

**IN THE FAIR WORK COMMISSION
AT SYDNEY**

MATTER: AM2018/18; AM2018/20

4 YEARLY REVIEW OF MODERN AWARDS – EDUCATIONAL SERVICES
(TEACHERS) AWARD; CHILDREN'S SERVICES AWARD

**IEU SUBMISSIONS RE IN REPLY RE PROVISIONAL VIEWS OF THE FULL
BENCH**

1. These submissions are in reply to submissions made with respect to two provisional views expressed by the Full Bench in *4 yearly review of modern awards – Award stage – Group 4 awards – Children's Services Award 2010 and Educational Services (Teachers) Award 2010 – Final Claims – Substantive Issues* [2020] FWCFB 3011 and its subsequent Statement [2020] FWCFB 3118.

Provisional view on the transfer of provisions of Educational Services (Teachers) Award 2010 to the Children's Services Award 2010

2. Of the industry participants and stakeholders that have responded to the Full Bench's '*provisional view*', almost all have opposed it. This includes the ACA, which is of particular significance given that the two witnesses whose evidence led the Full Bench to form said view are executive members of that organisation; this emphasises that they spoke only for themselves in this respect.
3. AFEI, whose actual interest in the sector is very unclear, supports the '*provisional view*'. However, it appears that this is on the basis that classifications, pay and conditions for teachers in early childhood settings would be brought into line with educators covered by the Children's Services Award. This would result in a sharp diminution in the conditions of employment of these teachers. It thus cannot be said to be actual support for the Full Bench's provisional view, which was formed with the "*intention ... not to vary the*

conditions for teachers in the ECEC sector."¹ The AFEI's position should be disregarded.

Provisional view on casual minimum engagement

4. As the submissions make clear, there is no support by any of the parties for the operation of these provisions outside of the early childhood education and care (ECEC) sector.
5. Otherwise we rely on our previous submissions.

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GREENWAY CHAMBERS
7 JULY 2020

¹ Paragraph [5], [2020] FWCFB 3118.