

SUMMARY OF SUBMISSIONS

This table is a summary of submissions lodged for this award on or before 5.00pm on 30 May 2016.

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1.	Go8	Sub-02/03/15		General	Minor drafting error and other issues Will be subject of discussions between parties.	Para 3	
	NTEU	Sub-02/03/15			NTEU will seek this and other minor drafting changes. Party provided further submission regarding variation, Sub-11/03/16	p.6	
	CPSU	Sub-11/03/16			Support the submission of NTEU.	p. 2	
2.	NTEU	Sub-02/03/15		New provision (<i>Part 3, clause 13</i>)	Conversion of Casual Academic work NTEU developed draft claim for conversion of academic work within institutions (as distinct from incumbents). Provided further submission re variation, Sub-11/03/16	p.3	To be dealt with at the conclusion of the Common issue - AM2014/197—Casual employment , dealing with ACTU claim.
	CPSU	Sub-11/03/16			Support NTEU submission.	p. 2	
3.	NTEU	Sub-02/03/15		New provision (<i>Part 4, new clause</i>)	ICT allowances Propose allowances be paid for costs of establishing, maintaining and using ICT facilities when worker required to do so in order to satisfactorily perform duties. Party provided further submission regarding variation, Sub-15/03/16	p.6	Being dealt with by Full Bench AM2015/6 – see Directions
	CPSU	Sub-11/03/16			Support NTEU.	p. 2	

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4.	NTEU	Sub-02/03/15		New provision (Part 4, new clause)	Professional and Discipline Currency Allowance No provision for remuneration for casual staff for specific work required to maintain currency in their discipline and relevant pedagogy, or to keep abreast of extensive institutional policies, both of which are inherent requirements of job (as reflected in fact that full time academics are paid to do this work). Party provided further submission regarding variation, Sub-11/03/16	p.2	Being dealt with by Full Bench AM2015/6 – see Directions
	CPSU	Sub-11/03/16			Support the submission of NTEU.	p. 2	
5.	NTEU	Sub-02/03/15		New provision (Part 5)	Hours of work Propose to insert term providing ordinary hours of work for academic staff.	p.1	Being dealt with by Full Bench AM2015/6 – see Directions
6.	NTEU	Sub-14Apr16	1		Award year Year should be 2016 or possibly 2017	p. 1	
7.	NTEU	Sub-02/03/15	3	4	Coverage of research institutes Vary award to cover general, technical and research staff in medical, health and science research institutes. Party provided further submission regarding variation, Sub-11/03/16	p.6	Being dealt with by Full Bench AM2015/6 – see Directions
	CPSU	Sub-11/03/16	3	4	Support the submission of NTEU.	p. 2	

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8.	NTEU	Sub-14/04/16	3	4	Queries whether definition of ‘higher education industry’ needs to appear in definitions schedule if also in coverage clause.	p. 1, 6	
9.	AHEIA	Sub-02/03/15	3.3	4.3	Coverage Propose to delete clause, no longer applicable.		Being dealt with by Full Bench AM2015/6 – see Directions
10.	AHEIA	Sub-02/03/15	4	7	Award flexibility ‘Full breadth’ of award flexibility provisions should be included.	Attach 1	To be dealt with award flexibility common issue - AM2014/300–Award flexibility
	Go8	Sub-14/04/16	4	7	Not opposed to adopting flexibility clause, however there are no terms concerning ‘arrangements for when work is performed’, ‘overtime rates’ or ‘penalty rates’.	Para 6	
11.	NTEU	Sub-14/04/16	5	10	Types of employment Use of standard types of employment confuses distinction between full-time and part-time (on one hand) and ongoing, fixed-term and casual.	p.s 1-2	
	Go8	Sub-5/05/16	5	10	Types of employment should be limited to ‘full-time, ‘part-time’ and ‘casual’ and then specify that full-time and part-time employment may be fixed-term or ongoing.	p.s 1-2	Suggested wording is provided

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12.	AHEIA	Sub-02/03/15	5.4	11.1	Full-time employment Definition (and consequential) - replace with “Continuing employment”. Party provided further submission regarding variation, Sub-18/03/16	Attach 1	
13.	AHEIA	Sub-15/04/16	5.5	11.2	Part-time employment Clause not the subject of proposed changes under AM2014/196	p. 1	
14.	AHEIA	Sub-02/03/15	5.6	11.3	Fixed-term employment categories Add new paragraph (f) to provide for where an area is under review. Party provided further submission regarding variation, Sub-18/03/16	Attach 1	Being dealt with by Full Bench AM2015/6 – see Directions
15.	BUSA	Sub-20/04/15	5.6(a)	10.2	Fixed-term employment Amend clause so Bond University no longer exempted from effects of clause. Party provided further submissions regarding variation, Sub-10/03/16		Proposed wording in submission.
	NTEU	Sub-14/04/16	5.6(a), 6	10.2, 12	Best approach, other than deleting limitation entirely, is to retain current reference to the <i>Higher Education Contract of Employment Award</i> or include a list of institutions.	p. 2-3	
	Go8	Sub-14/04/16	5.6(a), 6	10.2, 12	The current clause is adequate, but no objection to listing the employers that are bound.	Para 7	

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16.	NTEU	Sub-14/04/16	5.7	13	Casual employment Unaware of any application in AM2014/197 in relation to award.	p. 3	
	AHEIA	Sub-15/04/16	5.7	13	Clause not the subject of proposed changes under AM2014/197	p. 1	
17.	NTEU	Sub-14/04/16	5.8		Probation Reference to ‘a full-time, part-time or fixed-term employee’ should be ‘a continuing or fixed-term employee’.	p. 3	
	NTEU	Sub-14/04/16	5.8		Provisions relating to probation should be retained.	p. 3	
	Go8	Sub-14/04/16	5.8		Provisions should be retained, but not opposed to consolidating the largely repetitive sections.	Para 8	
	AHEIA	Sub-15/04/16	5.8		Provisions should be retained	p. 1	
18.	Go8	Sub-02/03/15	6.4	12.4	Fixed-term expiry severance pay Propose severance pay provisions upon expiration of fixed term employment be deleted. Provided further submission regarding variation, Sub-18/03/16	Para 1	Being dealt with by Full Bench AM2015/6 – see Directions
	AHEIA	Sub-02/03/15			Delete fixed-term expiry severance pay Provided further submission regarding variation, Sub-15/03/16	Attach 1	

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19.	AHEIA	Sub-15/04/16	9.1	18.1	Rates of pay Rates in cl 9.1 apply to fixed term employees	p. 2	
20.	NTEU	Sub-14/04/16	9.4(a)	18.2	Rates of pay Rates of pay for all casual academic work should be set out in the clause.	p. 4	
21.	NTEU	Sub-14/04/16	9.4(a)	18.2	Rates of pay References to ‘where academic holds Doctorate’ should be ‘where academic holds Doctorate or performs full subject co-ordination duties’	p. 4	
	Go8	Corr-18/05/16			Go8 opposes NTEU submission.	1.1	
	AHEIA	Corr-18/05/16			AHEIA opposes NTEU submissions		
22.	NTEU	Sub-14/04/16	9.4(a)		Rates of pay - Fourth rate mentioned at 9.4(a) for marking is unnecessary	p. 4	
23.	Go8	Sub-14/04/16	10.5	19.5	Annual staff development/performance review - clause should remain unchanged	Paras 9-11	
	NTEU	Sub-5/05/16	10.5	19.5	NTEU agrees with G08.		
24.	AHEIA	Sub-02/03/15	10.5	23.3	Annual Leave Loading - replace “August quarter” with “May quarter”. Go8 provided further submission regarding variation, Sub-15/03/16	Attach 1	
	Go8	Sub-02/03/15				Para 3	
	NTEU	Sub-5/05/16				NTEU supports proposed change	

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25.	NTEU	Sub-14/04/16	12.3	23.3	Annual leave loading - update clause to read "... the Australian Bureau of Statistics' average weekly total earnings of all males (Australia) reported most recently preceding the date of accrual."	p. 5	
26.	Go8	Sub-14/04/16	12.3	23.3	Annual leave loading - Party understands change from 'August quarter' to 'May quarter' agreed to.	p. 2	
27.	Go8	Sub-14/04/16	14	25	Personal/carer's leave and compassionate leave Party understands award was varied on 27 May 15 (PR567220) to ensure compliance with the NES.	p. 2	
28.	NTEU	Sub-02/03/15	16, Schedule A	18, Schedule A	Classification of academic staff NTEU propose variation to provide that in absence of a bona fide academic promotion system (and only in that circumstance) academic employees may seek to enforce correct classification and rate of pay for work they perform on basis of Minimum Standards for Academic Levels (Sched A). Support the submission of NTEU.	p.3	Being dealt with by Full Bench AM2015/6 – see Directions
		Sub-14/04/16				p. 4	Repeating previous submission
	CPSU	Sub-11/03/16				p. 2	

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29.	Go8	Sub-14/04/16	16	27	Public holidays Opposed to removing industry-specific wording. Words ‘subject to the provisions in this clause’ should be retained.	p. 2 Para 12		
	AHEIA	Sub-15/04/16				Changes opposed.		p. 2
	NTEU	Sub-5/0516				NTEU is unsure what Go8 is referring to.		Page 2
30.	NTEU	Sub-14/04/16	16.2	27.2	Public holidays First line of clause should be amended to read “An employer and an employee may agree to substitute...”	p.s 5-6		
	Go8	Sub-5/05/16	16.2	27.2	Go8 acknowledges concern but considers the existing clause can remain.	p. 2		
31.	AHEIA	Sub-02/03/15	19	17	Industry specific redundancy provisions Delete cl 17. Cl 15.2(b) to apply to all employees. Party provided further submission regarding variation, Sub-18/03/16	Attach 1	Being dealt with by Full Bench AM2015/6 – see Directions	
32.	NTEU	Sub-14/04/16	19.1(b)(ii)		Industry specific redundancy Replace word ‘context’ with ‘content’	Page 6		

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33.	Go8	Sub-02/03/15	19	17.6	Redundancy - notice Entitlement to notice payment is based upon the age of the employee not on service. May be discriminatory and inconsistent with modern redundancy standards. Provided further submission regarding variation, Sub-15/03/16	Para 2	Being dealt with by Full Bench AM2015/6 – see Directions
34.	Go8	Sub-14/04/16	Sched B		Professional and clinical loadings Rates in schedule are inaccurate and otherwise misleading.	Para 13	
	NTEU	Sub-5/05/16	Sched B		NTEU agrees column headings should be amended for clarity. NTEU does not object to words from clause 9.2(c)(ii) being inserted as a note in schedule.		

List of abbreviations (in alphabetical order)

AHEIA	Australian Higher Education Industry Association
CPSU	Community and Public Sector Union
Go8	Group of 8 Universities - University of Melbourne, Monash University, University of Sydney, University of New South Wales, Australian National University, Adelaide University, and University of Western Australia.
NTEU	National Tertiary Education Union