

Fair Work Commission  
80 William Street  
EAST SYDNEY NSW 2010

17 May 2021

By email: Chambers.Hatcher.VP@fwc.gov.au

**Re: AM2018/9 – Application by the Independent Education Union of Australia - Educational Services (Teachers) Award 2020**

On 10 May 2021, the Full Bench in this matter directed that it be listed for conference in Sydney at 11:00am Monday 24 May 2021 before Deputy President Dean on the basis that there will be no objection to her continuing to sit on the matter. CCSA has no objection to that course of action.

Interested parties were directed to file a document setting out the issues they wish to be discussed at the conference. CCSA wishes to raise the following issues for consideration.

**Operative date and the capacity of the Commonwealth Government and State and Territory Governments to assist in funding the wages of early childhood teachers**

Should the new classification and pay structure at [657] of the Full Bench Decision [2021] FWCFB 2051, adjusted for decisions in the 2020-21 and 2021-22 Annual Wage Reviews, commence operation from the first full pay period commencing on or after 1 July 2022, or some other date? Considerations supporting 1 July 2022 include:

- a. Changes to the operation of the Child Care Subsidy (CCS) arrangements for second and subsequent children, announced in the 2021-22 Budget, are scheduled to commence in July 2022. Aligning the commencement of a new classification and pay structure with the CCS changes would result in the Commonwealth Government directly supporting increased wages of early childhood teachers through their higher, ongoing contribution to total CCS-approved centres' costs.
- b. An operative date of 1 July 2022 for non-CCS approved services funded by State and Territory Governments would facilitate the delivery of increased funding by those governments through their usual annual budgetary processes for the 2022-23 financial year and onwards. This will be particularly important in NSW, given the higher ratios of early childhood teachers (ECTs) to children required in centre-based services by regulation in that State, with a commensurately larger financial impact resulting from any increase to early childhood teachers' salaries.
- c. An operative date of 1 July 2022 for all affected services would:
  - i. fit the current timeline for consideration of the case, with a final hearing scheduled before the Full Bench on 23, 24 and 25 August 2021.
  - ii. Provide time for employers to properly classify all affected employees under the new pay rate classifications.

- iii. Permit small not-for-profit and for-profit services to properly budget for their increased employment costs, including notifying any resulting fee increases to families.

### **Phasing-in arrangements and minor technical issues**

Consideration needs to be given to:

- a. Transition arrangements in States and Territories where registration or accreditation is not yet in place for some or all early childhood teachers.
- b. Transition arrangements for jurisdictions that have partial registration or accreditation arrangements that result in long-serving early childhood teachers that move between different parts of the early childhood sector having less than 6 years' direct involvement in a registration or accreditation system <sup>1</sup>.
- c. Transition from one state jurisdiction to another.
- d. Arrangements on loss of Highly Accomplished / Lead Teacher accreditation – does the employee return to their prior proficient teacher Level, or does time spent as HALT count towards further progression through Levels 2 to 4?
- e. Confirmation of whether payment of the proposed allowance for Educational Leader at [658] of the Decision is to be in addition to, or subsumed into, Directors Allowance in the event that the Service Director is also the Educational Leader of the service.
- f. Confirmation of whether receipt of the proposed allowance for Educational Leader is proposed to be included in the calculation of Annual Leave Loading at Clause 23 of the *Educational Services (Teachers) Award 2020*.



**Megan Mendham**  
Chief Executive Officer

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<sup>1</sup> Using the table at [657] of the Decision, it would take 6 years for a full-time teacher to move from Level 2 to Level 4 after achieving proficient accreditation or equivalent.