

11 July 2016

BY EMAIL: amod@fwc.gov.au; chambers.johns.c@fwc.gov.au

Associate to Commissioner Johns
Full Bench AM2015/6
Fair Work Commission
11 Exhibition Street
Melbourne VIC 3000

Dear Associate

Full Bench proceedings AM2015/6 – Higher Education Industry-Academic Staff-Award 2010 – Bond University Academic Staff Association ('BUASA')

1. I write on behalf of the Bond University Academic Staff Association (**BUASA**) and refer to the correspondence of the solicitors for Bond University to the Commission dated 21 June 2016 and the subsequent correspondence and directions of Commissioner Johns made on 23 June 2016 (**the 23 June Directions**).
2. The 23 June Directions causes some serious difficulties to BUASA and, as we understand it, other interested parties, in particular the NTEU. Prior to Bond University's correspondence to the Commission on 21 June 2016, on 13 June 2016 BUASA informed the university's solicitors that we did not consent to its proposed directions for reasons including that other parties, such as the NTEU, may wish to be included in the process of addressing and responding to Bond University's position in these proceedings (noting that the NTEU has expressly supported BUASA's application to include Bond University within the fixed term employment provisions of the Award; and also independently made an alternative application to delete sub-clause 10.2). We also informed the solicitors for Bond University that the proposed directions were premature because Bond University's application to intervene at this late stage of the proceedings (which BUASA opposed) was yet to be determined by the Full Bench.
3. We informed Bond University that we would be prepared to work with the University to formulate an agreed timetable in the event that the Commission determined to allow the University to so intervene.
4. We note that the Full Bench has since indicated that it is presently minded to hear from the University. However, the 23 June Directions still causes some difficulty in that: (1) BUASA is a small staff organisation with limited resources (we rely on the voluntary services of employed academics and have no dedicated industrial staff) and the directions do not allow BUASA sufficient time to prepare further evidence and submissions in chief and in reply (as, for example, we anticipate the need to seek

production of documents or information from Bond University); (2) there is no provision for the participation of other interested parties such as the NTEU; and (3) does not provide for us or the NTEU to file and serve witness statements or other documentary evidence in reply to the evidence to be filed by Bond University.

5. Accordingly, we would respectfully seek a variation of the 23 June Directions in the following terms, which we anticipate would better accommodate all interested parties within sufficient time prior to the hearing on 29 October 2016:

[1] By **4.00 pm on Tuesday, ~~26 July 2016~~ 9 August 2016** the BUASA and the NTEU must file in the Commission and serve on Bond University any supplementary submissions, witness statements and documentary materials in support of their variation applications with respect to Bond University.

[2] By **4.00 pm on Tuesday, ~~16~~ 30 August 2016**, Bond University, being an interested party, must file in the Commission and serve on the BUASA and the NTEU any written outline of submissions, witness statements and documentary materials in reply to material filed by the BUASA and/or the NTEU.

[3] By **4.00 pm on Tuesday, ~~30 August 2016~~ 27 September 2016**, the BUASA and the NTEU must file in the Commission and serve on Bond University any written submissions, witness statements and documentary evidence in response to Bond University's reply submissions, witness statements and documentary materials.

[4] The BUASA and NTEU applications with respect to Bond University be listed for hearing on 28 October 2016 in Melbourne with video link to other sites.

6. BUASA has discussed this correspondence with the NTEU, who have indicated that they support the proposed variation to the 23 June Directions and will communicate directly with your office to confirm their position.

7. We provided a draft copy of this letter to the solicitors for Bond University on 8 July but have not received a response from them at this time.

Regards

BUASA
Joel Butler