

Ai GROUP SUBMISSION

Fair Work Commission

Annual Wage Review 2019-20

**Submission on timetable
variation**

1 April 2020

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GROUP

Submission on timetable variation

We refer to the Statement of President Ross of 23 March 2020¹ regarding the timetable for the Annual Wage Review 2019-20.

At Paragraph [3] of the Statement, the following is proposed:

[3] Further, responding to the consequences of the COVID-19 pandemic is drawing heavily on the resources of each party. In these circumstances, the 2019–20 Review will be varied as follows:

- *reply submissions from 9 April 2020 to 23 April 2020;*
- *final consultations scheduled for May will not proceed; and*
- *Questions on notice for parties will be published by 3 April 2020.*

Ai Group supports the proposed 23 April 2020 deadline for reply submissions, or a slightly later deadline.

At Paragraph [5] of the Statement, the following Ai Group proposals are set out:

[5] We note the submission from the Australian Industry Group (Ai Group) that ‘there is obvious merit in the Commission delaying the Annual Wage Review 2019–20 Decision until the Q1 2020 National Accounts statistics have been released by the ABS on 3 June and properly considered.’ Ai Group have proposed the following:

- *that the timetable for the 2019–20 Review should be amended to allow all interested parties to file a further written submission by Monday 8 June 2020 following the release of the March quarter 2020 National Accounts on 3 June 2020;*
- *that the Expert Panel should not hand down the 2019–20 Review decision until the March quarter 2020 National Accounts and the proposed 8 June 2020 round of submissions have been considered; and*
- *‘exceptional circumstances’, for the purposes of ss.286(2) and 287(4) of the Fair Work Act 2009 (Cth), justify an operative date of 15 July 2020 this year (i.e. a delayed operative date of two weeks).*

¹ [2020] FWC 1544.

With regard to the proposed 15 July 2020 operative date, if the Expert Panel is of the view that it cannot determine that “exceptional circumstances” exist at the current early stage of the proceedings, an operative date for any wage increase should not be reflected in the timetable. In any event, the National Accounts figures that will be released on 3 June may demonstrate that “exceptional circumstances” exist which justify a later operative date than 15 July for any wage increase (e.g. 1 January 2021).

With regard to the final consultations, we support the cancellation of those scheduled for 19 and 20 May. However, we submit that one day of final consultations (by Skype, Zoom or similar technology, or by telephone) should be scheduled to allow parties to make short oral submissions and to address any further questions that the Expert Panel may wish to raise. Ideally, these consultations would take place shortly after the proposed 8 June 2020 submissions are filed (say on 11 or 12 June).