



STATEMENT

Fair Work Act 2009

Sch 1, cl 101—Variation of modern awards to resolve an uncertainty or difficulty

Variation on the Commission’s own initiative—Casual employment terms (AM2024/29)

JUSTICE HATCHER, PRESIDENT
VICE PRESIDENT GIBIAN
COMMISSIONER CRAWFORD

SYDNEY, 19 JULY 2024

Variation on the Commission’s own initiative – variation of casual employment terms – Fair Work Legislation Amendment (Closing Loopholes No.2) Act 2024 – provisional views.

[1] On 26 February 2024, the *Fair Work Legislation Amendment (Closing Loopholes No.2) Act 2024* (Cth) (Closing Loopholes No 2 Act) received Royal Assent. The Closing Loopholes No 2 Act significantly amends the *Fair Work Act 2009* (Cth) (FW Act) and includes the following changes with respect to casual employment:

- Repealing the existing definition of ‘casual employee’ in s 15A and introducing a new definition that includes a ‘general rule’ and ‘indicia’, while retaining the concept that a casual has no ‘firm advance commitment to continuing indefinite work’ included in the definition of a casual employee by the *Fair Work Amendment (Supporting Australia’s Jobs and Economic Recovery) Act 2021* (Cth).
- Replacing prior casual conversion arrangements with a new pathway for employees to change from casual employment to full-time or part-time employment. Casual employees may provide their employer with written notification if they believe they no longer meet the requirements to be a casual employee, as set out in subsections 15A(1) to (4). Notification can be provided after 6 months (if the employer is not a small business) or 12 months (for small-business employers) of employment.
- Replacing the process currently set out in s 66M (‘Disputes about the operation of this Division’) with a new process for resolving disputes about changes to casual employment, including by compulsory arbitration through the Commission.

[2] The above amendments will commence from 26 August 2024.¹

[3] The Closing Loopholes No 2 Act introduced clause 101 into the transitional provisions in Schedule 1 to of the FW Act. Clause 101(1)(b) empowers the Commission to make a determination varying a modern award made before the clause’s commencement date of 27 February 2024 either on its own initiative or on application by an employer or employee

organisation entitled to represent the industrial interests of an employer or employee covered by the award.

[4] Clause 101(2) sets out the reasons for which the Commission may make a determination varying a modern award under clause 101(1) as follows:

- (a) to resolve an uncertainty or difficulty relating to the interaction between the instrument and any of the following:
 - (i) the definition of casual employee in section 15A of the amended Act (including to deal with uncertainty or difficulty arising from the circumstances in which employees are to be employed as casual employees under the agreement);
 - (ii) the provisions of Division 4A of Part 2-2 of the amended Act; or
- (b) to make the instrument operate effectively with that section or those provisions.

[5] A variation made under clause 101 will commence on the date specified in the determination (which may be a day before the determination is made).

[6] The Commission has determined to initiate this matter on the Commission's own initiative under clause 101(1)(b)(i) of Schedule 1 to the FW Act to deal with the interaction between the impending changes concerning casual employees and existing modern award terms. We set out our *provisional* views in relation to variations to modern award casual terms at paragraphs [8] to [21] below. It is our view that the proposed variations are necessary to resolve potential uncertainty and difficulty in interactions between existing modern award provisions and the amended FW Act.

Casual employment model term

[7] Following amendments to the FW Act made by the *Fair Work Amendment (Supporting Australia's Jobs and Economic Recovery) Act 2021*, a casual terms award review was initiated by the Commission.² This review resulted in several consequential amendments to the definition of casual employment and casual conversion arrangements in modern awards.

[8] There are currently 144 awards which include a model casual conversion term inserted during the 2021 review. These casual conversion terms, where they appear, require review to ensure they are consistent with the amended provisions of the FW Act. It is our *provisional* view that the standard clause concerning offers and requests for casual conversion should be amended to provide as follows:

X.X Changes to casual employment status

A pathway for employees to change from casual employment to full-time or part-time employment is provided for in the NES. See sections 66A to 66MA of the Act.

NOTE: Disputes about changes to casual employment status may be dealt with under sections 66M and 66MA of the Act and/or under clause X—Dispute resolution.

[9] A list of awards proposed to be varied with the above term is set out at **Attachment A** to this statement.

Notes in the model dispute resolution clauses

[10] Following passage of the *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022*, the Commission commenced a matter on its own initiative that, among other things, inserted two notes at the end of the dispute resolution provisions in 122 modern awards.³ These notes refer to dispute resolution processes with respect to flexible working arrangements and extending parental leave. For consistency, we have formed the *provisional* view that the note should also refer to the new dispute resolution procedure that will be included in included at s 66M of the FW Act. To give effect to this view, we propose that the existing notes be replaced with a single note as follows:

NOTE: In addition to clause X, the Act contains dispute resolution procedures as follows:

For a dispute about rights under the Act to	Section
Request flexible working arrangements	65B
Change casual employment status	66M
Request an extension to unpaid parental leave	76B

[11] A list of awards proposed to be varied with the above note is set out at **Attachment B** to this statement.

National Employment Standards (NES) definitions

[12] There are 9 modern awards with NES provisions that contain an extract of s 61(2) of the FW Act and which currently include the following paragraph:

(ba) offers and requests for casual conversion (Division 4A)

[13] Section 61(2)(ba) has been amended by the Closing Loopholes No 2 Act to reflect the new pathway for employees to change their casual employment status. Consistent with that change, it is our *provisional* view that paragraph (ba) in the relevant award provisions should be replaced with the following:

(ba) casual employment (Division 4A).

[14] A list of awards proposed to be varied this way is set out at **Attachment C** to this statement.

Other modern award provisions

[15] Two modern awards, the *Horse and Greyhound Training Award 2020* (Horse and Greyhound Award) and *Meat Industry Award 2020* (Meat Award), contain non-standard casual conversion provisions. We invite parties to respond to our *provisional* views as to these provisions, which are set out below.

[16] Clause 10.6 of the Horse and Greyhound Award provides the following:

10.6 Casual conversion to full-time or part-time employment

- (a) A casual employee who has been employed on a regular pattern of hours in 12 consecutive weeks must after that time have the right to elect to be engaged as a permanent employee if the employment on a regular pattern of hours continues into the next consecutive week.
- (b) Any eligible employee that elects to convert must thereafter be treated for all purposes of this award as a full-time or part-time employee, as the case may be.
- (c) An employee must not be engaged or re-engaged as a casual employee under clause 10 to avoid any obligation under this award.

[17] Considering this clause during the casual terms award review 2021, a Full Bench of the Commission found the entitlement in clause 10.6 to be of ‘an entirely different character’⁴ to the entitlements conferred in the NES. It was determined to retain this clause in the modern award.⁵ Given this position, it is our *provisional* view that clause 10.6 can continue in its current form under s 55(4)(b) of the FW Act as a term which supplements the NES.

[18] It is possible, however, that an employee may become eligible to provide a notification to their employer under s 66AAB, in circumstances where they have *not* been employed on a regular pattern of hours in 12 consecutive weeks, so as to trigger the election entitlement in clause 10.6. Accordingly, it is our *provisional* view that the following note should be added below clause 10.6 to address any uncertainty:

NOTE: In addition to clause 10.6, a pathway for employees to change from casual employment to full-time or part-time employment is provided for in the NES. See sections 66A to 66MA of the Act. Disputes about changes to casual employment status may be dealt with under sections 66M and 66MA of the Act and/or under clause X—Dispute resolution.

[19] The Meat Award includes both the standard NES referral clause with respect to casual conversion at clause 12.7 and additional provisions for daily hire employees in meat processing establishments at clause 11 and clause 12.8. Clause 12.8 provides for a right for a regular casual employee in a meat processing establishment to request that their employment be converted to daily hire or part-time daily hire employment.

[20] During the casual terms award review 2021, the Full Bench concluded that the NES casual conversion provisions did not contemplate conversion to daily hire employment and that the award provisions should be retained.⁶ The Full Bench formed that conclusion based on the view that, in meat processing establishments, the only viable form of non-casual employment may be daily hire employment, so that there is no realistic capacity to convert to full-time or part-time employment and that, in those circumstances, conversion to daily hire employment is, from the perspective of employees, an important and valuable right.⁷ Given this position, it is our *provisional* view that clause 12.8 can continue in its current form and no amendments to the Meat Award are necessary to address the interaction between casual and daily hire employment.

[21] The Full Bench also adverted to the possibility that a daily hire employee under the Meat Award might be a casual employee, as then defined in s 15A, and inserted particular provisions to address that eventuality, particularly clause 11.11. Given the changes to the definition of a casual employee in the new s 15A, the outcome of an assessment as to whether a particular employee is a casual employee may be different. However, our *provisional* view is that there remains a possibility that a daily hire employee under the Meat Award could be a casual employee as defined in the new s 15A and so it is appropriate to retain the current provisions.

[22] Parties are invited to file submissions as to whether the casual conversion provisions or daily hire provisions in the Meat Award cause any uncertainties or difficulties in light of the amendments to the FW Act.

Next steps

[23] The Commission will establish a variation webpage where all documents relating to the matter will be published. Interested parties are encouraged to subscribe to receive updates.

[24] Parties are invited to respond to our *provisional* views set out at paragraphs [8], [10], [13], [17], [18], [20] and [21] or lodge submissions on other casual terms in modern awards that may lead to uncertainty or difficulties in light of the amendments to the FW Act by **12:00 pm (AEST) on Monday, 29 July 2024**.

[25] With this statement, we have published a sample of draft determinations reflecting our *provisional* views. This sample of determinations includes:

- *General Retail Industry Award 2020*;
- *Hospitality Industry (General) Award 2020*;
- *Manufacturing and Associated Industries and Occupations Award 2020*;
- *Horse and Greyhound Training Award 2020*; and
- *Pastoral Award 2020*.

[26] In the absence of any submissions, final determinations will be issued in accordance with our *provisional* views set out above at paragraphs [8], [10], [13], [17], [18], [20] and [21].



PRESIDENT

Attachment A—Modern awards in which a new standard term is proposed to be inserted

Award title	Award code
<i>Black Coal Mining Industry Award 2020</i>	<u>MA000001</u>
<i>Clerks—Private Sector Award 2020</i>	<u>MA000002</u>
<i>Fast Food Industry Award 2020</i>	<u>MA000003</u>
<i>General Retail Industry Award 2020</i>	<u>MA000004</u>
<i>Hair and Beauty Industry Award 2020</i>	<u>MA000005</u>
<i>Higher Education Industry-Academic Staff-Award 2020</i>	<u>MA000006</u>
<i>Higher Education Industry-General Staff-Award 2020</i>	<u>MA000007</u>
<i>Hospitality Industry (General) Award 2020</i>	<u>MA000009</u>
<i>Manufacturing and Associated Industries and Occupations Award 2020</i>	<u>MA000010</u>
<i>Mining Industry Award 2020</i>	<u>MA000011</u>
<i>Pharmacy Industry Award 2020</i>	<u>MA000012</u>
<i>Racing Clubs Events Award 2020</i>	<u>MA000013</u>
<i>Racing Industry Ground Maintenance Award 2020</i>	<u>MA000014</u>
<i>Rail Industry Award 2020</i>	<u>MA000015</u>
<i>Security Services Industry Award 2020</i>	<u>MA000016</u>
<i>Textile, Clothing, Footwear and Associated Industries Award 2020</i>	<u>MA000017</u>
<i>Aged Care Award 2010</i>	<u>MA000018</u>
<i>Banking, Finance and Insurance Award 2020</i>	<u>MA000019</u>
<i>Building and Construction General On-site Award 2020</i>	<u>MA000020</u>
<i>Business Equipment Award 2020</i>	<u>MA000021</u>
<i>Cleaning Services Award 2020</i>	<u>MA000022</u>
<i>Contract Call Centres Award 2020</i>	<u>MA000023</u>
<i>Cotton Ginning Award 2020</i>	<u>MA000024</u>
<i>Electrical, Electronic and Communications Contracting Award 2020</i>	<u>MA000025</u>
<i>Graphic Arts, Printing and Publishing Award 2020</i>	<u>MA000026</u>
<i>Health Professionals and Support Services Award 2020</i>	<u>MA000027</u>
<i>Horticulture Award 2020</i>	<u>MA000028</u>
<i>Joinery and Building Trades Award 2020</i>	<u>MA000029</u>
<i>Market and Social Research Award 2020</i>	<u>MA000030</u>
<i>Medical Practitioners Award 2020</i>	<u>MA000031</u>
<i>Mobile Crane Hiring Award 2020</i>	<u>MA000032</u>
<i>Nursery Award 2020</i>	<u>MA000033</u>
<i>Nurses Award 2020</i>	<u>MA000034</u>
<i>Pastoral Award 2020</i>	<u>MA000035</u>
<i>Plumbing and Fire Sprinklers Award 2020</i>	<u>MA000036</u>
<i>Road Transport and Distribution Award 2020</i>	<u>MA000038</u>
<i>Road Transport (Long Distance Operations) Award 2020</i>	<u>MA000039</u>
<i>Silviculture Award 2020</i>	<u>MA000040</u>
<i>Telecommunications Services Award 2020</i>	<u>MA000041</u>
<i>Transport (Cash in Transit) Award 2020</i>	<u>MA000042</u>
<i>Waste Management Award 2020</i>	<u>MA000043</u>
<i>Wool Storage, Sampling and Testing Award 2020</i>	<u>MA000044</u>
<i>Coal Export Terminals Award 2020</i>	<u>MA000045</u>

Award title	Award code
<i>Air Pilots Award 2020</i>	<u>MA000046</u>
<i>Aircraft Cabin Crew Award 2020</i>	<u>MA000047</u>
<i>Airline Operations-Ground Staff Award 2020</i>	<u>MA000048</u>
<i>Airport Employees Award 2020</i>	<u>MA000049</u>
<i>Marine Towage Award 2020</i>	<u>MA000050</u>
<i>Port Authorities Award 2020</i>	<u>MA000051</u>
<i>Ports, Harbours and Enclosed Water Vessels Award 2020</i>	<u>MA000052</u>
<i>Stevedoring Industry Award 2020</i>	<u>MA000053</u>
<i>Asphalt Industry Award 2020</i>	<u>MA000054</u>
<i>Cement, Lime and Quarrying Award 2020</i>	<u>MA000055</u>
<i>Concrete Products Award 2020</i>	<u>MA000056</u>
<i>Premixed Concrete Award 2020</i>	<u>MA000057</u>
<i>Registered and Licensed Clubs Award 2020</i>	<u>MA000058</u>
<i>Aluminium Industry Award 2020</i>	<u>MA000060</u>
<i>Gas Industry Award 2020</i>	<u>MA000061</u>
<i>Hydrocarbons Industry (Upstream) Award 2020</i>	<u>MA000062</u>
<i>Passenger Vehicle Transportation Award 2020</i>	<u>MA000063</u>
<i>Hydrocarbons Field Geologists Award 2020</i>	<u>MA000064</u>
<i>Professional Employees Award 2020</i>	<u>MA000065</u>
<i>Surveying Award 2020</i>	<u>MA000066</u>
<i>Journalists Published Media Award 2020</i>	<u>MA000067</u>
<i>Seafood Processing Award 2020</i>	<u>MA000068</u>
<i>Pharmaceutical Industry Award 2020</i>	<u>MA000069</u>
<i>Cemetery Industry Award 2020</i>	<u>MA000070</u>
<i>Timber Industry Award 2020</i>	<u>MA000071</u>
<i>Oil Refining and Manufacturing Award 2020</i>	<u>MA000072</u>
<i>Food, Beverage and Tobacco Manufacturing Award 2020</i>	<u>MA000073</u>
<i>Poultry Processing Award 2020</i>	<u>MA000074</u>
<i>Educational Services (Post-Secondary Education) Award 2020</i>	<u>MA000075</u>
<i>Educational Services (Schools) General Staff Award 2020</i>	<u>MA000076</u>
<i>Book Industry Award 2020</i>	<u>MA000078</u>
<i>Architects Award 2020</i>	<u>MA000079</u>
<i>Amusement, Events and Recreation Award 2020</i>	<u>MA000080</u>
<i>Live Performance Award 2020</i>	<u>MA000081</u>
<i>Sporting Organisations Award 2020</i>	<u>MA000082</u>
<i>Commercial Sales Award 2020</i>	<u>MA000083</u>
<i>Storage Services and Wholesale Award 2020</i>	<u>MA000084</u>
<i>Sugar Industry Award 2020</i>	<u>MA000087</u>
<i>Electrical Power Industry Award 2020</i>	<u>MA000088</u>
<i>Vehicle Repair, Services and Retail Award 2020</i>	<u>MA000089</u>
<i>Wine Industry Award 2020</i>	<u>MA000090</u>
<i>Broadcasting, Recorded Entertainment and Cinemas Award 2020</i>	<u>MA000091</u>
<i>Alpine Resorts Award 2020</i>	<u>MA000092</u>
<i>Marine Tourism and Charter Vessels Award 2020</i>	<u>MA000093</u>
<i>Fitness Industry Award 2020</i>	<u>MA000094</u>
<i>Car Parking Award 2020</i>	<u>MA000095</u>
<i>Dry Cleaning and Laundry Industry Award 2020</i>	<u>MA000096</u>

Award title	Award code
<i>Pest Control Industry Award 2020</i>	<u>MA000097</u>
<i>Ambulance and Patient Transport Industry Award 2020</i>	<u>MA000098</u>
<i>Labour Market Assistance Industry Award 2020</i>	<u>MA000099</u>
<i>Social, Community, Home Care and Disability Services Industry Award 2010</i>	<u>MA000100</u>
<i>Gardening and Landscaping Services Award 2020</i>	<u>MA000101</u>
<i>Travelling Shows Award 2020</i>	<u>MA000102</u>
<i>Supported Employment Services Award 2020</i>	<u>MA000103</u>
<i>Miscellaneous Award 2020</i>	<u>MA000104</u>
<i>Funeral Industry Award 2020</i>	<u>MA000105</u>
<i>Real Estate Industry Award 2020</i>	<u>MA000106</u>
<i>Salt Industry Award 2020</i>	<u>MA000107</u>
<i>Professional Diving Industry (Industrial) Award 2020</i>	<u>MA000108</u>
<i>Professional Diving Industry (Recreational) Award 2020</i>	<u>MA000109</u>
<i>Corrections and Detention (Private Sector) Award 2020</i>	<u>MA000110</u>
<i>Fire Fighting Industry Award 2020</i>	<u>MA000111</u>
<i>Local Government Industry Award 2020</i>	<u>MA000112</u>
<i>Water Industry Award 2020</i>	<u>MA000113</u>
<i>Aquaculture Industry Award 2020</i>	<u>MA000114</u>
<i>Aboriginal and Torres Strait Islander Health Workers and Practitioners and Aboriginal Community Controlled Health Services Award 2020</i>	<u>MA000115</u>
<i>Legal Services Award 2020</i>	<u>MA000116</u>
<i>Mannequins and Models Award 2020</i>	<u>MA000117</u>
<i>Animal Care and Veterinary Services Award 2020</i>	<u>MA000118</u>
<i>Restaurant Industry Award 2020</i>	<u>MA000119</u>
<i>Children's Services Award 2010</i>	<u>MA000120</u>
<i>State Government Agencies Award 2020</i>	<u>MA000121</u>
<i>Telstra Award 2015</i>	<u>MA000123</u>
<i>Australian Public Service Enterprise Award 2015</i>	<u>MA000124</u>
<i>Nurses and Midwives (Victoria) State Reference Public Sector Award 2015</i>	<u>MA000125</u>
<i>Printing Industry – Herald & Weekly Times – Production Award 2015</i>	<u>MA000126</u>
<i>Chullora Printing Award 2015</i>	<u>MA000127</u>
<i>Queensland Newspapers Pty Ltd Printing (Murarrie) Award 2015</i>	<u>MA000128</u>
<i>Northern Territory News Award 2015</i>	<u>MA000129</u>
<i>Metropolitan Newspapers (South Australia and Tasmania) Printing Award 2015</i>	<u>MA000130</u>
<i>Nurses (ANMF - Victorian Local Government) Award 2015</i>	<u>MA000131</u>
<i>Victorian Local Government Award 2015</i>	<u>MA000132</u>
<i>Optus Award 2015</i>	<u>MA000133</u>
<i>Viterra Bulk Handling and Storage of Grains, Pulses and Minerals Award 2015</i>	<u>MA000136</u>
<i>Australia Post Enterprise Award 2015</i>	<u>MA000137</u>
<i>GrainCorp Country Operations Award 2015</i>	<u>MA000138</u>
<i>Aboriginal Legal Rights Movement Award 2016</i>	<u>MA000139</u>

Award title	Award code
<i>Reserve Bank of Australia Award 2016</i>	<u>MA000140</u>
<i>Airservices Australia Enterprise Award 2016</i>	<u>MA000141</u>
<i>Australian Federal Police Enterprise Award 2016</i>	<u>MA000142</u>
<i>Australian Bureau of Statistics (Interviewers) Enterprise Award 2016</i>	<u>MA000143</u>
<i>Parliamentary Departments Staff Enterprise Award 2016</i>	<u>MA000145</u>
<i>Australian Capital Territory Public Sector Enterprise Award 2016</i>	<u>MA000146</u>
<i>Australian Broadcasting Corporation Enterprise Award 2016</i>	<u>MA000147</u>
<i>CSIRO Enterprise Award 2016</i>	<u>MA000148</u>
<i>Christmas Island Administration Enterprise Award 2016</i>	<u>MA000149</u>
<i>Victorian Local Government (Early Childhood Education Employees) Award 2016</i>	<u>MA000150</u>
<i>Northern Territory Public Sector Enterprise Award 2016</i>	<u>MA000151</u>
<i>Australian Government Industry Award 2016</i>	<u>MA000153</u>
<i>Note Printing Australia Award 2016</i>	<u>MA000156</u>
<i>Health Professionals, Medical Scientists and Support Services (Victoria) State Reference Public Sector Award 2018</i>	<u>MA000157</u>

Attachment B—Modern awards in which a note is proposed to be inserted referring to the new dispute resolution procedures for casual employment in the FW Act

Award title	Award code
<i>Black Coal Mining Industry Award 2020</i>	<u>MA000001</u>
<i>Clerks—Private Sector Award 2020</i>	<u>MA000002</u>
<i>Fast Food Industry Award 2020</i>	<u>MA000003</u>
<i>General Retail Industry Award 2020</i>	<u>MA000004</u>
<i>Hair and Beauty Industry Award 2020</i>	<u>MA000005</u>
<i>Higher Education Industry-Academic Staff-Award 2020</i>	<u>MA000006</u>
<i>Higher Education Industry-General Staff-Award 2020</i>	<u>MA000007</u>
<i>Horse and Greyhound Training Award 2020</i>	<u>MA000008</u>
<i>Hospitality Industry (General) Award 2020</i>	<u>MA000009</u>
<i>Manufacturing and Associated Industries and Occupations Award 2020</i>	<u>MA000010</u>
<i>Mining Industry Award 2020</i>	<u>MA000011</u>
<i>Pharmacy Industry Award 2020</i>	<u>MA000012</u>
<i>Racing Clubs Events Award 2020</i>	<u>MA000013</u>
<i>Racing Industry Ground Maintenance Award 2020</i>	<u>MA000014</u>
<i>Rail Industry Award 2020</i>	<u>MA000015</u>
<i>Security Services Industry Award 2020</i>	<u>MA000016</u>
<i>Textile, Clothing, Footwear and Associated Industries Award 2020</i>	<u>MA000017</u>
<i>Aged Care Award 2010</i>	<u>MA000018</u>
<i>Banking, Finance and Insurance Award 2020</i>	<u>MA000019</u>
<i>Building and Construction General On-site Award 2020</i>	<u>MA000020</u>
<i>Business Equipment Award 2020</i>	<u>MA000021</u>
<i>Cleaning Services Award 2020</i>	<u>MA000022</u>
<i>Contract Call Centres Award 2020</i>	<u>MA000023</u>
<i>Cotton Ginning Award 2020</i>	<u>MA000024</u>
<i>Electrical, Electronic and Communications Contracting Award 2020</i>	<u>MA000025</u>
<i>Graphic Arts, Printing and Publishing Award 2020</i>	<u>MA000026</u>
<i>Health Professionals and Support Services Award 2020</i>	<u>MA000027</u>
<i>Horticulture Award 2020</i>	<u>MA000028</u>
<i>Joinery and Building Trades Award 2020</i>	<u>MA000029</u>
<i>Market and Social Research Award 2020</i>	<u>MA000030</u>
<i>Medical Practitioners Award 2020</i>	<u>MA000031</u>
<i>Mobile Crane Hiring Award 2020</i>	<u>MA000032</u>
<i>Nursery Award 2020</i>	<u>MA000033</u>
<i>Nurses Award 2020</i>	<u>MA000034</u>
<i>Pastoral Award 2020</i>	<u>MA000035</u>
<i>Plumbing and Fire Sprinklers Award 2020</i>	<u>MA000036</u>
<i>Road Transport and Distribution Award 2020</i>	<u>MA000038</u>
<i>Road Transport (Long Distance Operations) Award 2020</i>	<u>MA000039</u>
<i>Silviculture Award 2020</i>	<u>MA000040</u>
<i>Telecommunications Services Award 2020</i>	<u>MA000041</u>
<i>Transport (Cash in Transit) Award 2020</i>	<u>MA000042</u>
<i>Waste Management Award 2020</i>	<u>MA000043</u>

Award title	Award code
<i>Wool Storage, Sampling and Testing Award 2020</i>	<u>MA000044</u>
<i>Coal Export Terminals Award 2020</i>	<u>MA000045</u>
<i>Air Pilots Award 2020</i>	<u>MA000046</u>
<i>Aircraft Cabin Crew Award 2020</i>	<u>MA000047</u>
<i>Airline Operations-Ground Staff Award 2020</i>	<u>MA000048</u>
<i>Airport Employees Award 2020</i>	<u>MA000049</u>
<i>Marine Towage Award 2020</i>	<u>MA000050</u>
<i>Port Authorities Award 2020</i>	<u>MA000051</u>
<i>Ports, Harbours and Enclosed Water Vessels Award 2020</i>	<u>MA000052</u>
<i>Stevedoring Industry Award 2020</i>	<u>MA000053</u>
<i>Asphalt Industry Award 2020</i>	<u>MA000054</u>
<i>Cement, Lime and Quarrying Award 2020</i>	<u>MA000055</u>
<i>Concrete Products Award 2020</i>	<u>MA000056</u>
<i>Premixed Concrete Award 2020</i>	<u>MA000057</u>
<i>Registered and Licensed Clubs Award 2020</i>	<u>MA000058</u>
<i>Meat Industry Award 2020</i>	<u>MA000059</u>
<i>Aluminium Industry Award 2020</i>	<u>MA000060</u>
<i>Gas Industry Award 2020</i>	<u>MA000061</u>
<i>Hydrocarbons Industry (Upstream) Award 2020</i>	<u>MA000062</u>
<i>Passenger Vehicle Transportation Award 2020</i>	<u>MA000063</u>
<i>Hydrocarbons Field Geologists Award 2020</i>	<u>MA000064</u>
<i>Professional Employees Award 2020</i>	<u>MA000065</u>
<i>Surveying Award 2020</i>	<u>MA000066</u>
<i>Journalists Published Media Award 2020</i>	<u>MA000067</u>
<i>Seafood Processing Award 2020</i>	<u>MA000068</u>
<i>Pharmaceutical Industry Award 2020</i>	<u>MA000069</u>
<i>Cemetery Industry Award 2020</i>	<u>MA000070</u>
<i>Timber Industry Award 2020</i>	<u>MA000071</u>
<i>Oil Refining and Manufacturing Award 2020</i>	<u>MA000072</u>
<i>Food, Beverage and Tobacco Manufacturing Award 2020</i>	<u>MA000073</u>
<i>Poultry Processing Award 2020</i>	<u>MA000074</u>
<i>Educational Services (Post-Secondary Education) Award 2020</i>	<u>MA000075</u>
<i>Educational Services (Schools) General Staff Award 2020</i>	<u>MA000076</u>
<i>Book Industry Award 2020</i>	<u>MA000078</u>
<i>Architects Award 2020</i>	<u>MA000079</u>
<i>Amusement, Events and Recreation Award 2020</i>	<u>MA000080</u>
<i>Live Performance Award 2020</i>	<u>MA000081</u>
<i>Sporting Organisations Award 2020</i>	<u>MA000082</u>
<i>Commercial Sales Award 2020</i>	<u>MA000083</u>
<i>Storage Services and Wholesale Award 2020</i>	<u>MA000084</u>
<i>Sugar Industry Award 2020</i>	<u>MA000087</u>
<i>Electrical Power Industry Award 2020</i>	<u>MA000088</u>
<i>Vehicle Repair, Services and Retail Award 2020</i>	<u>MA000089</u>
<i>Wine Industry Award 2020</i>	<u>MA000090</u>
<i>Broadcasting, Recorded Entertainment and Cinemas Award 2020</i>	<u>MA000091</u>
<i>Alpine Resorts Award 2020</i>	<u>MA000092</u>
<i>Marine Tourism and Charter Vessels Award 2020</i>	<u>MA000093</u>

Award title	Award code
<i>Fitness Industry Award 2020</i>	<u>MA000094</u>
<i>Car Parking Award 2020</i>	<u>MA000095</u>
<i>Dry Cleaning and Laundry Industry Award 2020</i>	<u>MA000096</u>
<i>Pest Control Industry Award 2020</i>	<u>MA000097</u>
<i>Ambulance and Patient Transport Industry Award 2020</i>	<u>MA000098</u>
<i>Labour Market Assistance Industry Award 2020</i>	<u>MA000099</u>
<i>Social, Community, Home Care and Disability Services Industry Award 2010</i>	<u>MA000100</u>
<i>Gardening and Landscaping Services Award 2020</i>	<u>MA000101</u>
<i>Travelling Shows Award 2020</i>	<u>MA000102</u>
<i>Supported Employment Services Award 2020</i>	<u>MA000103</u>
<i>Miscellaneous Award 2020</i>	<u>MA000104</u>
<i>Funeral Industry Award 2020</i>	<u>MA000105</u>
<i>Real Estate Industry Award 2020</i>	<u>MA000106</u>
<i>Salt Industry Award 2020</i>	<u>MA000107</u>
<i>Professional Diving Industry (Industrial) Award 2020</i>	<u>MA000108</u>
<i>Professional Diving Industry (Recreational) Award 2020</i>	<u>MA000109</u>
<i>Corrections and Detention (Private Sector) Award 2020</i>	<u>MA000110</u>
<i>Local Government Industry Award 2020</i>	<u>MA000112</u>
<i>Water Industry Award 2020</i>	<u>MA000113</u>
<i>Aquaculture Industry Award 2020</i>	<u>MA000114</u>
<i>Aboriginal and Torres Strait Islander Health Workers and Practitioners and Aboriginal Community Controlled Health Services Award 2020</i>	<u>MA000115</u>
<i>Legal Services Award 2020</i>	<u>MA000116</u>
<i>Mannequins and Models Award 2020</i>	<u>MA000117</u>
<i>Animal Care and Veterinary Services Award 2020</i>	<u>MA000118</u>
<i>Restaurant Industry Award 2020</i>	<u>MA000119</u>
<i>Children's Services Award 2010</i>	<u>MA000120</u>
<i>State Government Agencies Award 2020</i>	<u>MA000121</u>
<i>Victorian Local Government Award 2015</i>	<u>MA000132</u>

Attachment C — modern awards with provisions that contain an extract of s 61(2) of the FW Act

Award title	Award code
<i>Clerks—Private Sector Award 2020</i>	<u>MA000002</u>
<i>Fast Food Industry Award 2020</i>	<u>MA000003</u>
<i>General Retail Industry Award 2020</i>	<u>MA000004</u>
<i>Hair and Beauty Industry Award 2020</i>	<u>MA000005</u>
<i>Hospitality Industry (General) Award 2020</i>	<u>MA000009</u>
<i>Pharmacy Industry Award 2020</i>	<u>MA000012</u>
<i>Security Services Industry Award 2020</i>	<u>MA000016</u>
<i>Cleaning Services Award 2020</i>	<u>MA000022</u>
<i>Restaurant Industry Award 2020</i>	<u>MA000119</u>

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¹ Ibid s 2(1) item 2.

² Matter [AM2021/54](#); [\[2021\] FWC 1894](#); [\[2021\] FWCFB 144](#).

³ See [\[2023\] FWCFB 76](#) [8]–[9], [12]; [\[2023\] FWCFB 107](#) [7].

⁴ [\[2021\] FWCFB 5530](#) [147].

⁵ Ibid [143]–[147].

⁶ Ibid [102]–[119].

⁷ Ibid [117].