



STATEMENT

Fair Work Act 2009

s.285 - Annual wage reviews to be conducted

Annual Wage Review 2021–22

(C2022/1)

COMMISSIONER HAMPTON

ADELAIDE, 6 JUNE 2022

Annual Wage Review 2021-22 – Copied State Awards.

[1] In the 2021-22 Review, employer parties Keolis Downer, Transdev Australasia Pty Ltd, Busways North West Pty Limited and Transit Systems West Services Pty Ltd and its related entities (Transit Systems) made submissions that the Expert Panel should take account of the wage increases already provided to their transferred employees under certain copied State Awards. Transit Systems also submits the Expert Panel should retrospectively vary or revoke determinations made in the 2018-19 and 2019-20 Review decisions so that the minimum wage increases from those Reviews do not apply to copied State awards applying to Transit Systems.

[2] The Australian Rail Tram and Bus Industry Union, the Australian Manufacturing Workers' Union and the Australian Services Union oppose the employer parties' submissions.

[3] A Background Paper on Copied State Awards was prepared by staff of the Commission and published with a Statement of the President on the Commission's website on 25 May 2022.

[4] All parties were invited to make written submissions in response to the Background Paper and respond to the questions posed.

[5] A hearing before this arm of the Commission was conducted on behalf of the Expert Panel on 3 June 2022.

[6] The purpose of this Statement is to provide a consolidated reference to all the relevant documents and materials that have been provided to the Commission related to this aspect of the Review. This includes the transcript of the hearing during which final submissions have been made by the relevant parties.

[7] Accordingly, the principal materials for consideration of the Expert Panel comprise the documents set out in the following table.

Initial submissions by the Employers	
Keolis Downer	1 April 2022
Transdev Australasia	1 April 2022
Transit Systems West Services Pty Ltd (Transit Systems)	1 April 2022
Busways North West Pty Limited (Busways)	1 April 2022
Submissions in Reply	
ARTBIU, AMWU and ASU – 2021-2022 AWR	6 May 2022
ARTBIU, AMWU and ASU – Retrospective Variations	6 May 2022
<u>Transcript of Mention before Justice Ross – 17 May 2022</u>	
<u>Background Paper – Copied State Awards – 25 May 2022</u>	
Submissions in response to Background Paper	
Keolis Downer	1 June 2022
Transdev Australasia	1 June 2022
Transit Systems West Services Pty Ltd (Transit Systems)	1 June 2022
Busways North West Pty Limited (Busways)	1 June 2022
ARTBIU, AMWU and ASU	1 June 2022
<u>Transcript of Hearing before Commissioner Hampton - 3 June 2022</u>	
Documents supplied in the context of the Hearing before Hampton C	
ARTBIU v Transit Systems West Services Pty Ltd [2021] FCA 1436	
ARTBIU v Transit Systems West Services Pty Ltd (No. 2) [2022] FCA 389	
ARTBIU v Transit Systems West Services Pty Ltd Order 28 April 2022	
Busways Driver/Mentor Enterprise Agreement 2021 (AE513529)	
Submissions of Transit Systems clarifying intention regarding post-January 2022 rates	3 June 2022
Submissions of ARTBIU, AMWU and ASU in response to Transit Systems	6 June 2022



COMMISSIONER

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