



# STATEMENT

*Fair Work Act 2009*

s.156 – 4 yearly review of modern awards

## **4 yearly review of modern awards–Award stage–Substantive Issues**

(AM2014/1 and others)

JUSTICE ROSS, PRESIDENT

MELBOURNE, 6 FEBRUARY 2019

*4 yearly review of modern awards – award stage – substantive issues.*

[1] This Statement deals with substantive claims made as part of the 4 yearly review of modern awards (the Review). On 24 December 2018 I issued a Statement<sup>1</sup> providing an update about the status of a number of Full Benches dealing with substantive claims as part of the Review. Interested parties were provided an opportunity to comment on a *provisional* timetable attached to the December Statement which set out when specific matters may be timetabled in 2019. Three submissions were received in response, from the Australian Industry Group (Ai Group), the Housing Industry Association (HIA) and the National Aboriginal and Torres Strait Islander Health Workers Association Limited (NATSIHWA).

[2] NATSIHWA's response of 30 January 2019<sup>2</sup> stated that they have a number of substantial claims in relation to the *Aboriginal Community Controlled Health Services Award 2010* (the Aboriginal Community Health Award). These claims are being heard in AM2018/12. NATSIHWA state that their evidence will involve at least 6 witnesses and it is anticipated their claims will be opposed, NATSIHWA advised that:

- the parties would be assisted by a directions hearing to confirm the timetable for filing and service of evidence and submissions
- the provisional timetable which indicates a hearing in April 2019 is unlikely to provide sufficient time to facilitate; and
- a hearing around late July 2019 would be more appropriate.

[3] The timetable will be amended to indicate a hearing in July 2019 for AM2018/12. A programming mention will be listed in due course.

[4] In its submission of 18 January 2019<sup>3</sup> Ai Group noted that:

- the program regarding the *Air Pilots Award 2010* (AM2018/14) had been finalised; and

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<sup>1</sup> [\[2018\] FWC 7869](#)

<sup>2</sup> [Submission](#), NATSIHWA, 30 January 2019

<sup>3</sup> [Submission](#), Ai Group, 19 January 2019

- a decision regarding the *Hair and Beauty Industry Award 2010* (AM2017/50) had been issued and further submissions are to be filed and on that basis this matter should be added to the timetable.

[5] These amendments will be made to the timetable.

[6] The HIA filed a submission on 16 January 2019<sup>4</sup> drawing the Commission's attention to an outstanding claim in relation to payment of wages in the *Building and Construction Onsite Award 2010*. The claim in question forms part of the payment of wages common issue. Common issue matters were not originally included in the provisional timetable, however in light of this submission any dates for 2019 for the payment of wages common issue will be added to the timetable.

[7] The timetable will be finalised and published on the Commission's website, having regard to the submissions received. The timetable will be updated throughout 2019.

[8] As mentioned in the December Statement, programming mentions will be scheduled prior to directions being issued in any of the matters in the substantive matters timetable.

## PRESIDENT

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**ATTACHMENT A**

**[Link to finalised 2019 timetable](#)**