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3 June 2016

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

Dear Justice Ross,

**Re. AM2016/13 Annualised salaries**

We refer to the above matter and the statement issued by Your Honour on 31 May 2016.

At Attachment A of the aforementioned statement, submissions received by the Fair Work Commission in relation to annualised salary clauses have been identified. Those claims have been referred to a separately constituted Full Bench (Annualised Salaries Full Bench).

In addition to the awards listed at Attachment A, the Australian Industry Group (Ai Group) is aware of two modern awards which, in the context of the 4 yearly review, are the subject of claims regarding annualised salary clauses. Those awards and the relevant claims can be summarised as follows:

Award	Party seeking variation	Claim	Link to submission
Health Professionals and Support Services Award 2010	Ai Group	Seek to insert annualised salary provision	<a href="#">Submission of 28 November 2014</a>
Health Professionals and Support Services Award 2010	Chiropractors' Association of Australia	Seek to insert annualised salary provision	<a href="#">Submission of 25 November 2014</a>
Legal Services Award 2010	Russell Kennedy and others	Seek to vary clause 30.1	<a href="#">Submission of 2 March 2015</a>
Legal Services Award 2010	Australian Services Union	Seek to vary clause 30.1	<a href="#">Submission of 2 March 2015</a>

It is our view that these claims should be referred to the Annualised Salaries Full Bench. Such an approach is consistent with paragraph [13] of the statement, which identifies the rationale underpinning the referral of the matters at Attachments A and B to a separate Full Bench; that being to "ensure consistent decision making" and that "all relevant issues in relation to annualised salary arrangements are canvassed".

The above claims may give rise to similar considerations as those that are relevant to the claims listed at Attachment A to the statement. Furthermore, a review of the annualised salary clause in the *Legal Services Award 2010* has been referred to the Annualised Salaries Full Bench (see Attachment B to the statement).

Accordingly, we respectfully request that the matters identified above be referred to the Annualised Salaries Full Bench.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Smith', written in a cursive style.

**Stephen Smith**  
Head of National Workplace Relations Policy