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1 April 2020

The Hon Justice Ross
President
Fair Work Commission
11 Exhibition St
MELBOURNE VIC 3000

By email: awr@fwc.gov.au

Dear President Ross,

Annual Wage Review 2019-20

ACCI welcomes the opportunity to make a short submission in relation to timetable of the Annual Wage Review, as per the Statement issued on 23 March 2020 ([2020] FWC 1544) (Statement).

Reply submissions

ACCI does not oppose the proposal that the closing date for reply submissions be changed to "from 9 April 2020 to 23 April 2020".

Final consultations

The FWC proposes in its Statement that "final consultations scheduled for May will not proceed".

It is ACCI's strong view that final consultations should still be held to enable parties and the newly constituted Expert Panel to engage on the important considerations, in particular on the impacts of COVID-19 crisis and the exceptional environment, challenges and uncertainty we are facing, and their relevance to the determination to be made in the wage review. We are of the view that wage reviews should not be considered 'on the papers' alone, and that if anything it is of added importance in 2020 that parties engage with panel members and arguments engaged with.

The current pandemic is an event rarely seen in history, particularly not in the post-federation, industrialised, contemporary history of our nation and world. It is important that key interests representing employers and employees have an opportunity to engage with the minimum wage decision makers, to encapsulate the approach they are commending to the Panel and to respond to any questions / lines of inquiry and consideration.

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Added to this, information and circumstances are changing rapidly and may change materially between the lodgement of reply submissions and 8 June.

We suggest that technology could be utilised which would enable parties to not physically attend the Commission for such consultations.

Decision / determination timing

The FWC has invited parties to respond to the following proposal, and to provide any other views that they have in relation to the timetable for the 2019-20 Annual Wage Review:

- 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).

ACCI does not oppose such this approach, recalling however that in more usual circumstances it remains important, as the Panel has previously recognised, that there be a due period of notice prior to the commencement of any increase.

We thank the Expert Panel for its flexibility throughout this process, which may need to extend to further developments in coming weeks.

Yours sincerely

Scott Barklamb

Director – Workplace Relations