



14 August 2024

Vice President Asbury
Fair Work Commission
L 14, Central Plaza Two
66 Eagle Street
Brisbane QLD 4000

Via email: chambers.asbury.vp@fwc.gov.au

Dear Vice President,

As requested in correspondence of Monday 12 August, please see below CCC and CELA's position on the proposed agreed statement of facts and our individual positions on the issues to be determined on a without prejudice basis.

Proposed statement of facts:

CCC and CELA has been in a position to review the draft statement of facts received on 11 August 2024. To the extent that the draft deals with matters relating to the general context of the ECEC sector including the nature of regulations, we believe its is possible for agreement to be reached on a final statement to be provided as part of evidence and submissions as currently directed for 27 September 2024.

CCC and CELA's position on issues to be determined.

To assist the Commission CCC and CELA's preliminary positions on the issues to be determined are as follows:

1. In relation to **issues 1, 2 and 3** CCC and CELA supports a finding in the affirmative, noting the issues identified in the historical wage setting of this Award in the Gender pay Equity research: Stage Two report¹.
2. In relation to **issue 4** we support a finding that the benchmark rate set in the Aged Care Case is appropriate to apply to Certificate III or equivalent positions in the Children's Services Award. Noting the similarities of the nature of the work and qualification requirements across both sectors.
3. In relation to **issue 5**, we agree that the Director classification is a bachelor qualified or equivalent position and that the C1 rate should apply as a base. However, we

¹ FWC, *Stage two report: Gender pay equity research*. 4 April 2024
<https://www.fwc.gov.au/documents/consultation/stage-2-report-gender-pay-equity-research-2024-04-04.pdf>



note that this rate may not fully account for additional 'invisible' skills and responsibilities and that further adjustments may also be necessary for this classification.

4. In relation to **issue 6**, while further adjustments may be necessary to preserve the incremental structure of the classifications as a result of any finding and rectification of gender undervaluation, as a minimum we propose that level 3.4 be adjusted to properly align with the C5 rate (diploma).
5. In relation to **issue 7**, we reserve our position on the time table to apply any adjustments to Award wages. Our position will be considered in the context of the extent of any wage adjustments and the confirmation of any available government funding which may be applicable.
6. **Issue 8** is not applicable to the Children's Services Award.

CCC and CELA will provide more detailed submissions on these matters in accordance with the timetable previously set for the filing of evidence and submissions.

Regards,

Laura Stevens

Director, Policy and Strategy

Community Child Care Association (CCC) and Community Early Learning Australia (CELA)