

In the Fair Work Commission

AM2018/9 - Application by Independent Education Union of Australia (130N) to vary an award - Section 158

Australian Childcare Alliance

ISSUES FOR CONSIDERATION AT CONFERENCE

1. BACKGROUND

- 1.1 This document is prepared on behalf of the Australian Childcare Alliance (**ACA**).
- 1.2 This document is filed in response to the Directions issued by the Fair Work Commission (the **Commission**) on 11 May 2021, directing interested parties to file a document setting out the issues they wish to be discussed before Deputy President Dean at the Conference scheduled for Monday 24 May 2021.
- 1.3 In accordance with these Directions, we set out below the issues which ACA would like to be addressed at the Conference

2. ISSUE 1 - CLARIFICATION ON THE OPERATION OF PROPOSED CLASSIFICATION STRUCTURE

- 2.1 The proposed classification structure set out at [657] of the Decision is anchored against the Australian Professional Standards for Teachers (**APST**). The APST is used by the relevant State and Territory regulatory body to determine if a teacher is 'proficient' in order to attain registration/accreditation.
- 2.2 When the APST was developed in 2011, it was silent on its application to Early Childhood Teacher (**ECT**) in Early Childhood Education Centres (**ECEC**).
- 2.3 A number of jurisdictions, however, not all, have adopted a registration/accreditation system which requires ECT's to be registered/accredited.
- 2.4 Essentially, there is no federal approach to registration/accreditation for ECT's.
- 2.5 Practically, the Decision creates a challenge particularly for the jurisdictions that currently do not have a system that requires registration/accreditation as the Decision requires ECEC employers to classify ECT's as if they have "*met requirements for registration as if they applied*"¹.
- 2.6 It would be useful to discuss this issue to determine whether there is alignment on the task involved in reclassifying teachers.

3. ISSUE 2 - THE PROSPECTIVE OPERATIVE DATE

- 3.1 It should not be in dispute that the Decision departs from the well-established and understood classification structure which has been applicable since the inception of the Modern Award.
- 3.2 The Decision is asking ECEC employers to now understand and apply teaching standards, which they may have not previously turned their minds to.
- 3.3 Currently, ECEC's do not use the APST or relevant state and territory standards in any meaningful way, let alone to assist in determining the proficiency or skills of ECT's.
- 3.4 ACA considers that any operative date of the Decision must take into account an extensive and comprehensive educational process to ensure that ECEC's understand:
 - (a) the teaching standards; and
 - (b) how to apply these standards in order to classify employees under the proposed system correctly.

¹[2021] FWCFB 2051 at [653].

4. ISSUE 3 - PHASING-IN OF SALARY INCREASES

- 4.1 In the 2021 Federal Budget, the Australian Government did not commit funding to ECEC's to compensate for the increased costs associated with the Decision.
- 4.2 ACA seeks to discuss the potential phasing of the new minimum rates of pay to ensure that ECEC providers:
- (a) have the capacity to pay for these changes; and
 - (b) that any fee increases that may be passed onto the customer to accommodate for the increase in minimum rates is consistent with the market's normal price elasticity.

5. ISSUE 4 - EDUCATIONAL LEADER ALLOWANCE

- 5.1 ACA seeks to clarify how the Educational Leader allowance identified at [658] of the Decision will relate to the Educational Leaders allowance claim in the 4 yearly Full Bench (AM2018/18 and AM2018/20).

Filed on behalf of Australian Childcare Alliance



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