Group proposed that initial submissions should be filed on 13 May 2024 to allow a period of three weeks to prepare and file submissions in reply by 3 June 2024. The ACTU suggested that submissions in reply should be filed on 10 June 2024 instead of 3 June 2024.

[3] I have decided to adjust the timetable as proposed by the ACTU, which will also accommodate the request of the Ai Group for a three-week period for reply submissions. As 10 June 2024 is a public holiday, parties will be required to lodge submissions in reply by 12:00 pm (AEST) on 11 June 2024. The final timetable is set out below:

Final timetable

Date	Proposed consultation
2-3 May 2024	Consultations with peak councils

20 May 2024	Parties to lodge submissions by 12:00pm AEST on proposed Right to Disconnect term and guidelines, including any award specific matters and the delayed operation for small businesses.
11 June 2024	Parties to lodge submissions in reply by 12:00pm AEST
17-21 June 2024	Consultation sessions with interested parties
15 July 2024	Draft award terms published by the Commission for comment
1 August 2024	Comments on draft award terms due
23 August 2024	Final determinations varying modern awards published
26 August 2024	Determinations come into operation (except small business)
26 August 2025	Determinations come into operation for small business

[4] All submissions should be sent to awards@fwc.gov.au and will be published on the Commission's website. This email address can also be used for enquiries about the matter.

[5] This matter will now be allocated to a Full Bench consisting of myself, Vice President Asbury, Deputy President O'Neill and Commissioner McKinnon.



PRESIDENT

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