

IN THE FAIR WORK COMMISSION

Fair Work Act 2009

s.285 – Annual Wage Review

C2018/1 Views on Preliminary Hearing re Budget Standards Research

SUBMISSIONS OF THE AUSTRALIAN COUNCIL OF TRADE UNIONS IN REPLY

1. These submissions are made in reply to the submissions of the Australian Catholic Council for Employment Relations (“ACCER”) and the Australian Chamber of Commerce and Industry (“ACCI”). Those submissions were lodged pursuant to the questions put in the Statement of the Commission [2017] FWC 4403 on 25 August 2017 (“the Statement”).
2. The submission of ACCER is the only submission of the five submissions received to contend that there is any utility in conducting a preliminary hearing.
3. Paragraphs 4 and 6 of the ACCER submission, and paragraphs 5-48 of submission by the Australian Chamber of Commerce and Industry, comment on the weight that ought to be given to the Saunders & Bedford report and its relevance to the Panel’s task. We do not respond to those comments in this submission.
4. Paragraph 7 of the ACCER submission argues that a preliminary hearing would provide an opportunity to ventilate issues about aspects of the research. Whilst this is undoubtedly true, it is less desirable than the more fulsome and informed discussion that could occur if the report was considered in parallel to all other relevant information, for the reasons already stated by us in our initial submission. ACCER does not go so far as to contend that the opportunity to ventilate the types of matters it refers to would *not* arise in the ordinary course. Consultation questions 4.4, 4.5, 4.13 and 6.2 from May of this year (for example) serve to demonstrate that such opportunities can and do arise.
5. The proposal put at paragraph 8 of ACCER’s submission is not, with respect, responsive to the proposition put in the Statement, which was a preliminary hearing “to discuss the outcomes of the research”. What is in effect being proposed is that Professor Saunders

Lodged by:	Australian Council of Trade Unions
Address for Service	Level 4, 365 Queen Street, Melbourne 3000
Telephone:	(03) 9664 7333
Facsimile:	(03) 9600 0050
Email:	tclarke@actu.org.au

be invited to put a position to the Panel, relating to but not confined to the contents of the report. That is an opportunity that is extended to any interested person in the normal course of the Panel's timetable and procedure, and does not necessitate a preliminary hearing. In any event, ACCER has not articulated the issues that it proposed to be addressed in the preliminary hearing it proposes, notwithstanding the request by the Panel for those details in paragraph [4] of the Statement.

Australian Council of Trade Unions