



STATEMENT

Fair Work Act 2009
s 285—Annual wage review

Annual Wage Review 2023–24 (C2024/1)

JUSTICE HATCHER, PRESIDENT

SYDNEY, 2 FEBRUARY 2024

TIMETABLE AND RESEARCH PROGRAM

[1] On 15 December 2023, I issued two Statements regarding the Annual Wage Review 2023–24 (2023–24 Review) [draft Timetable](#) and [draft Research program](#). Submissions on both were sought by Friday 22 December 2023. One submission was received and published on the Fair Work Commission’s (Commission’s) website.

[2] In its submission, the [Australian Council of Trade Unions \(ACTU\)](#) focused on the timing of the gender pay equity research in particular, and other research more broadly. The [ACTU](#) indicated that the *Stage 2 report: Gender pay equity* would not be available until after initial submissions were due and were ‘concerned that the issues of gender based undervaluation cannot be comprehensively addressed to finality within the context of the tight timeframe’. The ACTU also sought additional information about a range of issues pertaining to the consideration of the gender-based undervaluation issues in the 2023–24 Review.

[3] It will be a matter for the Expert Panel constituted for the 2023–24 Review to determine to what extent gender equity issues are dealt with in the review. Parties will have the opportunity to make submissions and advance proposals about this. I do not anticipate that *all* issues of gender-based undervaluation will be dealt with ‘comprehensively ... to finality’ in the 2023–24 Review. However, the decision in the Annual Wage Review 2022–23 identified two potential gender equity issues requiring further consideration,¹ and I anticipate that at least these issues will receive further attention in the 2023–24 Review.

[4] I anticipate that the Stage 2 report: Gender pay equity research will be published in early April 2024. Parties will be afforded an opportunity to comment on the research in their reply submissions which are due on Monday 29 April 2024.

[5] I will issue further directions alongside the publication of the Stage 2 report that will provide additional guidance to parties about responding to the report.

[6] In a statement about the Modern Awards Review 2023–24, dated 17 January 2024, the Full Bench observed:

... independent of this review, any employer or employee covered by a modern award, or any registered organisation entitled to represent the industrial interests of any such employer or employee, may at any time make an application to vary the modern award pursuant to s 158 of the Fair Work Act 2009. If such an application is made, it will be considered on its merits by the Commission. Thus, the scope of the current review does not in any way constrain interested parties from separately advancing proposals for changes to modern awards.²

[7] A similar observation can be made in response to the ACTU's query regarding applications to vary awards outside of the priority list identified in the Stage 1 report.

[8] In regard to other research more broadly, I noted in the Statement on the draft research program at [2] that the confirmation of future research topics listed does not preclude additional topics to be put forward by parties or by the Expert Panel for consideration in later Reviews. As such, updating previous research published or undertaking new research on topics not listed may still be considered in forthcoming Reviews.

[9] The draft timetable and draft research program, as published on 15 December 2023, are now confirmed.



PRESIDENT

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¹ [2023] FWCFB 3500 at [124]–[136].

² [2024] FWCFB 6 at [9].