

Australian Industry Group

# Review of C14 Rates

**Submission**  
(C2019/5259)

**12 September 2022**



## C2019/5259 REVIEW OF C14 RATES

1. The Australian Industry Group (**Ai Group**) files this submission in relation to a statement<sup>1</sup> issued by the Fair Work Commission (**Commission**) on 6 September 2022 (**Statement**) and a Report<sup>2</sup> to the Full Bench, published by Commissioner Hampton on 5 September 2022 (**Report**). Of the awards listed at paragraph [5] of the Report, Ai Group has an interest in the following:
  - (a) The *Cement, Lime and Quarrying Award 2020*;
  - (b) The *Concrete Products Award 2020*;
  - (c) The *Meat Industry Award 2020*;
  - (d) The *Oil Refining and Manufacturing Award 2020*;
  - (e) The *Rail Industry Award 2020*;
  - (f) The *Stevedoring Industry Award 2020*;
  - (g) The *Air Pilots Award 2020*; and
  - (h) The *Sugar Industry Award 2020*.
2. Ai Group advances the following submissions in relation to the Statement and Report.
3. *First*, we support the view expressed at paragraph [19] of the Report, in relation to the *Stevedoring Industry Award 2020*.
4. *Second*, we agree that the awards identified at paragraph [20] of the Report do not require review. They should be excluded from these proceedings.

---

<sup>1</sup> *Review of certain C14 rates in modern awards* [2022] FWCFB 170.

<sup>2</sup> *Review of certain C14 rates in modern awards* [2022] FWC 2239.

5. *Third*, in relation to the programming of these proceedings, we continue to rely on the submissions we have previously made in this regard, as summarised at paragraph [24] of the Report. In particular, we rely on:
  - (a) Our written submission of 18 August 2022; and
  - (b) The transcript of the proceedings on 22 August 2022 at PN216 – PN220.
6. In addition, any timetable issued in this matter should afford parties with an adequate opportunity to engage with their members about the practical application and operation of the C14 classification descriptions in the relevant awards, as well as the potential consequences of any proposed changes.
7. *Fourth*, all interested parties should be given an opportunity to consider and make submissions about any data released by the Australian Bureau of Statistics in response to the request prepared by the Australian Council of Trade Unions.
8. *Fifth*, all interested parties should be given an opportunity to consider and make submissions about any background papers that are published by the Commission.
9. *Sixth*, we agree that parties should be given an opportunity to discuss their respective positions regarding the various awards, with a view to narrowing and / or clarifying the issues.
10. *Seventh*, the Report proposes that a hearing could be conducted in October 2022 in relation to the various matters listed at paragraph [31](5) of the Report. We respectfully submit that a hearing in October may be premature, because:
  - (a) Parties have not yet been invited to file their proposals (as contemplated by the Report);
  - (b) The Commission has not yet published any background papers; and
  - (c) The intervening period may not be sufficient for interested parties to consult their members about any proposed variations and to engage in meaningful discussions with other interested parties.

11. *Eighth*, parties should be given an opportunity to be heard before the Commission issues directions for the filing of submissions and / or evidence about the substantive matters to be determined in these proceedings.