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Sent: Monday, 25 October 2021 4:05 PM
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Subject: AM2018/9 - Application to vary Education Services (Teachers) Award 2020 on work value
grounds - ACA/ABI submissions - Draft Determination

Dear Associate to Vice President Hatcher,

AM2018/9 - Application by the Independent Education Union of Australia

We refer to the above-mentioned matter and paragraph [85] of the Full Bench's decision [2021] FWCFB 6021.

Please find attached by way of filing the ACA/ABI submissions regarding the Draft Determination in both Word and PDF format.

Yours faithfully,

Jordan.

Jordan Lombardelli

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IN THE FAIR WORK COMMISSION

**SUBMISSIONS REGARDING TERMS OF THE DRAFT
DETERMINATION**

**APPLICATION BY THE INDEPENDENT EDUCATION UNION
OF AUSTRALIA (AM2018/9)**

FILED ON BEHALF OF:

- **Australian Childcare Alliance (ACA); and**
- **Australian Business Industrial (ABI)**

25 OCTOBER 2021

1. We refer to paragraph [85] of the Full Bench's Decision in the AM2018/9 Application to vary Education Services (Teachers) Award 2020 (**Award**) on work value grounds¹ (the **Decision**) dated 11 October 2021 and the submissions of the IEU dated 21 October 2021.
2. ACA/ABI agree with the following IEU proposed amendments:
 - (a) the proposed changes to clause 14.2(a);
 - (b) the proposed change to clause 14.5(b) (noting that the Fair Work Commission has already clarified this issue in its correspondence to the UWU on 20 October 2021);
 - (c) the proposed change to clause 19.3(g)(i);
 - (d) the proposed change to clause B.1.1; and
 - (e) the proposed change to clause to clause H.1 (a).
3. ACA/ABI do not agree that the proposed change to clause 14.5(a)(i) is required to give effect to the intention of the Decision.
4. There are three types of jurisdictions in Australia:
 - (a) jurisdictions where accreditation/registration is required for ECT's;
 - (b) jurisdictions where accreditation/registration is not required for ECT's, but is available to be attained voluntarily; and
 - (c) jurisdictions where there is no ECT accreditation/registration available.
5. In the Decision the Commission makes reference to "*application of the new classification structure in jurisdictions currently without compulsory accreditation*" and "*jurisdictions which do not require accreditation/registration of early childhood teachers*".
6. ACA/ABI consider the intention of the Decision (and clause 14.5(a)(i)) is to provide a mechanism for employers that operate in jurisdictions where there is no accreditation system at all or where there is an accreditation system, but it is not compulsory for ECTs.
7. The practical impact of the IEU's proposed amendment is that employers in jurisdictions where there is a registration/accreditation system, but it is not compulsory for ECT's, will now have to require their ECT's to achieve accreditation/registration to progress through the classifications.
8. ACA/ABI consider that this was not the intention of the Decision or the Draft Determination and the IEU proposal will cause confusion throughout the industry regarding the correct way to classify and progress ECT's throughout the classification structure.
9. ACA/ABI submit that the current drafting, as set out in the Draft Determination, should be retained.

¹ [2021] FWCFB 6021

Filed on behalf of ACA and ABI

Nigel Ward

CEO + Director

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Associate

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