



The Australian Industry Group  
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Australia  
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11 December 2017

The Hon. Justice Ross, President  
Fair Work Commission  
11 Exhibition Street  
Melbourne VIC 3000

Dear Justice Ross

**Re. Completion of the first 4 Yearly Review of Awards and the commencement of the second 4 Yearly Review of Awards**

We refer to the Commission's Statement ([2017] FWC 6623) of 11 December 2017 concerning the completion of the first 4 Yearly Review of Awards and the commencement of the second 4 Yearly Review of Awards.

The Statement invites submission on the following *provisional view*:

[11] In light of the volume of work still required to complete the current review, I have formed the provisional view that it is not practicable to commence the second 4 Yearly review until the current review has been completed and parties have been given an opportunity to consider how the recently reviewed modern awards are operating in practice.

The Australian Industry Group (Ai Group) strongly supports the *provisional view*.

If a further Review is commenced before the current Review is completed, the following adverse consequences would most likely arise:

- The creation of a great deal of confusion for employers, employees and other parties;
- The imposition of unreasonable resource demands on industrial parties, given that the parties are currently devoting extensive resources to the large number of matters which are underway relating to the current 4 Yearly Review;
- The risk of unjust outcomes due to:
  - Confusion about the potential award variations being considered by the Commission;



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- Industrial parties being unable to devote sufficient resources to the second 4 Yearly Review, when their finite resources are being devoted to the first 4 Yearly Review.

The following factors also support the *provisional view*:

- The Federal Government and the Federal Opposition have expressed public support for legislative amendments repealing the requirement for the Commission to conduct 4 Yearly Reviews, and a Bill is before Parliament that would achieve this outcome.
- Both the House of Representatives and the Senate have passed versions of the Bill. Both versions would abolish the requirement for the Commission to conduct 4 Yearly Reviews.
- The Government and Opposition members of the Senate Committee which inquired into the provisions of the Bill recommended that the Bill be passed by Parliament;
- The Bill was introduced into Parliament following:
  - A Productivity Commission inquiry that recommended that 4 Yearly Reviews be abolished;
  - A joint proposal of Ai Group, ACCI and the ACTU that a Bill be introduced abolishing 4 Yearly Reviews.

Accordingly, we urge the Commission to implement the *provisional view*.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Smith'.

**Stephen Smith**  
Head of National Workplace Relations Policy