

21 September 2018

Vice President Hatcher
Fair Work Commission

Via email: Chambers.Hatcher.VP@fwc.gov.au

Dear Vice President,

RE: 4-yearly review of modern awards – Part-time employment and Casual employment (AM2014/196 and AM2014/197) – Higher Education (General Staff) Award 2010 [MA000007]; Higher Education (Academic Staff) Award 2010 [MA000006]; Educational Services (Post- Secondary Education) Award 2010 [MA000075].

I'm writing on behalf of members of the National Tertiary Education Union.

On 6 September 2018, NTEU wrote to President Justice Ross on behalf of our members and those of the Independent Education Union of Australia who are covered by the Educational Services (Post-Secondary) Education Award 2010.

In its decision pertaining to a model casual conversion clause [2018] FWCFB 4695, the Full Bench did not address the application of the model clause to the Educational Services (Post- Secondary Education) Award 2010.

The ACTU drew the Commission's attention to an error from the Unions in not listing this Award in our materials, by way of Submission on 2 August 2017 [34-35] and respectfully, this does not seem to have been addressed.

We have asked Justice Ross for a Conference of the parties to discuss the insertion of the model clause into this Award.

I am now writing to you to ask that any Conference address each of the 3 modern Awards that cover NTEU members in higher and post- secondary education. For different reasons, none of these awards will be subject to variation for the model conversion clause which has been provisionally determined by the Commission [2018] FWCB 4695, and identified amongst 85 modern awards in [2017] FWCFB 3541.

In relation to the Higher Education (General Staff) Award 2010, this oversight has arisen because:

1. The original ACTU application sought a 'deeming' clause to apply to this Award as the Award currently has a conversion provision (clause 12.3). The deeming application was not successful.

2. The Commission has determined to apply the model conversion clause to awards which do not currently have a conversion clause. The provisional model term is superior to that currently in the "General Staff" Award.

In relation to the Higher Education (Academic Staff) Award 2010, the NTEU indicated that it may seek to apply any conversion clause arising from this case, to this Award. We now seek to do this.

We ask that a Conference be convened in order to discuss these issues and determine a way to progress application of the model casual conversion clause to these 3 Awards.

Yours sincerely

A handwritten signature in cursive script that reads "Susan Kenna".

Susan Kenna
National Industrial Officer