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Sent: Thursday, 2 June 2016 6:43 PM
To: AMOD; Chambers - Johns C
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Subject: Group of 8 Universities : AM2014/229, AM2014/230 - Response to Revised Exposure Drafts [CU-Legal.FID1793353]

Dear Commissioner

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 directions issued by the Commission on 12 May 2016. In accordance with direction [6] 2. of those directions, the Group of 8 provides the below response to the Revised Exposure Draft - Higher Education Industry-General Staff-Award 2015 and the Revised Exposure Draft - Higher Education Industry-Academic Staff-Award 2015 (**Revised Exposure Drafts**).

We confirm that:

- the Commission conducted a conference on 10 May 2016 to address outstanding technical and drafting issues raised by the Australian Higher Education Industrial Association (**AHEIA**), the National Tertiary Education Union (**NTEU**) and the Group of Eight Universities (**Group of 8**) that conference was recorded on transcript;
- in accordance with direction [6]1. of the 12 May 2016 directions, the parties filed correspondence with the Commission on 18 May 2016 about their respective positions on outstanding issues from the conference;
- following receipt of that correspondence, on 27 May 2016, the Commission published the Revised Exposure Drafts which were intended to record (in mark-up) the agreed changes to the Academic Staff Award and the General Staff Award. Unfortunately a number of the matters discussed and agreed during the conference on 10 May 2016 and raised by the parties in correspondence of 18 May 2016 have not been fully reflected in the Revised Exposure Drafts.
- on 30 May 2016 the NTEU provided the Commission with a response to the Revised Exposure Drafts. In its response, the NTEU referred to a number of matters which were raised and agreed at the conference on 10 May 2016 and which have not been incorporated into the Revised Exposure Drafts.

The Group of 8 confirms that it agrees with those matters raised by the NTEU, and in addition provides the following response to the Revised Exposure Drafts:

Academic Staff Award

1. **Clause 9.4** - The "Standard Marking (where Academic holds a relevant doctoral qualification)" rate was agreed to be moved to appear under the "Standard Marking" rate in the table.

(ref. transcript 10 May 2016, PN145 – PN146)

General Staff Award

2. **Clause 9.2(b)(ii)** - for clarity the last part of the second sentence be amended as follows *"the employee will be entitled to a shift penalty rate of 150% of the minimum hourly rate."*

(ref. paragraph 2.1(a) Group of 8 correspondence 18 May 2016)

3. **Clause 15.3** - be amended to refer to penalties arising under 9.2(b)(ii):

"15.3 Rates not cumulative

The penalty rates within this clause and in the overtime clause and 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."

This change is necessary to ensure consistency in light of the proposed change to the wording of clause 16.5.

(ref. paragraph 2.1(b) Group of 8 correspondence 18 May 2016)

Kind regards

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