



DECISION

Fair Work (Transitional Provisions and Consequential Amendments) Act 2009
Sch. 6, Item 9—Variation and termination of certain instruments due to enterprise instrument modernisation process

Termination of enterprise instruments

(EM2023/1)

JUSTICE HATCHER, PRESIDENT

SYDNEY, 1 NOVEMBER 2023

Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 (Cth) Schedule 6 items 4, 6 and 9 – termination of remaining enterprise instruments – applications to make enterprise awards subsequently withdrawn – application to make an enterprise award resulted in coverage of modern award altered – provisional view confirmed – matter EM2023/112 dismissed – enterprise instruments to be terminated.

[1] In my statement¹ of 12 October 2023, I expressed the provisional view that:

- (1) the application in matter EM2013/112 should be dismissed, given that the employees covered by it are now covered by a modern award; and
- (2) consequent upon (1) above, the *CHC Helicopters (Aircrew/Rescue Crew) Award 2002* (CHC Award) and the 51 modernisable instruments that were set out in Attachment A to that statement are all required to be terminated under item 9(5) of Schedule 6 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth).

[2] Interested parties were invited to respond to my provisional view by 26 October 2023. No substantive submissions were received in response to my provisional view. Accordingly, I confirm my provisional view. An order dismissing matter EM2013/112 is issued with this decision.

[3] The requisite orders to terminate the CHC Award and the other 51 modernisable instruments will issue in due course.



PRESIDENT

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¹ [\[2023\] FWC 2633](#).