

**From:** Kieran Jack [mailto:Kieran.Jack@afei.org.au]  
**Sent:** Thursday, 12 April 2018 12:34 PM  
**To:** AMOD  
**Subject:** AM2015/6 - 4 yearly review of modern awards - Education group

Dear Sir/Madam

**AM2015/6 – 4 yearly review of modern awards – Education group**

We refer to the Determinations published 6 April 2018 for the *Higher Education – General Staff – Award 2010 (General Staff Award)* and the *Higher Education – Academic Staff – Award 2010 (Academic Staff Award)*.

The Determinations were published pursuant to the 20 February 2018 Decision of the Full Bench of the Fair Work Commission in *AM2015/6 [2018] FWCFB 1087*.

Among other variations, the Determinations give effect to the Commission’s Decision to insert the excessive annual leave model term into the Awards (at paragraph 348), with a minor variation for the Academic Staff Award.

It appears from the Decision that the Commission intended to replace the previous ‘management of annual leave’ provisions (clause 23.1 of the Academic Staff Award and clause 30.1 of the General Staff Award) with the excessive annual leave model term. The Determinations state that the ‘management of annual leave’ provision in each Award will be deleted, but this part of each Determination will not take effect for another year (on 6 April 2019). This means that the Awards currently contain both the ‘management of annual leave’ provision and the Commission’s model excessive annual leave term.

Given the two clauses appear to be inconsistent, we seek clarification from the Commission on whether the existing ‘management of annual leave’ provisions were intended to be deleted from the Awards and whether further Determinations will be published giving effect to this intention.

We are aware that draft versions of the Determinations were published previously and we apologise for not being able to bring this matter to the attention of the Commission sooner.

Kind regards,

**Kieran Jack | Workplace Relations Adviser**  
**Australian Federation of Employers and Industries**

Street Address - 99 Bathurst Street Sydney New South Wales 2000

Postal Address - PO Box A233 Sydney South New South Wales 1235

Telephone - 02 9264 2000

Facsimile - 02 9261 1968

Email - [kieran.jack@afei.org.au](mailto:kieran.jack@afei.org.au)

Internet - [www.afei.org.au](http://www.afei.org.au)