

# Agreement breach costs uni \$5000

## But lecturer's job still in doubt

By JODIE DUFFY

The University of Wollongong was found guilty yesterday and fined \$5000 in the Federal Court of breaching its enterprise agreement.

But while the National Tertiary Education Union (NTEU) won the legal wrangle on two administrative breaches, it failed in its attempt to have the court confirm that Faculty of Education lecturer Dr Grant Rodwell was on continuing appointment and not a fixed term contract.

The NTEU had initiated the action to prevent the termination of Dr Rodwell's 12-month contract, which is due to expire on February 17.

"We're obviously disappointed," Ken McAlpine, NTEU national industrial coordinator said.

"What the court found was that, essentially, the law provides Dr Rodwell with no special remedy to allow him to assert his legal rights."

The NTEU would continue its battle in the Industrial Relations Commission to have Dr Rodwell either retained by the university or for him to receive a redundancy package available to all permanent staff.

The enterprise agreement limits fixed term contracts to tightly defined situations, such as replacing employees on leave.

The union said the court found that Dr Rodwell's contract was outside the allowable situations and that it had failed to provide the relevant details in his letter of appointment.

It is the second time in six months that the university has been found guilty of breaching the agreement.

In August, the Federal Court found it had illegally dismissed Dr Ted Steele after he made public comments that criticised the university's marking procedures.

The university will appeal that decision next month.

Yesterday, the NTEU called on the University Council to rein in Vice-Chancellor Gerard Sutton, whom it claimed was bringing the university into disrepute.

A university spokesperson said the vice-chancellor did not respond to personal attacks.

Although he agreed the technical breaches were not trivial matters, the spokesperson said they were not serious as reflected by the small \$5000 fine imposed by the court.

And he said the administrative breaches had been rectified by the university "some time ago".