

**From:** Condello, Matthew [<mailto:mcondello@claytonutz.com>]  
**Sent:** Wednesday, 28 November 2018 9:20 AM  
**To:** Chambers - Kovacic DP  
**Cc:** Linda Gale; Catherine Pugsley; Pill, Stuart; Trevor Clarke  
**Subject:** RE: Higher Education (General Staff) Award 2010 - inclusion of model casual conversion clause [CU-Legal.FID1999041]

Dear Deputy President

We refer to the [email below](#) and to the direction to file proposed directions by close of business Tuesday 27 November.

Please see **attached** directions proposed by the Group of 8 and the AHEIA. The proposed directions were provided to the NTEU on Monday 26 November. The NTEU has not yet indicated whether it agrees to the proposed directions or suggests alternative directions.

Yours sincerely

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## Directions proposed by Group of 8 and the AHEIA

The Commission notes that:

1. By letter dated 21 September 2018, the NTEU referred to an "oversight" in relation to the Higher Education (General Staff) Award 2010 and seeks that the Commission include the model casual conversion clause determined in [2017] FWCFB 3541 and [2018] FWCFB 4695 in the Higher Education (General Staff) Award 2010.
2. At a conference on 29 October 2018, employer parties identified a threshold issue that the issue of casual conversion had been considered and determined by the Full Bench in AM 2014/196 and decisions of the Commission (including being the subject of lengthy proceedings, evidence and submissions) and decision made not to vary the existing casual conversion provisions of the Higher Education (General Staff) Award 2010 (and 21 other awards already containing a casual conversion clause). No new matters had arisen and the NTEU appeared to be seeking the Commission depart from its previous decision.
3. By email dated 20 November 2018, Deputy President Kovacic indicated the parties would be given the opportunity to put further submissions on whether the Full Bench in AM 2014/196 has already determined the issue of casual conversion in respect of the Higher Education (General Staff) Award 2010, including whether to vary the award to include the model conversion clause, and if so, whether this precludes the Full Bench from considering the NTEU's request to include the model casual conversion clause (**Threshold Issues**).

The Commission directs:

1. That any interested party wishing to make submissions in respect of the Threshold Issues file any submission by Friday 1 February 2019.
2. Any party wishing to make submissions in reply to the submission filed pursuant to Direction 1, file any submission in reply by Friday 22 February 2019
3. Unless requested by a party that has filed a submission, the Threshold Issues be determined on the papers.