

From: Chambers - Kovacic DP

Sent: Tuesday, 20 November 2018 11:57 AM

To: lgale@nteu.org.au; catherine.pugsley@aheia.edu.au; SPill@claytonutz.com

Cc: Trevor Clarke

Subject: Higher Education (General Staff) Award 2010 - inclusion of model casual conversion clause

Dear Ms Gale, Ms Pugsley and Mr Pill

I refer to the recent telephone conference which considered the NTEU's correspondence of 21 September 2018 regarding the issue of casual conversion in respect a number of awards, including the Higher Education (General Staff) Award 2010 (the Award). I apologise for the delay in getting back to you following that telephone conference.

As you know the NTEU's correspondence requested that a conference be convened to discuss the inclusion of the model casual conversion clause in the Award. At the conference Mr Pill representing the Group of Eight universities submitted that the Full Bench had determined not to vary the Award to include the model casual conversion clause and indicated that were the Full Bench of a mind to entertain the NTEU's request to include the model clause in the Award his clients would seek the opportunity to put further submissions as to why that should not be the case. The conference concluded on the basis that I would discuss the matter with the presiding member of the Full Bench, Vice President Hatcher.

Having discussed the issue with the Vice President, we consider that it is arguable the NTEU's request constitutes a new application to vary the Award, though we note that at this stage no formal application to vary the Award has been made. However, consistent with Mr Pill's request, the parties will be given the opportunity to put further submissions on the issues of whether the Full Bench has already determined the issue of whether or not to include the model casual conversion clause in the Award and, if so, whether this precludes the Full Bench from considering the NTEU's request.

To that end the parties are directed to confer on proposed directions relating to those issues and whether those issues can be determined on the papers. The parties are directed to provide proposed directions to my chambers by no later than close of business on Tuesday, 27 November 2018. Should the parties be unable to agree on proposed directions a further telephone conference will be convened to finalise the directions.

Yours sincerely

JOHN KOVACIC PSM
Deputy President

Please note the new address below

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