



DIRECTIONS

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

4 yearly review of modern awards—Award flexibility (AM2014/300)

JUSTICE ROSS, PRESIDENT

MELBOURNE, 15 JULY 2016

Further to the decisions issued by the Full Bench on 8 July 2016¹ and 11 July 2016² it is directed that:

1. Draft variation determinations for 73 modern awards will be published on the Fair Work Commission [website](#) by close of business on 15 July 2016.
2. Any comments on the draft variation determinations are to be filed **by 4.00 pm on Friday 22 July 2016**.

Note: Parties can comment on the form of the determinations but this should not be viewed as an opportunity to re-agitate issues already determined by the relevant decisions.

3. In respect of the *Book Industry Award 2010*, the Full Bench's provisional view is that the current TOIL term in this award does not provide a fair and relevant safety net and on that basis does not achieve the modern awards objective. A draft variation determination has been published deleting the existing TOIL provision and inserting the model term into this award.

The TOIL terms in the *Children's Services Award 2010* and *Supported Employment Services Award 2010* have not been the subject of any argument to date and the Full Bench proposes to adopt the provisional view that these two modern awards should be varied to delete the existing TOIL provisions and to insert the model term and the associated schedule.

Any comments on these three draft variation determinations are to be filed **by 4.00 pm on Friday 29 July 2016**. If there is no opposition to the draft variation determinations the Full Bench will make variation determinations in those terms.

¹ [\[2016\] FWCFB 4258](#)

² [\[2016\] FWCFB 4579](#)

4. In the event that the draft variation determinations in item 3 are opposed, the matter will be listed for further hearing before the Full Bench **on 24 August 2016**. Written submissions opposing the provisional view should be filed by **Wednesday 17 August 2016**.

5. In respect of the *Mobile Crane Hiring Award 2010* and the *Amusement, Events and Recreation Award 2010*, the Full Bench has expressed the provisional view that the requirement for majority approval in these two modern awards is not consistent with the nature of the facilitation provided. Further, the Full Bench's provisional view is that these two existing provisions do not achieve the modern awards objective.

These awards will be listed for further hearing before the Full Bench on **Wednesday 24 August 2016**. Written submissions opposing the provisional view should be filed by **Wednesday 17 August 2016**.

6. Leave is granted to apply generally.

7. All material should be sent to amod@fwc.gov.au.

PRESIDENT