



STATEMENT

Fair Work Act 2009

s.285—Annual wage reviews to be conducted

Annual Wage Review 2021–22 (C2022/1)

JUSTICE ROSS, PRESIDENT
VICE PRESIDENT CATANZARITI
DEPUTY PRESIDENT ASBURY
COMMISSIONER HAMPTON
MR FERGUSON
PROFESSOR WOODEN
MS LABINE-ROMAIN

MELBOURNE 30 MAY 2022

AMENDED TIMETABLE

[1] The current timetable for 2021-22 Annual Wage Review provides that parties are to lodge submissions on the National Accounts March quarter 2022 by Friday 3 June 2022 and submissions in reply are to be lodged by Tuesday 7 June 2022.

[2] On Friday 27 May 2022 the President received correspondence from the Prime Minister seeking leave to make a new Australian Government submission to the 2021-22 Annual Wage Review. The correspondence states that the new submission will outline the Government’s position ‘on a fair increase to minimum and award wages for Australia’s lowest paid workers, noting the rising costs of living’.

[3] Section 289(1) of the *Fair Work Act 2009* (Cth) (the Act) requires the Commission to ensure that all persons and bodies have a reasonable opportunity to make submissions to the 2021-22 Annual Wage Review. We note that from 11 April 2022 until recently, the Australian Government was in caretaker mode.

[4] A key consideration in responding to the request is the statutory constraints on the conduct of annual wage reviews. In particular, s.285(1) of the Act requires the Commission to ‘conduct and complete an annual wage review in each financial year’. It follows that 30 June 2022 is the outer limit for completion of the 2021-22 Review. As a practical matter, our decision must be published some time before 30 June to allow sufficient time for draft award

variation determinations to be published and for interested parties to submit corrections or other amendments to the draft determinations.

[5] In the course of the public consultations on 18 May 2022 the Australian Chamber of Commerce and Industry and others foreshadowed that they would seek an opportunity to respond in the event the Australian Government made a further substantive submission.¹

[6] We grant leave for the Australian Government to make a new submission.

[7] The statutory deadline and requirement to provide interested parties with an opportunity to make comments on such a submission impose some practical constraints on the timing and length of the new submission.

[8] Accordingly, the timetable for the 2021-22 Annual Wage Review is varied as follows:

1. The Australian Government may lodge a new submission to the Review by no later than **4pm (AEST) on Friday 3 June 2022**. The submission is to be no longer than 10 A4 pages.
2. Interested parties may lodge submissions in reply by no later than **4pm (AEST) on Wednesday 8 June 2022**.
3. Reply submissions regarding the National Accounts March quarter 2022 may be lodged by no later than **4pm (AEST) on Wednesday 8 June 2022**.
4. Parties have liberty to apply.

PRESIDENT

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¹ Transcript 18 May 2022 [195].