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# Update Summary

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**NATIONAL WORKPLACE RELATIONS**

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## COMMENTARY

Aaron Neal has provided the following commentary.

### *Fair Work Act 2009*

#### **Chapter 2 – Terms and conditions of employment**

Enterprise agreements having to include a consultation term is discussed in regard to *Forestry and Maritime Employees Union v DP World Melbourne Ltd (t/as DP World Melbourne)* [2024] FWCFB 317. See [FWA.205.20].

*Transdev Sydney Pty Ltd v Australian Rail, Tram and Bus Industry Union* [2024] FWC 3594 is referred to at [FWA.235.40].

Section 266 – When the FWC must make an industrial action related workplace determination – is considered with reference to *Australian Rail Track Corporation Limited v Australian Rail, Tram and Bus Industry Union* [2024] FCAFC 170. See [FWA.266.20].

Agreed terms are looked at with reference to *Transport Workers' Union of Australia v Cleanaway Operations Pty Ltd (t/as Cleanaway Operations Pty Ltd)* [2024] FWCFB 287, *Transport Workers' Union of Australia v Cleanaway Operations Pty Ltd (t/as Cleanaway Operations Pty Ltd)* [2024] FWCFB 305 and *United Firefighters' Union of Australia v Fire Rescue Victoria (t/as FRV)* [2024] FWCFB 43. See [FWA.270.40].

#### **Chapter 3 – Rights and responsibilities of employees, employers, organisations etc.**

Personal safety or the health or the welfare of the population is discussed with reference to *Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia v NSW Electricity Networks Operations Pty Ltd* [2024] FWCFB 365, *Sydney Trains v Australian Rail, Tram and Bus Industry Union*

[2024] FCA 1479 and *Australian Rail, Tram and Bus Industry Union v Sydney Trains*  
[2024] FWC 3419. See [FWA.424.100].

### ***Fair Work (Registered Organisations) Act 2009***

#### **Chapter 11 – Miscellaneous**

New commentary is provided on Part 2A – Administration of the Construction and General Division of the CFMEU and its branches. See [FWROA.Pt2A.10].

#### **Schedules**

New commentary is provided on Schedule 3 – Applications for withdrawal from the CFMEU. See [FWROA.Sch3.10].

### ***Fair Work in the Building and Construction Industry***

Legislative framework is discussed in regard to the Construction and General Division of the Construction, Forestry, and Maritime Employees Union being placed under administration for a period of up to five years. See [BCI.10].

### ***Competition and Consumer Act 2010***

Position of contractors is considered with reference to *J Hutchinson Pty Ltd v Australian Competition and Consumer Commission* [2024] FCAFC 18. See [CCA.45E.40].

