



STATEMENT

Fair Work Act 2009

s.285—Annual wage reviews to be conducted

Annual Wage Review 2019–20

(C2020/1)

JUSTICE ROSS, PRESIDENT

MELBOURNE, 3 OCTOBER 2019

DRAFT TIMETABLE

[1] The *Fair Work Act 2009* (Cth) (Act) requires the Expert Panel for annual wage reviews (Panel) to conduct and complete a review of the national minimum wage (NMW) and modern award minimum wages in each financial year (the Review). The Panel must make a NMW order and may set, vary or revoke modern award minimum wages. The NMW order applies to award/agreement free employees and modern award minimum wages are the minimum wages contained in modern awards.¹

[2] The Panel is required to conduct the Review within the legislative framework of the Act, particularly the object of the Act in s.3, the modern awards objective and the minimum wages objective. As part of the Review, the Panel considers the setting of the NMW rate and then whether to make any variation determinations in respect of modern award minimum wages. Each of these tasks are undertaken by reference to the particular statutory criteria applicable to each function.²

[3] A draft timetable for the Annual Wage Review 2019–20 is provided at Attachment A for comment.

[4] The draft timetable takes into account the release of the 2020–21 Commonwealth Budget. The Budget assists in the Panel’s consideration of the economic and social environment and interested parties are provided an opportunity to respond to matters arising from the Budget through written and oral submissions.

¹ [2019] FWCFCB 3500.

² [2019] FWCFCB 3500.

[5] The timing of the Budget prevents proceedings from being concluded earlier in the financial year and only leaves a short timeframe for any variations to be made to modern award minimum wages following the outcome of the Review and before 1 July.

[6] The Act provides that the NMW order and any variation to modern award minimum wages comes into operation on 1 July in the next financial year (the year of operation).³

[7] The Fair Work Commission (Commission) publishes draft determinations varying modern award minimum wages within a week following the Review decision. Modern awards are usually updated a week before the legislative deadline.

[8] As a result of the 4-yearly review of modern awards, draft determinations varying modern award minimum wages will contain summaries of hourly rates of pay that cover a range of different employment arrangements. This will assist employers and employees better understand and apply correct rates of pay in their workplaces from the first full pay period on or after 1 July.

[9] Submissions regarding the draft timetable should be made by **4.00pm on Thursday 10 October 2019** and filed electronically to awr@fwc.gov.au.

[10] All submissions will be posted to the Commission's website.



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³ *Fair Work Act 2009* (Cth), s.287.

Attachment A



Annual Wage Review 2019–20 —draft timetable

Date	Event
13 March 2020	Closing date for lodging submissions
9 April 2020	Closing date for lodging reply submissions and any submissions relating to data published after 13 March 2020
10 April–13 April 2020	Easter
5 May 2020	Closing date for expressions of interest in taking part in the final consultations
15 May 2020*	Closing date for lodging submissions relating to matters arising from the Budget and data published after 9 April 2020
19 May–20 May 2020	Final consultations in Melbourne (19 May 2020) and Sydney (20 May 2020)

* This date has been set on the assumption that the Budget for 2020–21 will be handed down on the second Tuesday of May, 12 May 2020, consistent with usual practice.