**Annual Wage Review 2019–20: Supplementary questions on notice**

All interested parties are invited to comment on any question, including those that have been addressed to specific parties.

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1. Decision making process
   1. Questions to all parties

The Fair Work Commission has published a discussion paper titled ‘*What can and can’t be done in the Annual Wage Review 2019-20*’.

All parties are invited to comment on the following questions.

1. Are any of the observations at [1] – [57] of the discussion paper contested and, if so, on what basis?
2. Are any of the observations at [58] (‘What the Commission can’t do’) contested and, if so, on what basis?
3. Are any of the observations at [59] (‘What the Commission can do’) contested and, if so, on what basis?
4. As to the mechanism to identify the employers and employees to whom a deferral should apply: (at [59](ii) dot point 4)

4.1 Does the Panel have the power to determine a deferred date of operation in respect of employers that have qualified for the JobKeeper Scheme and have notified the Commissioner of Taxation in accordance with s.6(1)(e) of the *Coronavirus Economic Response Package (Payments and Benefits) Rules 2020* that they elect to participate in the JobKeeper scheme?

4.2 What do the parties say about the merit of such a proposal?

4.3 If it is accepted that such a course is open to the Panel, what deferred date of operation is proposed and in respect of which awards?

4.4 In the event that the Panel decided to provide a deferred date of operation of any increase granted, in respect of some or all modern awards, on the basis of participation in the JobKeeper Scheme (as set out in 4.1 above), how should such a term be drafted? We particularly invite the Commonwealth to respond to this question. Parties are asked to submit a draft term to give effect to any such proposal.

* 1. Question to all parties

In previous reviews, the majority of parties have proposed a dollar or percentage increase to the national minimum wage and modern award minimum wages.

In this year’s review, Ai Group stated that:

‘Given the continuing major deterioration in the economy, Ai Group has not yet proposed a particular minimum wage increase in these proceedings. We intend to put forward a position on the quantum of any minimum wage increase in the 5 June round of submissions. At that time, we will be in a much better position to assess what, if any, minimum wage increase would be appropriate.’[[1]](#footnote-1)

ACCI have similarly submitted:

‘All signs increasingly point to the need for the Expert Panel to exercise a significant degree of caution and restraint when assessing the impacts and risks of whether to increase minimum wages in 2020 and the magnitude and timing of any increase.’[[2]](#footnote-2)

The Expert Panel would be assisted if the parties could provide more clarity and greater precision regarding the outcome they propose in this Review in their supplementary submission which is due to be filed on 29 May 2020. Parties who nominated a particular outcome in their initial submissions are asked to confirm whether that is still their position. If necessary, revisions to the proposals can be made in submissions to be filed in June.

1. Economic and labour market considerations
   1. Question to the Australian Government

Can the Australian Government provide information from the Australian Taxation Office (ATO) on the types of businesses that have registered and are eligible for the Commonwealth Government’s JobKeeper Payment to deal with the economic impact of the coronavirus (COVID-19)?

The Panel would be assisted by the following data on registered businesses:

* main industry of operation (4-digit level);
* business size by number of employees;
* business size by turnover; and
* the extent in which turnover has declined among these businesses.

1. Ai Group submission, 16 March 2020 at p. 3. [↑](#footnote-ref-1)
2. ACCI submission in reply, 4 May 2020 at para. 10. [↑](#footnote-ref-2)