



Commissioner Cirkovic
Fair Work Commission
11 Exhibition Street
Melbourne VIC 3000

Employee Relations
People and Culture

Level 4
31 Flinders Street
Adelaide SA 5000
GPO Box 1152
Adelaide SA 5001
DX 541

Tel (08) 8226 1463

By email: amod@fwc.gov.au

7 April 2017

Dear Commissioner

Re Children's Services Award — Four Year Review — Further Submissions (Matter No: AM2014/263)

We refer to the proceedings before the Commission in respect of technical and drafting issues in the Children's Services Award 2010, and the directions issuing from the hearing on 27 March 2017.

Further to our written submission of 21 July 2016, and in compliance with the directions of the Commission, we list below the proposed revised wording for the specified clauses.

Clause numbers are references to the *Exposure draft — Children's Services Award 2016*. Item numbers are references to the Item numbers listed in the *Revised Summary of Submissions — Technical and Drafting* document.

Revised text in each clause is identified by underlining. Deleted text is struck out.

Submission 1 (Item 15)

DECD confirms that it no longer wishes to press this submission and that it has been withdrawn.

Submission 2 (Item 16)

The revisions proposed to the clauses as listed below would result in the Award reflecting the current national early childhood education and care laws and associated terminology, without creating substantive changes to classification descriptors or their application.

A.1.4 Level 3

This is an employee who has completed AQF Certificate III in ~~Children's Services or an equivalent qualification~~ a qualification approved by the Australian Children's Education and Care Quality Authority (or equivalent regulatory authority) or, alternatively, this employee will possess, in the opinion of the employer, sufficient knowledge or experience to perform the duties at this level. An employee appointed at this level will also undertake the same duties and perform the same tasks as a CSE Level 2.

...

(b) Progression

Subject to this award, an employee at this level is entitled to progression to Level 3.3. An employee at this level who has completed an AQP Diploma in ~~Children's Services or equivalent~~ a qualification approved by the Australian Children's Education and Care Quality Authority (or equivalent regulatory authority), and who demonstrates the application of skills and knowledge acquired beyond the competencies required for AQP Certificate III in the ongoing performance of their work, must be paid no less than the rate prescribed for Level 3.4.

...

A.1.6 Level 4

This is an employee who has completed a Diploma in ~~Children's Services or equivalent (e.g. Certificate IV in Out of School Hours Care)~~ a qualification approved by the Australian Children's Education and Care Quality Authority (or equivalent regulatory authority) and is appointed as the person in charge of a group of children in the age range from birth to 12 years or an employee who is appointed as an Authorised Supervisor (as defined in the *Children and Young Persons (Care and Protection) Act 1998* (NSW)).

...

A.1.8 Level 5

This is an employee who has completed an AQP Level V Diploma in ~~Children's Services or equivalent~~ a qualification approved by the Australian Children's Education and Care Quality Authority (or equivalent regulatory authority) and is appointed as:

...

A.1.10 Level 6—Director

A Director is an employee who holds a relevant Degree or a 3 or 4 year Early Childhood Education qualification, or an AQP Advanced Diploma, ~~or a Diploma in Children's Services~~, or a Diploma in Out-of-School-Hours-Care, or a Diploma in a qualification approved by the Australian Children's Education and Care Quality Authority (or equivalent regulatory authority); or is otherwise a person possessing such experience, or holding such qualifications deemed by the employer or the relevant legislation to be appropriate or required for the position, and who is appointed as the director of a service.

...

(b) Director Level 1

A Director Level 1 is an employee appointed as the Director of a service ~~licensed with approved places~~ for up to 39 children or a Family Day Care service of no more than 30 family based childcare workers and is paid at the Level 6.1 to 6.3 salary range.

(c) Director Level 2

A Director Level 2 is an employee appointed as the Director of a service ~~licensed with approved places~~ for between 40 and 59 children or a Family

Day Care service with between 31 and 60 family based childcare workers and is paid at the Level 6.4 to 6.6 salary range.

(d) Director Level 3

A Director Level 3 is an employee appointed as the Director of a service licensed with approved places for 60 or more children or a Family Day Care service with more 60 family based childcare workers and is paid at the Level 6.7 to 6.9 salary range.

(e) Qualified Co-ordinator

This is also the level for a qualified Co-ordinator who co-ordinates and manages a stand alone out-of-school hours care and/or vacation care centre and has successfully completed a post-secondary course of at least two years in Early Childhood Studies or an equivalent qualification.

A Co-ordinator appointed to co-ordinate the activities of a service ~~licensed to accommodate~~ with approved places for up to 59 children will be paid at the salary range Level 6.1 to 6.3.

A Co-ordinator appointed to co-ordinate the activities of a service ~~licensed to accommodate~~ with approved places for 60 or more children will be paid at the salary range Level 6.4 to 6.6.

Submission 3 (Item 12)

The term 'Graduate Certificate' in Clause 17.2(b) is not defined with reference to any applicable AQF level. 'Graduate Certificate' could be construed to mean anything from a Certificate 1 to a Masters degree.

Additionally, it is unclear whether or not the qualification (Graduate Certificate) that triggers the allowance is in addition to the minimum qualification required for classification in accordance with A.1.8 and A.1.9 (Schedule A). Clause 17.2(b) only applies to Assistant Directors and Directors, however in accordance with A.1.8 and A.1.9 a qualification is already required to be appointed to these positions.

It appears that the clause has been lifted from the WA pre-modern award (AP846963 - Child Care (Long Day Care) WA Award 2005). While that award does not provide an express definition either, the structure of the classifications in Schedule A, particularly levels 5 and 6, of that Award strongly suggests that 'graduate certificate' refers to a degree qualification.

DECD submits that the clause should be amended as follows:

17.2 Wage related allowances

...

(b) Qualifications allowance

A Director or Assistant Director who holds a ~~Graduate Certificate in Childcare Management~~ Degree in Management or equivalent, in addition to a qualification required to be classified at that level, will be paid an all-purpose allowance of \$48.64 per week.

Any questions in relation to this submission should be directed to Wayne Turner on 08 8226 5997 or at wayne.turner@sa.gov.au.

Kind regards

A handwritten signature in black ink, consisting of a stylized 'W' followed by a long horizontal line that curves slightly upwards at the end.

Wayne Turner
Employee Relations Consultant
Department for Education and Child Development