



19 October 2018

[amod@fwc.gov.au](mailto:amod@fwc.gov.au)

Dear Sir/Madam

**Re: 4-yearly review of modern awards – Part-time employment and Casual employment (AM2014/196 and AM2014/197) – Educational Services (Post-Secondary Education) Award 2010 [MA000075]**

The Australian Higher Education Industrial Association (**AHEIA**) represents the majority of public universities in Australia. A significant number of AHEIA's members employ teaching staff as defined in Clause 3.1 of the *Educational Services (Post-Secondary Education) Award 2010 (the Post-Secondary Award)*.

At Paragraph 32 of its decision dated 21 September 2018 ([2018] FWCFB 5846), the Full Bench advised that it would allow interested parties the opportunity to file written submissions in response to the ACTU submission that it had omitted the Post-Secondary Award in error from the list of awards which should be varied to add a casual conversion clause, and that it should now be varied to include the model casual conversion clause.

If the Full Bench determines that the ACTU should be permitted to amend its application to include the Post-Secondary Award in the list of awards to be varied, AHEIA would oppose the inclusion of the "model clause", given the specific features of the Post-Secondary Award, relating both to sessional employment, and the definition of part-time employment. We note that the ACTU and others, in their submission filed today, acknowledge this issue in relation to sessional employment.

We have not seen the ACTU's Draft Determination until today, and in order to respond will need the opportunity to consult our members. In particular, we note the reference at Clause 12(f) of the ACTU submissions to enterprise agreements covering TAFE staff in Victoria: all of the "dual sector" universities in Victoria are members of AHEIA.

We would therefore seek permission to have another week to provide our final view with regard to a casual conversion clause for teaching staff in the Post-Secondary Award. Further, as foreshadowed in the ACTU submissions we would not object to the matter being listed for a conference of the parties.

Yours sincerely,

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