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13 March 2019

The Hon Justice Ross AO
President
Fair Work Commission
11 Exhibition Street
Melbourne VIC 3000

Dear Justice Ross

Re. AM2014/1 – 4 Yearly Review of Modern Awards – Award Stage – Group 2 Awards

We refer to the Statement issued by the Commission on 13 February 2019 relating to the process for finalising exposure drafts ([2019] FWCFB 932).

The Statement include the following advice to interested parties:

“**[5]** A timeline for the publication of these documents and submission deadlines for interested parties is set out at below. The timeline sets out dates for the republication and finalisation of exposure drafts throughout 2019. Parties will be provided an opportunity to comment on updated exposure drafts three times throughout 2019, prior to the exposure drafts being finalised in October 2019. These three updates are as follows:

- **Update 1***: An update incorporating changes resulting from:
 - (a) recent technical and drafting decisions for each group (1–4) of the award stage;
 - (b) recent common issues and plain language decisions including payment of wages on termination, standard clauses, National Training Wage, family and domestic violence leave, flexible working arrangements, part-day public holidays, casual conversion, minimum engagement and abandonment of employment; and
 - (c) adjustments to rates and allowances resulting from the *2017-18 Annual Wage Review decision* and any award variations operative since the last update.
- **Update 2***: A further update incorporating changes resulting from parties submissions regarding update 1 and the plain language ‘light touch’ process, which will include structural changes to exposure drafts in groups 1-3 (these structural changes have already been made to exposure drafts in group 4).
- **Update 3***: A further update incorporating adjustments to rates and allowances resulting from the 2018-19 Annual Wage Review decision and any changes resulting from parties submissions regarding update 2.



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*These updates will also incorporate any changes resulting from substantive claims heard by separate full benches, outstanding common issues or any other matters that may be determined in the timeframe.”

We note that the Commission intends to give parties the opportunity to comment on exposure drafts three times before they are finalised in October 2019.

Ai Group has an interest in most modern awards in Group 2 and it is an extremely resource-intensive process to carefully check all exposure drafts in which we have an interest. Due to resource constraints, we have not been able to carefully check all relevant Group 2 exposure drafts at the “Update 1” stage. However, we intend to do so after “Update 2” and to inform the Commission of any concerns or suggestions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Smith'.

Stephen Smith
Head of National Workplace Relations Policy