Submission to Fair Work Australia (FWA)

Review of Modern Awards

MA00075 – Education Services (Post-Secondary Education) Award 2010

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ACPET authority to respond in respect of MA000075 – Education services (Post-Secondary Education) Award 2010

Established in 1992, the Australian Council for Private Education and Training (ACPET) is the national industry association for private providers of post-compulsory education and training. ACPET has over 1,100 members nationally delivering a full range of higher education, vocational education and training (VET) and English language courses across all States and Territories.

ACPET’s mission is to enhance quality, choice, innovation and diversity in Australian education and training for individual, national and global development. ACPET represents a range of private providers, including commercial and not-of-profit entities, community groups and industry and enterprise-based organisations.

ACPET works with governments, education and training institutions, industries, and community organisations, to ensure vocational education and training and higher education provision are well-targeted, accessible, and well-delivered with courses of high quality, and providing for choice and diversity. As the peak body for non-government providers, ACPET is committed to ensuring that its policies, products and service contribute to an inclusive tertiary education system.

Variations sought and review recommendations

ACPET in consultation with our members has identified two (2) key areas for review in respect of MA000075:

1. Clause 21.2 Ordinary hours of work – academic teachers

There is a need to distinguish the respective roles and duties of teaching and lecturing staff at Universities and that of other tertiary education providers. The majority of university teaching staff are career academics who may be involved in research, while the majority of lecturers at private tertiary education institutions are industry professionals. Private tertiary education lecturers are normally provided with the requisite teaching and assessment resources and do not require the equivalent preparation time as their university counterparts. The current award provision whereby providers must pay for three (3) hours work for each one (1) hour of face to face time reflects this requirement.

Recommendation

That payment is based on a ‘one to one’ ratio with a separate payment rate for preparation work or student support. This would be fair and reasonable if it were set at a minimum of one (1) hour per class to cover photocopying and the like. It is acknowledged that administration, meetings or marking must be compensated and paid separately.

An additional benefit of this adjustment would be the employment of many more full time, sessional or casual lecturers who would have the security of a teaching position whilst being able to pursue their creative interests.
2. **Clause 10.6 Continuous Service**

This clause excludes private tertiary education providers from employing sessional lecturers simply because if they are engaged for two consecutive semesters then they are deemed to be continuous and can expect further employment even if they are not required to teach e.g. a specialist unit not offered in the following semester. The outcome here could potentially lead to an industrial relations claim for unfair dismissal or a claim for redundancy.

**Recommendation**

Amend Clause 21.2 to be based on length of service. Forty weeks over a two year period has been suggested and not based on the number of sessions. This would allow providers to employ many more lecturers on a sessional basis and provide them with associated benefits and greater flexibility.

This amendment will allow for providers to offer lecturers the security of continuous work for a fixed period of time but also offers flexibility in staffing.

ACPET appreciates the opportunity to respond to this review.

For further clarification or for additional information please refer to Michael.hall@acpet.edu.au