

## In the Fair Work Commission

### AM2017/60 – Four Yearly Review of Modern Awards – General Retail Industry Award 2020 – Substantive Issues

1. The Full Bench in delivering reasons for decision in the above matter on 24 November 2020, issued directions in the following terms:

*“[103] Any party opposed to our provisional view in respect of the operative date of the variation determination is to file a short written submission setting out their opposition by 4pm Tuesday, 1 December 2020. Any submissions in reply are to be filed by 4pm Thursday, 3 December 2020. In the event that there are no submissions opposing our provisional view we will issue the variation determination, operative 1 February 2021. If the matter is contested we will determine the operative date on the papers.”*

2. The NRA filed submissions on 1 December 2020 in purported compliance with the directions issued by the Full Bench which:
  - (A) Without leave to do so, contests the correctness of the decision as made; and
  - (B) Otherwise opposes the provisional determination of the Full Bench to vary the Award with operative effect on and from 1 February 2021 without condescending to identify or propose any alternative (implicitly later) date.
3. The SDA notes the submissions filed by the NRA on 1 December 2020 go much further than was proposed by the Full Bench. The SDA continues to press for implementation of the variation as soon as possible but notes that the implementation date proposed by the Full Bench aligns with the minimum rates increase already programmed.
4. It further submits that there is no basis upon which the bench could reconsider its decision arising from the NRA submission and does not propose to reargue the case after the decision has been delivered.

**Dated:** 2 December 2020

**A J MACKEN & CO.**