



DECISION

Fair Work Act 2009

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

(AM2010/246)

EDUCATIONAL SERVICES (POST-SECONDARY EDUCATION)

AWARD 2010

[MA000075]

Educational services

COMMISSIONER SMITH

MELBOURNE, 8 DECEMBER 2010

[1] The following decision, now edited, was issued during proceedings conducted on 26 November 2010.

[2] I have called this matter on of my own motion to deal with an uncertainty that arises in the classification at Schedule C, clause C.4.1(b) of the *Education Services (Post Secondary Education) Award 2010*. No parties sought to appear or to make submissions.

[3] The issue that arises, contained in clause C.4.1(b), is that the clause refers to a tutor instructor level 2 but the last sentence of the clause states, a “tutor/instructor Level 1 will commence at Level 1 and may progress to a maximum of Level 7.”

[4] This is clearly an error. The award will be varied to remove the uncertainty that exists in that sentence and it will now read, a “tutor/instructor Level 2 will commence at Level 2 and may progress to a maximum of Level 7.”

[5] This variation will make the clause internally consistent and also consistent with the wages schedule.

[6] The award will be varied in those terms and the variation shall operate from 1 July 2010.

COMMISSIONER

Printed by authority of the Commonwealth Government Printer

<Price code A, MA000075 PR504757>