

4 yearly reviews of modern awards

SUBMISSIONS OF THE ACTU

1. This brief submission is made in response to the Statement of the Commission [2017] FWC 6623 dated 11 December 2017.
2. The ACTU concurs with provisional the views expressed in the Statement.
3. The Commission is under an obligation pursuant to section 156 of the Act to “conduct” the first four yearly review, and is doing so. That is a major undertaking which has occupied - and continues to occupy - considerable resources of the Commission and of our affiliates. It is not practicable for the Commission to commence the second four yearly review until the obligation to “conduct” the first four yearly review has been performed in full.
4. The various exposure drafts that have been produced during the first four yearly review will not be applicable until that first four yearly review has concluded. In addition, awards will not contain their “final” content reflecting the outcome of the remaining common issue proceedings until the first four yearly review is concluded. Commencing the second four yearly review before the first four yearly review had been concluded, or too quickly following its conclusion, would be impractical in those circumstances. It would be devoid of the benefit of evidence arising from any real practical experience of applying the awards in the form that the Commission had decided to make them having reviewed them in the first four yearly review.
5. The second four yearly review, should one occur, cannot practicably be carried out until the first four yearly review has concluded and a body of experience has developed applying the awards as varied through first four yearly review.

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