



**Australian Education Union**

**Submission**

to the

**Australian Industrial Relations Commission**

on

**Award Modernisation  
Workplace Relations Act 1996**

In the Matters of

**AM2008/70 – Educational Services  
Preschool Teachers**

**AM2008/77 – Health and Welfare Services  
(remainder) Children’s Services**

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**A. Introduction**

1. These submissions by the AEU are filed in response to the Statement by the Full Bench of the 25<sup>th</sup> of September 2009 ([2009] AIRCFB 865) indicating that interested bodies could make submissions and proposals on the amended version of the *Education Services (Teachers) Award 2010* [the amended Award]. The amended Award published by the Full Bench as an Exposure Draft is intended to reflect the inclusion of teachers employed in the children’s services and early childhood education industry as well as teachers in the school education industry.

2. Subject to the submission found in section D below, the AEU generally supports the proposed variations and the reasons the Commission gives for making them ([2009] AIRCFB 865, paras 58-63). It is not the union's intention herein to restate the written and oral submissions made on these issues in July 2009 and previously during the Stage 3 proceedings. If questions arise as a result of other submissions, or from the Commission, they can be addressed at the Full Bench public consultation listed for 26<sup>th</sup> October in relation to this aspect of Stage 4 Awards.

## **B. COAG/MCEECDYA Decisions Reinforce the Commission's Reasoning**

3. It is, however, appropriate to draw to the attention of the Commission certain developments in the regulation of children's services and early childhood education since submissions in this matter were made.
4. The Commission's Statement of the 25<sup>th</sup> of September included the following paragraph:

*We understand that government policies will lead to an increase in the number of preschool teachers employed in childcare centres. It is, however, also likely that those policies will mean that access to early childhood education for children who are not in long day care will continue to be provided through preschools, kindergartens and preschool facilities attached to schools. The focus on the provision of early childhood education by university qualified teachers is appropriately reflected by their inclusion in an occupational award, the Educational Services (Teachers) Award 2010.*

5. The AEU submits the understanding of government policies by the Commission referred to above is further reinforced by decisions of the first meeting of the Ministerial Council for Employment, Education, Children's Development and Youth Affairs (MCEECDYA) held in Brisbane on September 28, 2009.
6. MCEECDYA, which includes all Federal, State and Territory Ministers responsible for children's services and early childhood education, issued a Communique from this meeting which stated the continued support from all jurisdictions to the quality Early Childhood Education and Care agenda.

7. This agenda is outlined in the COAG National Partnership Agreement (NPA) on Early Childhood Education. Under the Agreement, the Commonwealth and State and Territory governments have committed to ensuring that all children will have access to a quality early childhood education program by 2013, delivered by a four-year university-trained early childhood teacher, for 15 hours a week, 40 weeks a year, in the year before formal schooling.
8. The Australian Government has finalised Bilateral Agreements with State and Territory governments to implement this NPA and the recent MCEEDYA meeting Communique supports this process.
9. Evidence verifying this direction of Government policy can be found at [http://www.deewr.gov.au/EarlyChildhood/Policy\\_Agenda/ECUA/Pages/home.aspx](http://www.deewr.gov.au/EarlyChildhood/Policy_Agenda/ECUA/Pages/home.aspx).
10. This provides additional weight to the Commission's reasoning in its statement of September 25th 2009.

### **C. General Staff in Early Childhood Education and Care Settings**

11. In its Stage 3 submission, the AEU sought the inclusion of General Staff in Childhood and Care settings in the *Educational Services (Schools) General Staff Award 2010* suitably amended in nomenclature and definitions to include staff employed in centres other than those operated by schools.
12. Little substantive change is required to the above award to achieve this because the classifications for general staff in preschool/childcare services are already included. As with the Teachers' Award, the removal of the limitation to the school education industry so as to also cover the children's services and early childhood education industry is all that is required.
13. The AEU maintains its submissions made in Stage 3 about the content and standards of the General Staff Award in relation to this matter.

14. The AEU further submits that the arguments for and the understanding of the direction of government policy of the Commission which has seen it conclude that it is appropriate for early childhood education teachers to be included in a ‘teachers’ award’ lend support to the notion that education workers in the children’s services and early childhood education industry, other than teachers, should similarly be included in an award covering all such ‘general staff’.

#### **D. Specific Proposals Concerning the Educational Services (Teachers) Award**

##### *Weekly Non-contact time*

15. As presently drafted, the amended award would provide a minimum of 2 hours per week for a teacher employed in settings which operate for 48 weeks per year who is responsible for programming and planning for a group of children [Schedule A, A.3.2], but no such minimum ‘safety net’ provision for teachers employed in other settings.

16. At the very least, this is anomalous. The programming and planning needs of the employees concerned and of the centres which operate such programmes is the same.

17. The AEU further submits that the allocation of 2 hours is far from being an appropriate minimum. A standard of 40% of time employed being devoted to programming and planning duties operates as an award entitlement for teachers to whom the *Early Childhood Teachers’ Interim Award 1999* [AP780883V] (See clause 16.1.3) applies.

18. The AEU submits that such a standard should be applied across the industry and is commended to the Commission for inclusion with respect to early childhood teacher wherever they are employed.

19. This could be achieved by re-wording existing clause A.3.2 as follows:

**Non-contact time**

An employee responsible for programming and planning for a group of children will be entitled to a minimum of *40 minutes non-teaching time in addition to each hour allocated to teaching time*, during which the employee is not required to teach or supervise children or perform other duties directed by the employer, for the purpose of planning, preparing, researching and programming activities.

and inserting the same provision as say a new sub-clause 19.1.1 of the amended award.

***Annual Non-Attendance Time***

20. Under the provisions of clause 19.4 of the amended award, all teachers other than early childhood teachers employed in centres which operate for 48 weeks of the year, can be required to attend for duty to a maximum of 205 days.

21. This means that early childhood teachers in 48 week per annum centres attend for 240 days per year. Effectively such teachers are working for a further 35 days 'free' than their colleagues employed in other centres in order to receive the same wage.

22. The AEU submits this is both anomalous and inequitable and should be remedied by the Commission.

23. This can be achieved by duplicating clause 19.4 and inserting it as say a new 'A.6 Annual Attendance Days' in Schedule A. A further provision in similar terms to clause 19.8 which ensures that such 'non-attendance time' is paid time would need to be included for safety net purposes.