

Fair Work Commission: 4 Yearly Review of Modern Awards

AM2014/266

Educational Services (Teachers) Award 2010

Submission in Reply – Exposure Draft

Associations of Independent Schools

and

Independent Education Union of Australia

1. These submissions are made on behalf of the Associations of Independent Schools (**AIS**) and the Independent Education Union of Australia (**IEU**). The state based Associations of Independent Schools are those tabulated at paragraph 1 of the primary submissions in this matter.
2. Hereinafter the AIS and the IEU are referred to as **'the Parties'**.
3. These joint submissions are made by the Parties in accordance with the directions issued by the Commission on 10 May 2016.

Submissions of United Voice

4. The Parties note that at paragraph 42 of its submissions United Voice supports the position advanced by the Parties at paragraphs 31-33 of their primary submissions; that, in answer to the question posed by the Commission in respect of the insertion

of an additional definition of years of service for clause 14.4, any additional definition in this respect is unnecessary.

5. The Parties note that at paragraphs 43-46 of its submissions United Voice effectively answers 'no' to the question, concerning the expansion of the applicability of RDO provisions by way of their inclusion in the general hours of work clause in the body of the award, posed by Commission in Schedule A.2 of the exposure draft. The Parties adopted the same position in their primary submissions at paragraphs 61-2.

Submissions of Australian Business Industrial (**ABI**) and the NSW Business Chamber Ltd

6. At paragraph 6.1 of their submissions ABI proposes additions to the list of facilitative provisions in clause 7.2 of the award. The Parties agreed to the facilitative provisions prior to the making of the modern award. The Parties prefer clause 7.2 of the exposure draft to the clause proposed by ABI.
7. Paragraph 6.2 of ABI's submissions raises the same matter dealt with at paragraphs 20-23 of the Parties' primary submissions. It follows that we agree that clause 11.4, as divided and reformulated by the exposure draft, does not work well and could be more clearly expressed. At paragraph 21 of those submissions we proposed a revision of clause 11.4. We press our proposal in those terms.
8. Paragraph 6.3 of ABI's submissions again deals with the question posed by the Commission in respect of clause 14.4 of the exposure draft. We note that ABI agrees with the Parties' primary submissions and those of United Voice in this respect.
9. The Parties have no prima facie objection to the minor drafting amendments proposed by ABI at paragraphs 6.4, 6.5 and 6.8 of their submissions. Their utility however is a matter for the Commission.
10. In response to paragraph 6.7 of ABI's submissions, as noted above and in our primary submissions at paragraphs 61-2 the Parties support the continued retention of clause A.2.12 in Schedule A.