



Fair Work Commission: s.157 FWC may vary modern awards if necessary to achieve the modern awards objective

UNDERGRADUATE QUALIFICATIONS REVIEW

SUBMISSIONS IN REPLY

AUSTRALIAN BUSINESS INDUSTRIAL

and -

THE NSW BUSINESS CHAMBER LTD

4 OCTOBER 2019

1. INTRODUCTION

1.1 These submissions are filed on behalf of Australian Business Industrial (**ABI**) and the New South Wales Business Chamber Ltd (**NSWBC**) in accordance with the directions issued in a statement¹ published on 27 August 2019 (**August Statement**) which invited parties to file submissions in reply by 4.00pm 4 October 2019.

1.2 We wish to make two observations based on the submissions filed in the Commission. These are regarding:

- (a) the Australian Qualifications Framework (**AQF**) Review; and
- (b) the definition of “undergraduate qualifications.”

2. AQF REVIEW

2.1 Both the Ai Group and AMWU submissions dated 20 September 2019 refer to the current review of the AQF.

2.2 Both parties stated that the Commission should not commence the proceedings while the AQF review is underway and give the parties the opportunity to consider the outcome of the AQF review prior to the commencement of the proceedings.

2.3 It is not entirely clear how the AQF review may relate to these proceedings but we note that the government website indicates that the completion of the AQF review is imminent.² The findings of the AQF review may be relevant to the proceedings. Obviously, if it was relevant, the Commission may benefit from the views of the parties at that time.

3. DEFINITION OF “UNDERGRADUATE QUALIFICATIONS”

3.1 The ACTU and the NTEU in their submissions dated 20 September 2019 stated

¹ [2019] FWC 5934

² Australian Government Department of Education, Australian Qualifications Framework Review, accessed on 3 October 2019, <https://www.education.gov.au/australian-qualifications-framework-review-0>,

that they understood “undergraduate qualifications” captured all degree level qualifications including post-graduate qualifications.

3.2 We proceeded on a different basis. We understood “undergraduate qualifications” to mean first degree qualifications. This would be limited to be a degree earned by a person who having completed undergraduate courses. This would exclude postgraduate qualifications such as a Masters Degree or PhD.

3.3 It would be beneficial for the parties to have this clarified prior to the proceedings developing any further.

4. SECTION 157 OF THE FW ACT

4.1 It is unclear at this stage whether Ai Group submissions dated 20 September 2019 concerning s. 157 of the *Fair Work Act 2009 (Cth)* are a flirtation or are intended to be seriously pressed.

4.2 If it is the latter, then at the appropriate time, we will provide submissions on this point to assist the Commission further.

Filed on behalf of ABI and NSWBC by:

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