

*Fair Work Act 2009*

s. 156 – 4 yearly review of modern awards

**4- yearly review of modern awards – Casual employment and Part-time employment**  
(AM2014/196 and AM2014/197)

***Re: Higher Education (General Staff) Award 2010 [MA000007]***

**Reply Submission of National Tertiary Education Union (NTEU)**

1. Further to Submissions on behalf of the Group of Eight Universities and from the Australian Higher Education Industrial Association (AHEIA) (“the employer bodies”), dated 13 September 2018, please accept this Submission in reply.
2. It is disingenuous for the employer bodies to claim that our submissions of 5 September 2018 are ‘not responsive to any matter presently before the Commission’ and ‘contrary to the previous determination of that issue by the Full Bench...’; [Group of Eight, para 2].
3. Consideration of minimum engagement for casual staff under the *Higher Education (General Staff) Award* related to the ACTU claim for a 4 hour minimum engagement for all casual staff; it was not envisaged that some casual staff would receive a lesser period of engagement nor that some casual staff working in the same sector, but under different Awards, would be left with different entitlements; refer [2017] FWCFB 3541, [404-405].
4. NTEU Submissions are not an attempt to ‘back door’ a different outcome, as asserted by the Group of Eight. The 4-yearly review of awards has been in progress for more than 4 years. The Commission has considered thousands of submissions around the modern awards and several ‘common claims’. It is not possible for the process to occur in a sequential manner nor for every small or large implication to be foreshadowed by parties or the Commission.
5. We reiterate that in limiting the application of the Commission’s decision to Awards without any minimum engagement period, the Full Bench will inadvertently provide students and those with a primary occupation elsewhere, working as casual *academic* staff, with a minimum engagement of 2 hours work on each occasion, whilst general staff will continue to receive just a one hour minimum engagement in certain circumstances (clause 12.2). This is an example of an outcome that was not foreshadowed by the Commission. We do not believe that this was the intent of the Commission.

6. We respectfully ask that the Commission apply consistency to the work of casual staff in higher education by extending the 2 hour minimum engagement period confirmed by the August decision [2018] FWCFB 4695 to staff under the *Higher Education (General Staff) Award 2010*.

**NTEU National Office**  
**17 September 2018**