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## Commission terminates university agreement

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The FWC has today acceded to Murdoch University's application to terminate its agreement, effective from September 26.

Commissioner Bruce Williams noted that after more than a year of bargaining "the parties are apart on multiple matters that are fundamental issues to them".

He said that terminating the agreement for the WA university would "change the context of bargaining, more to Murdoch's favour than has been the case to date, which has favoured the NTEU's unwillingness to change existing clauses".

Commissioner Bruce Williams said that implicit in the union's argument that termination would shift bargaining to the advantage of the university was that the "balance" in negotiations since April last year had favoured the NTEU and employees.

He said that the "context" for negotiations thus far has been that provisions of the current agreement remain in place unless both parties agree.

"This is important in this instance because the specific changes Murdoch is bargaining to achieve is to remove or redraft numerous clauses in the agreement it views as problematic.

"If bargaining does not result in an agreement the problematic clauses continue to apply unchanged into the future, indefinitely," Commissioner Williams said.

He said the "current context" for negotiations "has not been neutral, it has favoured the NTEU where they do not agree to change these clauses.

"As the unions submit, if the agreement is terminated this will change the bargaining dynamics.

"This is because the context for bargaining will be different," Commissioner Williams said.

"The starting point then would be that the provisions of the expired agreement are not operative and will not be in a new agreement unless both parties agree to this.

"The focus for negotiations will likely then be on why provisions from the terminated agreement should be retained and why different provisions should be included in a new agreement," he said.

Commissioner Williams heard the case over 11 days in Perth during July.

The agreement applies to some 3,500 academic and professional employees.

[Murdoch University \[2017\] FWCA 4472 \(29 August 2017\)](#)

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