

TRANSCRIPT OF PROCEEDINGS
Fair Work Act 2009

32837-1

COMMISSIONER SMITH

AM2010/246

s.160 - Application to vary a modern award to remove ambiguity or uncertainty or correct error

**Application by Fair Work Australia
(AM2010/246)**

Educational Services (Post-Secondary Education) Award 2010

(ODN AM2008/33)

[MA000075 Print PR988935]

Melbourne

10.00AM, FRIDAY, 26 NOVEMBER 2010

PN1

No parties sought to appear or make submissions in this matter.

PN2

THE COMMISSIONER: I've called this matter on of my own motion to deal with an uncertainty that arises in the classification schedule C of the Education Services (Post Secondary Education) Award 2010. The issue that arises is contained in clause C4.1(b). In that clause it refers to a tutor instructor level 2 but the last sentence of the clause says, "A tutor instruction level 1 will commence at level 1 and may progress to a maximum of level 7." This is clearly an error and therefore the award will be varied to remove the uncertainty that exists in that sentence and it will now read, "A tutor instruction level 2 will commence at level 2 and may progress to a maximum of level 7." This will make the clause internally consistent and also consistent with the wages schedule. The award will be varied in those terms and the variation shall operate from 1 July 2010. The matter is adjourned. Thank you.

<ADJOURNED INDEFINITELY

[10.02AM]