

Justice Ross  
President  
Fair Work Commission

e: amod@fwc.gov.au

Date 02/09/2016  
Our Ref: EAR-06-14\00344490.DOCX

Re: *AM2014/263 - 4 Yearly Review of Modern Awards - Children's Services Award 2010*

Dear Justice Ross

Livingstones acts on behalf of G8 Education Ltd (G8 Education) in relation to the above matter.

We refer to the Commission's directions of 26 August 2016. On 12 November 2015 we lodged a written submission setting out the reasons that G8 Education is seeking the insertion of a new clause into the *Children's Services Award 2010*, which is set out below. We note that this clause was not set out in the Exposure Draft of the Award of 17 May 2016.

### **The proposed variation**

The proposed variation would be inserted into the *Children's Services Award 2010* at clause 14.x with the remainder of clause 14 being renumbered.

#### *Proposed clause 14.x*

*(a) On engagement, the employer may require that the employee provide documentary evidence of qualifications and experience in the children's services and early childhood education industry. If an employer considers that the employee has not provided satisfactory evidence, and advises the employee in writing to this effect, then the employer may decline to recognise the relevant qualification or experience until such evidence is provided. Provided that the employer will not unreasonably refuse to recognise the qualifications or experience of an employee.*

*(b) Where an employee has completed further experience with another employer (for example during unpaid leave) or additional qualifications after commencement of employment they will be entitled to be classified accordingly and back paid from the date of*



*completion of the experience or qualifications, provided the employee provided satisfactory evidence to the employer within three months of completion. In all other cases the employee will be classified and paid from the date satisfactory evidence is provided.*

### **Evidentiary based case**

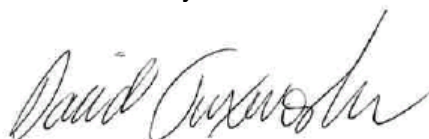
G8 Education set out the need for the variation in the written submissions of 12 November 2015. We intend to run an evidentiary based case and intend on calling one witness being the Human Resources Manager of G8 Education, Ms Jessica Battersby. We will provide the Commission and the parties with a witness statement prior to the hearing.

Livingstone's will appear on behalf of G8 Education in the hearings and provide any clarification sought by the Commission or other interested parties. We request to be heard by video link in Brisbane.

Please see attached an F53 – Notice of Representative Commencing to Act.

If you have any queries in relation to the contents of this letter please do not hesitate to contact the undersigned.

Yours sincerely



David Tuxworth  
Consultant and Agent for G8 Education Ltd

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