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**Sent:** Friday, 10 June 2016 2:33 PM  
**To:** AMOD; Chambers - Johns C; Chambers - Ross J  
**Cc:** Pill, Stuart; Shannon, Allison; Catherine Pugsley <catherine.pugsley@aheia.edu.au> (catherine.pugsley@aheia.edu.au); skenna@nteu.org.au; lgale@nteu.org.au  
**Subject:** Group of 8 Universities: AM2014/229, AM2014/230 - Response to Revised Exposure Drafts dated 3 June 2016 [CU-Legal.FID1793353]

Dear Commissioner Johns

**Four Yearly Review of Modern Awards**

**AM 2014/229 - Higher Education Industry - Academic Staff - Award 2010**

**AM 2014/230 - Higher Education Industry - General Staff Award 2010**

We refer to the mention before the President on 7 June 2016. In accordance with the outcome of that mention, the parties were to provide any final comments on the Revised Exposure Draft - Higher Education Industry-General Staff-Award 2015 and the Revised Exposure Draft - Higher Education Industry-Academic Staff-Award 2015 issued on 3 June 2016 (**June Revised Exposure Drafts**).

The Group of 8 confirm that the June Revised Exposure Drafts accurately reflect the discussions between the parties, with the exception of the points and comments set out below:

- a) it agrees with the matter raised by the NTEU in its submissions of 8 June 2016 regarding Clause 9.4(a) of the Academic Staff Award; and
- b) in respect of Clause 16.5 of the General Staff Award - There appears to be a drafting error in the Revised Exposure Draft. The entire clause should read as follows (with additions agreed during the conference before the Commission on 10 May 2016 appearing in red underlined text):

*"The penalty rates within this clause and in the penalty rates clause **and in clause 9.2(b)(ii)** are not cumulative. Where an employee is entitled to more than one penalty rate, the employee will be entitled to the highest single penalty rate"*

*(ref. transcript 10 May 2016, PN225 and paragraph 2.1(a) Group of 8 correspondence 18 May 2016)*

**Other matters**

The Group of 8 note that all substantive issues raised in respect of the Higher Education Awards and the Educational Services Awards are being heard and determined by the Full Bench in AM2015/6. We understand from the mention that the outcome in AM2015/6 will then be incorporated by the 4 Yearly Review Group 3 Full Bench.

In relation to the substitution of public holidays in Clauses 16.2 Academic Staff Award and 20.2 General Staff Award, raised by the NTEU:

- a) The question about consistency of these provisions with the NES was raised by the NTEU in submissions dated 14 April 2016; and
- b) This matter was then subject of discussion between the parties during the conference before Commissioner Johns on 10 May 2016 and it is submitted that the existing clause can be retained. At that conference, the Group of 8's position was put to the Commission that if clause 16.2 was nevertheless to be amended it should be amended in accordance with substitution of public holiday provisions that appear in a number of other modern awards and which provide for substitution of public holidays by agreement between the employer and the majority of employees; and

*(ref. transcript 10 May 2016, PN160)*

c) this issue will be dealt with by the 4 Yearly Review Group 3 Full Bench.

Kind regards

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