



STATEMENT

Fair Work Act 2009
s.285—Annual wage review

Annual Wage Review 2022–23 (C2023/1)

JUSTICE ROSS, PRESIDENT

MELBOURNE, 14 OCTOBER 2022

DRAFT TIMETABLE

[1] A draft timetable for the Annual Wage Review 2022–23 (2022–23 Review) is provided for comment at Attachment A.

[2] As discussed during the 2019–20 Review proceedings, s.285(1) provides that the Expert Panel ‘must conduct and complete an annual wage review in each financial year’ (emphasis added).¹ It follows that 30 June 2023 provides the outer limit for the completion of the 2022–23 Review.

[3] In the previous 3 Reviews, each held during the COVID-19 pandemic, the Expert Panel has allowed for submissions on the March quarter National Accounts. This has delayed the announcement of Review decisions until mid-June of each year, whereas decisions were previously announced in late May or early June. The delayed announcement has reduced the amount of time for the Commission to publish award determinations and allow time for comment and for businesses to adequately prepare budgets and payroll. I am seeking the views of interested parties on whether submissions should again be allowed for the March quarter National Accounts in the 2022–23 Review. The draft timetable attached includes an indicative date for filing of those submissions.

[4] Interested parties are encouraged to address the following issues in their initial submissions to the 2022–23 Review:

Adult apprentices and the National Training Wage Schedule

The Annual Wage Review 2021–22 (2021–22 Review) decision stated that the increase of 4.6 per cent or \$40 per week to modern award minimum wages applied to adult classifications. Following feedback on draft determinations, in a [Statement](#) issued on 28 June 2022, the Expert Panel confirmed that this did not apply to adult apprentices as the determinations reflect the historical approach to adjusting apprentice and trainee rates and preserve the relativities between those rates and other award rates. However, we

¹ [2020] FWC 1804 at [14]

noted that the issues can be raised in submissions to the 2022–23 Review and that a Background paper would be issued prior to the commencement of the 2022–23 Review.² The Background paper will also outline the methodology used for adjusting rates in the National Training Wage Schedule in the *Miscellaneous Award 2020* and other awards that contain a National Training Wage schedule.

National Minimum Wage Order 2023

Clause 9.3 of the [National Minimum Wage Order 2022](#) applies to adult apprentices who were engaged before 1 July 2014 and are in the first year of their apprenticeship. The Expert Panel is seeking views on this clause and whether it still applies to any adult apprentices, with a view to remove the clause if it is no longer applicable.

Enterprise awards and State reference public sector awards

A Statement will be issued outlining an ambiguity in method of adjusting an allowance in the *Australian Capital Territory Public Sector Enterprise Award 2016* prior to the commencement of the 2022–23 Review. The Statement will also identify allowances in other Enterprise and State reference public sector awards where the method of adjustment may be ambiguous. Parties will be invited to comment on the findings.

[5] As highlighted in the 2021–22 Review decision, the Expert Panel will hold a preliminary hearing in March 2023 to allow for full argument as to how the Expert Panel should deal with copied State awards.³

[6] Submissions regarding the draft timetable should be made by **4pm** on Friday 28 October **2022** and can be filed electronically at awr@fwc.gov.au.

[7] All submissions will be posted to the Commission’s website.

PRESIDENT

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<PR746825>

² [2022] FWCFB 113

³ [2022] FWCFB 3500 at [447]

Attachment A



Annual Wage Review 2022–23 —Draft Timetable

Date	Event
3 March 2023	Preliminary hearing for copied State awards
31 March 2023	Closing date for lodging initial submissions
7 April–10 April 2023	Easter
28 April 2023	Closing date for lodging reply submissions and any submissions relating to data or research published after 31 March 2023
5 May 2023	Closing date for expressions of interest in taking part in consultations
12 May 2023*	Closing date for lodging supplementary submissions relating to data or research published after 21 April 2023 and/or post-Budget submissions
17 May 2023^	Consultations
9 June 2023#	Closing date for lodging submissions regarding the National Accounts March quarter 2023
13 June 2023	Closing date for lodging reply submissions regarding the National Accounts March quarter 2023

* This date has been set on the assumption that the Budget for 2023–24 will be handed down on the second Tuesday of May, 9 May 2023, consistent with usual practice.

^ Format and location to be determined.

This date has been set on the assumption that the ABS National Accounts data are released on the first Wednesday of June, 7 June 2023, consistent with usual practice.