

From: s 22
To: s 22
Cc:
Subject: 20240806 AGS Letter - announcement (all info) - FINAL_FINAL VERSION.docx [SEC=OFFICIAL]
Date: Wednesday, 7 August 2024 2:26:42 PM
Attachments: [20240806 AGS Letter - announcement \(all info\) - FINAL_FINAL VERSION.docx](#)

Final AGS letter, including those final amendments (except for that shift of the sub para to main para – happy for you to make that).

This is cleared for signing and for distribution at 10am tomorrow.



Australian Government Solicitor
 Level 34, 600 Bourke Street Melbourne VIC 3000
 GPO Box 2853 Melbourne VIC 3001
 T 03 9242 1222
 www.ags.gov.au

August 2024

United Workers' Union
 Australian Education Union
 Independent Education Union of Australia
 Australian Business Lawyers & Advisors
 Australian Childcare Alliance Victoria
 Community Child Care Association Inc
 G8 Education Limited

Canberra
 Sydney
 Melbourne
 Brisbane
 Perth
 Adelaide
 Hobart
 Darwin

By email

Dear Parties

B2023/538 Application by United Workers' Union, Australian Education Union and Independent Education Union of Australia

1. We write to you to confirm details of the Commonwealth's commitment to provide funding to support a wage increase for the Early Childhood Education and Care (ECEC) workforce. To best facilitate a productive discussion, we have also copied the Associate to Deputy President Easton to this letter.

Commonwealth funding to support a wage increase – the ECEC Worker Retention Payment

2. In the 2024-25 Budget the Commonwealth committed to provide funding towards a wage increase for the ECEC workforce. This decision was taken in recognition of:
 - long-term challenges for the ECEC workforce, including recruiting and retaining staff due to low wages;
 - the importance of maintaining the benefits of the Government's *Cheaper Child Care* reforms so that families have access to affordable ECEC; and
 - the need to address workforce shortages as the Government considers a path to universal early education and care.
3. Commencing December 2024, the Commonwealth will provide funding for two years to support a wage increase. This will be known as the ECEC Worker Retention Payment.
4. Funding will be phased at a rate equivalent to 10 per cent on top of the relevant ECEC award rates in year one and increased to 15 per cent in year two. Funding will include provision for the wage increase and will contribute to associated on-costs.

5. The ECEC Worker Retention Payment will be calculated monthly using a wages formula based on the total number of hours charged by each participating ECEC provider.

Conditions on accessing the ECEC Worker Retention Payment

Workplace instrument

6. Access to the ECEC Worker Retention Payment will be conditional on eligible providers engaging employees under a compliant workplace instrument. A workplace instrument is an instrument that is made under, or recognised by a workplace law and concerns the relationships between employers and employees. The workplace instrument must entitle employees to receive wages that are at least the minimum amount specified in the grant guidelines and must be legally enforceable by employees to which the instrument applies.
7. Consistent with the Commonwealth's letter of 12 July 2024, it is anticipated the supported bargaining multi-enterprise agreement will be a compliant workplace instrument for funding purposes subject to it containing the required minimum wages entitlement – 10 per cent above award rates as at 2 December 2024, increased to 15 per cent from December 2025.

Fee constraint

8. Funding will be conditional on eligible providers limiting fee increases. Effective **today, 8 August 2024**, providers intending to access the ECEC Worker Retention Payment must not increase current fees by more than 4.4 per cent over the next 12 months. A new ECEC Cost Index is being developed by the Australian Bureau of Statistics to inform limits to fee increases in future years.

Funding must be passed on to employees

9. All Commonwealth funding must be passed on to eligible ECEC workers as wages or on-costs, and funding cannot be used to subsidise the cost of a provider's current wage expenditure in any circumstance. Assurance mechanisms will be in place to ensure all funding is passed on.

Professional development

10. The Commonwealth notes and encourages the productive discussions held by the parties to date regarding the development of minimum professional development standards.
11. The Commonwealth is supporting professional development in the ECEC sector through a \$72.4 million investment in the 2023-24 Budget, including Professional Development and Paid Practicum Subsidies.
12. The Commonwealth will not provide funding for professional development through this process or impose professional development conditions as a condition of access to the ECEC Worker Retention Payment.

Interaction with Fair Work Commission proceedings

13. The ECEC Worker Retention Payment will be in addition to any increases to ECEC awards specifically resulting from the Fair Work Commission's Annual Wage Review (AWR) process. As a result, the Commonwealth will provide funding on top of the updated award rates following each AWR process occurring for the duration of the grant.
14. On 7 June 2024, the Fair Work Commission separately commenced proceedings to resolve gender undervaluation issues arising in respect of certain prioritised awards, including the *Children's Services Award 2010*.
15. The ECEC Worker Retention Payment will absorb any increases to the *Children's Services Award 2010* resulting from the gender undervaluation proceedings determined by the Fair Work Commission.
 - i. For example, should gender-based work value increases to the *Children's Services Award 2010* match the ECEC Worker Retention Payment amount, the updated *Children's Services Award 2010* could function as the compliant workplace instrument for the purpose of funding eligibility.

Grant opportunity

16. The Grant Opportunity Guidelines for the ECEC Worker Retention Payment will be made available through the Department of Education. The grant opportunity is expected to open for applications in October 2024 for a December commencement.
17. The grant agreement will allow for the ECEC Worker Retention Payment to back-paid from the commencement of Commonwealth funding (December 2024). This will be available for services that meet the eligibility conditions from December 2024 and accept a grant offer by 30 June 2025.

Further information

18. The Commonwealth is available to attend further bargaining conferences to discuss the matters set out above, subject to parties' preferences and with the aim of promoting alignment between the multi-enterprise agreement bargaining process and the Commonwealth's funding approach.
19. Parties are invited to notify us of any further conference dates on which the Commonwealth is invited to attend.

Yours sincerely

s 22

CC: Cc: Associate to Deputy President Easton
Fair Work Commission
By email: chambers.easton.dp@fwc.gov.au

From: s 22
To:
Cc:
Subject: AGS Letter 2 - post announcement (all info) - August 2024.docx [SEC=OFFICIAL]
Date: Wednesday, 31 July 2024 2:47:17 PM
Attachments: [AGS Letter 2 - post announcement \(all info\) - August 2024.docx](#)

Latest



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August 2024

- United Workers' Union
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- G8 Education Limited

By email

Dear Parties

**ECEC Supported Bargaining Multi-Employer Agreement
B2023/538 Application by United Workers' Union (UWU), Australian Education
Union and Independent Education Union of Australia**

1. We write to you to ~~provide further confirm details of details regarding the~~ Commonwealth's commitment to provide funding to support a wage increase for the Early Childhood Education and Care (ECEC) ~~workforce~~. To best facilitate productive discussion, we have also copied the Associate to Deputy President Easton to this letter.

2. ~~The Commonwealth seeks a continued commitment by the parties to maintain confidentiality regarding information shared by the Commonwealth as part of the supported bargaining process, including the content of this letter, while its position regarding funding is being finalised.~~

Commonwealth funding to support a wage increase – the ECEC Worker Retention Payment

2. ~~As the parties are aware, i~~n the 2024-25 Budget the Commonwealth committed to provide funding towards a wage increase for the ECEC workforce. -This ~~investment is critical to address workforce shortages, sustain the sector, and ensure families have access to high quality and affordable ECEC~~ decision was taken in recognition of:

- ~~long-term challenges for the ECEC workforce, including recruiting and retaining staff due to low wages;~~
- ~~the importance of maintaining the benefits of the Government's Cheaper Child Care reforms so that families have access to affordable ECEC; and~~

s 47C

- the need to address workforce shortages as the Government considers a path to universal early education and care following the work of the Productivity Commission -

Commencing December 2024, the

3. The Commonwealth will provide funding over two years to support a two-year maximum wage increase equivalent to 15 per cent above the relevant award wages, delivered via a grant, commencing December 2024. This will be known as the ECEC Worker Retention Payment.

4. Funding will be phased at the rate equivalent to of a 10 per cent on top of the relevant ECEC awards increase in year one and increased to 15 per cent in year two. Grant F the funding will include provision for both the wage increase and associated on-costs.

2-5. The ECEC Worker Retention Payment will be calculated monthly using a wages formula based on the hours charged by each participating ECEC provider.

Interaction with Fair Work Commissions proceedings

6. Annual Wage Review

7. Gender undervaluation proceedings

Conditions on accessing the ECEC Worker Retention Payment

Workplace instrument to Commonwealth funding

4-8. Access to the ECEC Worker Retention Payment Commonwealth funding will be conditional on eligible providers engaging employees under a workplace instrument. The workplace instrument must entitle employees to receive wages that are at least the minimum amount specified in the grant guidelines and must be enforceable by employees to which the instrument applies.

9. Consistent with the Commonwealth's letter of 12 July 2024, it is anticipated the supported bargaining multi-enterprise agreement will be a compliant workplace instrument for funding purposes (subject to it containing the required minimum wages entitlement).

Fee constraint

5-10. To ensure the policy supports affordability for families, funding will be conditional on eligible providers agreeing to limit service limiting fee increases in accordance with a fee growth percentage cap during the term of the grant agreement. Effective [today, xx August 2024], providers intending to access the ECEC Worker Retention Payment must not increase fees by more than 4.4 per cent over the next 12 months from. A new ECEC Cost Index is being developed by the Australian Bureau of Statistics to inform guide restrictions on fee increases from August 2025 limits in future years. [today, xx August 2024].

6. The fee growth percentage cap will require providers to not increase hourly fees by more than 4.4 per cent from the date of announcement. Further information regarding this requirement will be provided in the Grant Opportunity Guidelines.

B2023/538 Application by United Workers' Union (UWU), Australian Education Union and Independent Education Union of Australia
August 2024

Commented s 22 2]: This is a placeholder - once the MR is close to being finalised I'll inject some of that language for consistency.

Commented s 22 3]: Need to include this.

Commented s 22 4]: DEWR to review

~~Commonwealth representatives will also be ready to provide additional information at a future bargaining conference.~~

11. All Commonwealth funding must be passed on to eligible ECEC workers as wages or on-costs, and funding cannot be used to subsidise the cost of a provider's current wage expenditure in any circumstance. Assurance mechanisms will be place to ensure all funding is passed on.

Professional development

12. The Commonwealth notes and encourages the productive discussions held by the parties to date regarding the development of minimum professional development standards.

13. ~~However, the Commonwealth will not provide funding for professional development will not be subject to funding through this process and or impose as such the Commonwealth will not require the inclusion of minimum professional development conditions as a condition of on-access-to-requirements. the ECEC Worker Retention Payment as a condition of receiving grant funding.~~

s 47C

8.

Commented s 22 5]: Wondering whether we reference the Cth's existing workforce commitments to demonstrate our support for PD.

Commented s 22 6R5]: The Cth already supports ... through \$72.4 m package.

Commented s 22 7]: Does this belong below the first para? Or maybe we could just merge?

Commented s 22 8]: Let's discuss.

Commented f 22 9]: Need to include this. Perhaps sits better in the funding section.

Interaction with Fair Work Commissions proceedings

1. Annual Wage Review

1. Conder undervaluation proceedings

Grant opportunity

14. ~~The Commonwealth anticipates that~~ The Grant Opportunity Guidelines for the ECEC Worker Retention Payment will be made available through the Department of Education in September 2024. The grant opportunity is expected to will be open for applications in ~~from 1 October~~ October 2024 for a December commencement.

15. The grant agreement will allow for funding the ECEC Worker Retention Payment to back-paid to be available for a back payment of wage increases from the commencement of Commonwealth funding (December 2024). This ~~backdated funding~~ will be available for services that meet the eligibility conditions from December 2024 and accept a grant offer by 30 June 2025.

Further information and participation in sSupported bargaining

Australian Government Solicitor

16. The Commonwealth is available to meet with parties in the week commencing 19 August 2024 to provide more detail about its policies. Parties are invited to contact [Name, title] on 04 xxx or xxx@education.gov.au to make arrangements.

~~10.17.~~ The Commonwealth is also available to attend further bargaining conferences in ~~in~~ October, subject to parties' preferences and with the aim of promoting alignment between the multi-enterprise agreement bargaining process and the Commonwealth's funding approach.

Yours sincerely

s 22

CC: Cc: Associate Deputy President Easton
Fair Work Commission
By email: chambers.easton.dp@fwc.gov.au

From: s 22
To: s 22
Cc:
Subject: Re: Draft AGS supported bargaining letters - pre and post announcement [SEC=OFFICIAL]
Date: Thursday, 1 August 2024 8:14:46 PM
Attachments: [image001.jpg](#)

Thanks s 22 - appreciate the context.
 I'll call in the morning for detail of the risks.

From: s 22 <s22@education.gov.au>
Sent: Thursday, August 1, 2024 7:48:36 PM
To: s 22 <s22@education.gov.au>; s 22 <s22@education.gov.au>; s 22 <s22@education.gov.au>
Cc: s 22 <s22@education.gov.au>; s 22 <s22@education.gov.au>
Subject: Re: Draft AGS supported bargaining letters - pre and post announcement [SEC=OFFICIAL]
 Thanks

The team will go through your comments tomorrow s 22 s 47C
 We also have very good relationships with the sector participants and expect they will reach out if they need more info than what is provided in that forum.

s 47C

From: s 22 <s22@education.gov.au>
Sent: Thursday, August 1, 2024 7:14:17 PM
To: s 22 <s22@education.gov.au>; s 22 <s22@education.gov.au>;
 s 22 <s22@education.gov.au>
Cc: s 22 <s22@education.gov.au>; s 22 <s22@education.gov.au>; s 22 <s22@education.gov.au>
Subject: RE: Draft AGS supported bargaining letters - pre and post announcement [SEC=OFFICIAL]
 Thanks s 22 - I've made some changes to the para on PD just to shorten a lengthy sentence and asked a couple of questions.
 s 47C

Grateful if I could get this back up in the morning so I can distribute to Offices before morning meetings start at 11am.

Thanks,

s

From: s 22 <s22@education.gov.au>
Sent: Thursday, August 1, 2024 5:07 PM
To: s 22 <s22@education.gov.au>; s 22 <s22@education.gov.au>; s 22 <s22@education.gov.au>
Cc: s 22 <s22@education.gov.au>; s 22 <s22@education.gov.au>; s 22 <s22@education.gov.au>
Subject: RE: Draft AGS supported bargaining letters - pre and post announcement [SEC=OFFICIAL]
 Hi s 22

Please find attached the updated version of the letter which incorporate feedback from AGS and DEWR. I've attached a clean version for readability.

Happy to discuss.

Thanks, s 22

From: s 22 <s22@education.gov.au>
Sent: Tuesday, July 30, 2024 9:50 AM
To: s 22 <s22@education.gov.au>; s 22 <s22@education.gov.au>
Cc: s 22 <s22@education.gov.au>; s 22 <s22@education.gov.au>; s 22 <s22@education.gov.au>
Subject: Draft AGS supported bargaining letters - pre and post announcement [SEC=OFFICIAL]
 Hi s 22 and s 22,

As requested, attached are two draft letters for AGS to send to supported bargaining parties. AGS have provided feedback.

1. **Letter 1:** Pre Announcement – does not include information re quantum/timing of funding.
 - o This letter seeks to provide critical information to parties to support forming the agreement (it includes comments).
2. **Letter 2:** Post Announcement (same day) – includes all information to support forming of agreement.
 - o The Commonwealth could then attend a conference and provide additional clarifying information regarding the points in this letter.

Let me know if you'd like to catch up to discuss

Kind regards

s 22

Australian Government Department of Education

Phone **s 22**

education.gov.au



The Department of Education acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to land, waters and community. We pay our respects to them and their cultures, and Elders past, present and emerging.



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August 2024

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By email

Dear Parties

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Commonwealth funding to support a wage increase – the ECEC Worker Retention Payment
2. In the 2024-25 Budget the Commonwealth committed to provide funding towards a wage increase for the ECEC workforce. This decision was taken in recognition of:
 - long-term challenges for the ECEC workforce, including recruiting and retaining staff due to low wages;
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Conditions on accessing the ECEC Worker Retention Payment

Workplace instrument

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11. The Commonwealth ~~already is supporting supports~~ professional development ~~within the ECEC sector, delivering through a \$72.4 million investment in the 2023-24 Budget, including over five years in the 2023-24 Budget to support the skills and training of workers in the ECEC sector through the Professional Development and Paid Practicum Subsidies as part of the 2023-25 Budget.~~
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Commented [s 22 1]: Are we 110% sure the AWR won't in fact include the outcomes of the gender undervaluation proceedings?
I'm wondering if we need a line somewhere to clarify this?

Grant opportunity

- 16. The Grant Opportunity Guidelines for the ECEC Worker Retention Payment will be made available through the Department of Education. The grant opportunity is expected to open for applications in October 2024 for a December commencement.
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Commented [f:22 2]: Can we please discuss.

Yours sincerely

s 22

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Fair Work Commission
By email: chambers.easton.dp@fwc.gov.au

B2023/538 Application by United Workers' Union, Australian Education Union and Independent Education Union of Australia
August 2024

Australian Government Solicitor

B2023/538 Application by United Workers' Union, Australian Education Union and Independent
Education Union of Australia
August 2024

Page 4

From: s 22
To:
Cc: s 22
Subject: RE: Draft AGS supported bargaining letters - pre and post announcement [SEC=OFFICIAL]
Date: Tuesday, 30 July 2024 9:54:26 AM
Attachments: [image001.jpg](#)

Fabo s , will aim to take a look this AM or early afternoon.

From: s 22 @education.gov.au>
Sent: Tuesday, July 30, 2024 9:50 AM
To: s 22 @education.gov.au>; s 22 @education.gov.au>
Cc: s 22 @education.gov.au>; s 22 @education.gov.au>; s 22 @education.gov.au>; s 22 @education.gov.au>
Subject: Draft AGS supported bargaining letters - pre and post announcement [SEC=OFFICIAL]

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Let me know if you'd like to catch up to discuss

Kind regards

s 22

Workforce Taskforce | Early Childhood and Youth Group
Australian Government Department of Education

s 22
education.gov.au



The Department of Education acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to land, waters and community. We pay our respects to them and their cultures, and Elders past, present and emerging.



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August 2024

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s 47C

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Interaction with Fair Work Commissions proceedings

Commented [s 22 3]: Need to include this.

6. Annual Wage Review

7. Gender undervaluation proceedings

Conditions on accessing the ECEC Worker Retention Payment

Workplace instrument to Commonwealth funding

Commented [s 22 4]: DEWR to review

4-8. Access to the ECEC Worker Retention Payment Commonwealth funding will be conditional on eligible providers engaging employees under a workplace instrument. The workplace instrument must entitle employees to receive wages that are at least the minimum amount specified in the grant guidelines and must be enforceable by employees to which the instrument applies.

Commented [s 22 5]: I'm inclined to put conditions under separate headings.

9. Consistent with the Commonwealth's letter of 12 July 2024, it is anticipated the supported bargaining multi-enterprise agreement will be a compliant workplace instrument for funding purposes (subject to it containing the required minimum wages entitlement).

Fee constraint

5-10. To ensure the policy supports affordability for families, funding will be conditional on eligible providers agreeing to limit service restricting fee increases in accordance with a fee growth percentage cap during the term of the grant agreement. Effective [today, xx August 2024], providers intending to access the ECEC Worker Retention Payment must not increase fees by more than 4.4 per cent over the next 12 months from. A new ECEC Cost Index is being developed to guide restrictions on fee increases from August 2025. [today, xx August 2024].

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Commonwealth representatives will also be ready to provide additional information at a future bargaining conference.

Commented s 22 6]: To discuss

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Commented s 22 7]: I feel like this para needs to be moved up and requires more information about enforcement

Professional development

12. The Commonwealth notes and encourages the productive discussions held by the parties to date regarding the development of minimum professional development standards.

13. However, the Commonwealth will not provide funding for professional development will not be subject to funding through this process and or impose as such the Commonwealth will not require the inclusion of minimum professional development conditions as a condition of access to requirements. the ECEC Worker Retention Payment as a condition of receiving grant funding.

Commented s 22 8]: Wondering whether we reference the Cth's existing workforce commitments.

s 47C

Commented s 22 9]: Does this belong below the first para? Or maybe we could just merge?

Interaction with Fair Work Commissions proceedings

Commented s 47F 10]: Let's discuss.

Annual Wage Review

Commented s 22 11]: Need to include this. Perhaps sits better in the funding section.

Gender undervaluation proceedings

Grant opportunity

14. The Commonwealth anticipates that the Grant Opportunity Guidelines for the ECEC Worker Retention Payment will be made available through the Department of Education in September 2024. The grant opportunity will be open for applications from 1 October 2024.

Commented s 22 12]: Didn't s 22 say it might be October?! Maybe "by early or mid October" is safer?

15. The grant agreement will allow for funding the ECEC Worker Retention Payment to back-paid to be available for a back payment of wage increases from the commencement of Commonwealth funding (December 2024). This backdated funding will be available for services that meet the eligibility conditions from December 2024 and accept a grant offer by 30 June 2025.

Commented s 22 13]: As above - if we put a date we need to commit to it - suspect you want flexibility.

Further information and participation in supported bargaining

Commented s 22 14]: We are not going to be limited to supported bargaining to provide information. We should flag all the information and resources that will go up on the department's website. We should provide a contact to arrange information sessions.

Australian Government Solicitor

16. The Commonwealth is available to meet with parties in the week commencing 19 August 2024 to provide more detail about its policies. Parties are invited to contact [Name, title] on 04 xxx or xxx@education.gov.au to make arrangements.

17. The Commonwealth is also available to attend further bargaining conferences in ~~in~~ ~~October~~, subject to parties' preferences and with the aim of promoting alignment between the multi-enterprise agreement bargaining process and the Commonwealth's funding approach.

Yours sincerely

s 22

Commented s 22 15]: This is very late! Don't think we'll push it out that far.

CC: Cc: Associate to Deputy President Easton
Fair Work Commission
By email: chambers.easton.dp@fwc.gov.au



Australian Government Solicitor
Level 34, 600 Bourke Street Melbourne VIC 3000
GPO Box 2853 Melbourne VIC 3001
T 03 9242 1222
www.ags.gov.au

August 2024

- United Workers' Union
- Australian Education Union
- Independent Education Union of Australia
- Australian Business Lawyers & Advisors
- Australian Childcare Alliance Victoria
- Community Child Care Association Inc
- G8 Education Limited

Canberra
Sydney
Melbourne
Brisbane
Perth
Adelaide
Hobart
Darwin

By email

Dear Parties

**ECEC Supported Bargaining Multi-Employer Agreement
B2023/538 Application by United Workers' Union (UWU), Australian Education
Union and Independent Education Union of Australia**

1. We write to you to provide further details regarding the Commonwealth's commitment to provide funding to support a wage increase for the Early Childhood Education and Care (ECEC) Workforce. To best facilitate productive discussions, we have also copied the Associate to Deputy President Easton to this response.

Commonwealth funding to support a wage increase

2. In the 2024-25 Budget, the Commonwealth committed to provide funding towards a wage increase for the ECEC workforce. This investment is critical to address workforce shortages, sustain the sector, and ensure families have access to high quality and affordable ECEC.

Commented [s 22 1]: Qu for s 22 - do we want to say anything about universal here?

3. Funding will be provided under a grant agreement and phased over a period of two years. Further information including the quantum and timing of funding will be made available shortly.

Commented [Author2]: Confirming funding period will support forming of agreement.

Conditions to access Commonwealth funding

4. As the parties have previously been advised, all Commonwealth funding must be passed on to ECEC workers as wage increases, and funding cannot be used to subsidise the cost of a Providers current wage expenditure in any circumstance.

5. To ensure the policy supports affordability for families, funding will be conditional on eligible providers agreeing to limit service fee increases. Further information regarding this requirement will be made available in the coming months.

6. [The Commonwealth notes and encourages the productive discussions held by the parties to date regarding the development of minimum professional development standards. However, the Commonwealth will not be funding professional development as part of the grant, and as such there will not be a requirement for the inclusion of minimum professional development standards as a condition of receiving grant funding.]

s 47C

Commented [Author3]: Parties require this information to form the agreement.

Workplace instrument requirement and backdating of funding

8. All Commonwealth funding will be conditional on eligible providers engaging employees under a compliant workplace instrument. The workplace instrument must entitle employees to receive wages that are at least the minimum amount specified in the grant guidelines and must be enforceable by employees to which the instrument applies.
9. Consistent with the Commonwealth's letter of 12 July 2024, it is anticipated the supported bargaining multi-enterprise agreement will be a compliant workplace instrument for funding purposes (subject to it containing the required minimum wages as specified in the grant agreement).
10. The Commonwealth acknowledges that parties outside of the supported bargaining process may have existing workplace instruments or be in the process of developing their own workplace instruments. Other workplace instruments which meet the minimum requirements as specified in the grant guidelines may also be considered for funding eligibility.
11. Recognising the time it takes to develop a new workplace instrument, the grant agreement will allow for funding to be available for a back payment of wage increases for a period of several months following the commencement of Commonwealth funding.

Commented [Author4]: There was discussion on this matter at the 22 July conference, including whether it would be a condition of grant funding.

s 47C

s 47C

12.

13.

Commented [Author6]: Addresses a question asked at previous conference.

Supported bargaining and timeline for providing further information

Australian Government Solicitor

14. The Commonwealth is available to attend further conferences, subject to parties' preferences and with the aim of promoting alignment between the multi-enterprise agreement and the Commonwealth's funding approach.
15. The Commonwealth will seek to provide further information including the quantum and timing of funding shortly. It is also anticipated that grant guidelines will be released in the coming months, which will provide further information regarding conditions of funding.
16. The Commonwealth seeks a continued commitment by the parties to maintain confidentiality regarding information shared by the Commonwealth as part of the supported bargaining process, including the content of this letter, while its position regarding funding is being finalised.

Yours sincerely

s 22

CC: Associate to Deputy President Easton
Fair Work Commission
By email: chambers.easton.dp@fwc.gov.au

From: s 22
To: s 22
Cc:
Subject: FW: CBR Times [SEC=OFFICIAL]
Date: Friday, 9 August 2024 10:55:32 AM
Attachments: [2100422024080901010101007_6iCOMZEBWtoqFzetOwFs.pdf](#)

Team – can I please get – asap (by say 1pm) - a pithy defensive line on this. Communities at Work Director of Children's services Kellie Stewart welcomed the announcement as "a significant step forward", but said it would be unfair to penalise centres already paying above the award by forcing them to pass on the funding in full. Ms Stewart said it would be "fair and equitable" to allow providers to apply the funding to the portion of wages already above the award, to "free up some budget that was allocated to those higher educator wages, for investment in the service in other areas". "I would not like to see providers that have been trying to do the right thing off their own back to then be potentially not receiving the funding," she said.

From: s 22 <s22@education.gov.au>
Sent: Friday, August 9, 2024 10:53 AM
To: s 22 <s22@education.gov.au>
Subject: FW: CBR Times [SEC=OFFICIAL]

Can you get me a line for QTB on this please.

From: s 22 <s22@TREASURY.GOV.AU>
Sent: Friday, August 9, 2024 10:33 AM
To: s 22 <s22@education.gov.au>
Cc: s 22 <s22@education.gov.au>
Subject: CBR Times [SEC=OFFICIAL]

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

OFFICIAL

Hey – you may already be onto this, but just flagging misconception in this CBR Times piece re: 'penalising' providers already paying above award by not giving them the full amount of funding. Please Note: The information contained in this e-mail message and any attached files may be confidential information and may also be the subject of legal professional privilege. If you are not the intended recipient, any use, disclosure or copying of this e-mail is unauthorised. If you have received this e-mail by error please notify the sender immediately by reply e-mail and delete all copies of this transmission together with any attachments.

OFFICIAL

Wage boost comes with a catch

By Dana Daniel

The Canberra Times

Friday 9th August 2024

561 words

Page 7 | Section: NEWS

594cm on the page



Wage boost comes with a catch

Dana Daniel

PARENT groups and the early learning sector have welcomed the Albanese government's \$3.6 billion wage boost for childcare workers, but some providers are concerned about the fine print.

Childcare workers will get a government-funded 10 per cent pay rise in December and a further five per cent a year later, under a deal struck with unions pursuing industry-wide bargaining case that argues the award wage in the "feminised" sector is too low.

While the deal has been heralded as a victory for working families, childcare workers and centres struggling to fill shifts, *The Canberra Times* has confirmed that providers already paying above the \$1032-a-week award wage will not be able to use the funding to subsidise their existing wage bills.

A typical full-time childcare worker currently paid the award wage and whose

centre receives the grant will receive an extra \$103 a week from December, and a further \$52 a week a year later. More than 200,000 workers are expected to be eligible.

Communities at Work Director of Children's services Kellie Stewart welcomed the announcement as "a significant step forward", but said it would be unfair to penalise centres already paying above the award by forcing them to pass on the funding in full.

Ms Stewart said it would be "fair and equitable" to allow providers to apply the funding to the portion of wages already above the award, to "free up some budget that was allocated to those higher educator wages, for investment in the service in other areas".

"I would not like to see providers that have been trying to do the right thing off their own back to then be potentially not receiving the funding," she said.

Many childcare centres, including Communities at Work, pay wages significantly above the award to attract staff amid a workforce shortage.

The grant rules mean they cannot redirect spending on their current inflated wage bills to other costs and replace it with the government funding, even if they have been holding off on spending money on other costs such as much-needed repairs or resources.

While the funding announced is only for two years, Prime Minister Anthony Albanese told reporters on Thursday this was just the beginning of his government's plan to achieve universal "affordable childcare" in Australia.

Education Minister Jason Clare said the government's first priority was "to make sure that this 15 per cent gets into the pockets of early educators".

Childcare providers must have an industrial instrument such as an enterprise agreement approved by the Fair Work Commission before they can receive the funding.

They will also have to ensure that fee increases to not exceed 4.4 per cent over the next 12 months, a rate calculated as a composite of the wage price index and consumer price index.

Providers will have to cap fees in the second year of the scheme according to a similar calculation.

Education Department data shows that, in the 12 months to the December quarter of 2023, fees rose by 8.9 per cent.

The Parenthood chief executive Georgie Dent says the wage bump had been "decades in the making and is a victory for every early childhood educator and teacher ... as well as children and families".



Communities at Work pays childcare workers at its centres across Canberra above the award wage. Picture by Elesa Kurtz

From: s 22
To: s 22
Cc:
Subject: RE: Authority letter for ECEC wages - draft [SEC=Protected, ACCESS=Legal-Privilege]
Date: Tuesday, 9 July 2024 5:25:42 PM

PROTECTED//Legal Privilege

To be fair we are going round in circles on our options!

s 22

PROTECTED//Legal Privilege

From: s 22 @education.gov.au>
Sent: Tuesday, July 9, 2024 5:23 PM
To: s 22 @education.gov.au>
Cc: s 22 @education.gov.au>; s 22 s 22 @education.gov.au>
Subject: RE: Authority letter for ECEC wages - draft [SEC=Protected, ACCESS=Legal-Privilege]

PROTECTED//Legal Privilege

Thanks s 22 – we’ll incorporate in the next version. Thanks for picking up the point on the leg – we do have the wrong fall back option so will update.

Thanks, s 22

PROTECTED//Legal Privilege

From: s 22 @education.gov.au>
Sent: Tuesday, July 9, 2024 5:19 PM
To: s 22 @education.gov.au>
Cc: s 22 @education.gov.au>; s 22 s 22 @education.gov.au>
Subject: RE: Authority letter for ECEC wages - draft [SEC=Protected, ACCESS=Legal-Privilege]

PROTECTED//Legal Privilege

Thanks team, some feedback from me.

s 22

PROTECTED//Legal Privilege

From: s 22 @education.gov.au>
Sent: Tuesday, July 9, 2024 4:13 PM
To: s 22 @education.gov.au>
Cc: s 22 @education.gov.au>; s 22 s 22 @education.gov.au>
Subject: Authority letter for ECEC wages - draft [SEC=Protected, ACCESS=Legal-Privilege]

PROTECTED//Legal Privilege

Hi s 22

As mentioned, we are seeking comments/concerns from centrals on the draft authority ‘mop

up' letter. I've attached the current version for your review (noting it is a draft only and we'll finalise and send up with a covering brief around lunch time tomorrow).

Many thanks

s 22

PROTECTED//Legal Privilege

From: s 22
To:
Cc:
Subject: FW: Strictly embargoed until 1030pm, August 7 - PM to announce pay rise for Early Educators while keeping fees down for families. [SEC=OFFICIAL:Sensitive]
Date: Wednesday, 7 August 2024 3:42:24 PM

OFFICIAL: Sensitive

OFFICIAL: Sensitive

From: s 22 @education.gov.au>
Sent: Wednesday, August 7, 2024 3:35 PM
To: s 22 @education.gov.au>
Subject: FW: Strictly embargoed until 1030pm, August 7 - PM to announce pay rise for Early Educators while keeping fees down for families. [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Strictly embargoed until 10.30pm, August 7 2024, No third party comment.

8 August 2024

PAY RISE FOR EARLY EDUCATORS WHILE KEEPING FEES DOWN FOR FAMILIES

Every day, parents trust early educators with the most important people in their world, and every day Australia asks early educators to do one of the most important jobs imaginable.

Today, we are making sure those educators are fairly paid.

The Albanese Government will fund a 15 per cent wage increase for Early Childhood Education and Care (ECEC) workers.

This wage increase will be tied to a commitment from Child Care Centres to limit fee increases. We want to make sure workers can be fairly paid without the costs being passed on to families.

This is better for parents and better for educators. It's also good for Australian business and creating greater equity for women in the workplace.

By improving access to quality early childhood education and care we can also boost productivity and workforce participation in the short and long-term.

Significantly, the wage increase also applies to workers in outside school hours care services – creating benefits for the parents of school aged children too.

This significant wage increase is an important next step in the Government's reforms to the sector, building on the successful Cheaper Child Care changes.

This will be phased in over two years, and include a 10 per cent increase from December 2024, and a further 5 per cent increase from December 2025.

This means a typical ECEC educator who is paid at the award rate will receive a pay rise of at least \$103 per week, increasing to at least \$155 per week from December 2025.

ECEC workers are some of the most important workers in the country and they deserve to be paid properly.

This \$3.6 billion investment from the Government recognises the vital role that ECEC workers play preparing children for school.

To be eligible to receive funding for the wage increase, ECEC services won't be able to increase their fees by more than 4.4 per cent over the next 12 months from today.

This is an important condition that will keep downward pressure on fees for families.

Funding must be passed on in full to employees through increased wages. This is a win for workers, a win for families and will help ease cost of living pressures. Quality, affordable early education prepares children for a great start at school, contribution to their ongoing education and development.

And it lays the foundation for our nation's future economic success.

Since coming to Government, the number of ECEC workers has grown by more than 30,000, but we need more.

This commitment will help retain our existing early childhood educators, who are predominately women, and attract new employees.

This announcement comes after the Government joined negotiations with unions and sector representatives as part of the ECEC supported bargaining process, made possible by the *Secure Jobs Better Pay Act*.

Combined with the Government's Cheaper Child Care initiative, today's announcement will help support the availability of early education and care for families and is a crucial step in charting the course to a truly universal early education system.

The Government has also received the Productivity Commission's final report into early childhood education and care and will release it in due course. Government support for the interim retention payment will be provided for two years while the Fair Work Commission finalises its gender undervaluation priority awards review and as the Government charts a path towards a universal childcare system.

Quotes attributable to Prime Minister, Anthony Albanese:

"Early educators shape lives and change lives. We can never thank them enough for what they do – but we can make sure they are properly valued and fairly paid. Today our Government is doing just that.

"Knowing your child is safe, happy and learning alongside their friends is priceless. Giving the next generation the best start in life is essential. Today we deliver fair pay for the people who make this possible.

"Importantly, this agreement will also keep fees down for families. Our cheaper childcare policy already delivered increased subsidies to over a million families. This will provide even more cost of living relief.

"This brings together the priorities that drive our government: real help with the cost of living, fair wages for workers, investing in the future and economic equality for women.

"This is a great day for everyone who cares about child care: the children who thrive in it, the parents who rely on it and the dedicated workers who deliver it."

Quotes attributable to Treasurer, Jim Chalmers:

"The early childhood education workers of this country deserve a decent pay rise and that's what we're delivering.

"We're improving access to affordable early childhood education and care, boosting productivity and workplace participation, and helping Australians work more when they want to.

"Peter Dutton wants people to work longer for less, but we have a different approach.

"Our economic plan is all about helping people earn more and keep more of what they earn which is why we're focused on delivering tax cuts for every taxpayer and strong and sustainable wages growth."

Quotes attributable to Minister for Education Jason Clare:

"The child care debate is over. It's not babysitting. It's early education and it's critical to preparing children for school.

"They lift our kids up and now we are lifting their pay.

"This is the cost of living double whammy – wages up for workers and keeping prices down for families.

"A pay rise for every early childhood educator is good for our workforce, good for

families and good our economy.”

Quotes attributable to Minister for Early Childhood Education Dr Anne Aly:

“This is a wonderful outcome for a highly feminised workforce that has for far too long been neglected and taken for granted.

“We’re boosting the wages of early childhood education workers, while relieving cost of living pressures on Australian families.

“Properly valuing the early childhood education and care workforce is crucial to attracting and retaining workers and vital to achieving the quality universal early learning sector Australian families deserve.

“A quality early childhood education sector is necessary to support children’s learning and development as well as workforce participation in the broader economy.”

[ENDS]

Media Contact:

Minister Clare: s 22

Prime Minister’s Office: media@pm.gov.au or 02 6277 7744

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OFFICIAL: Sensitive

OFFICIAL: Sensitive

From: s 22
To:
Cc:
Subject: RE: Draft Q&As - ECEC wages announcement [SEC=PROTECTED]
Date: Monday, 5 August 2024 1:50:45 PM
Attachments: [image001.jpg](#)
[20240802 - DRAFT FAQs .docx](#)

PROTECTED

Thanks s 22 and team.

A few overarching comments:

- I know these Q&As are for the Helpdesk rather than written website comms – but I think we need to think about how we can clearly communicate complex concepts in simple, plain English, noting the make-up of this sector. Workers – and many providers too – will struggle to understand some information as written, particularly around workplace instruments.
- There is some information that we say will be “in the grant guidelines”. Unless there’s a reason we can’t provide now (such as detail still being settled) we shouldn’t hold back from providing information. We want to give providers as much information as possible about what they’re signing on to.
- The Q&As draw some hard lines around this payment only being for OSHC/CBDC – as we’ve discussed previously, this needs to be carefully nuanced and caveats included to be clear the Govt is looking at how the payment can be extended with other parts of the sector and will be consulting with providers and peaks about the approach.

Happy to discuss,

s 22

PROTECTED

From: s 22 @education.gov.au>
Sent: Friday, August 2, 2024 4:34 PM
To: s 22 @education.gov.au>; s 22 @education.gov.au>
Cc: s 22 @education.gov.au>; s 22 @education.gov.au>; s 22 @education.gov.au>; s 22 @education.gov.au>
Subject: Draft Q&As - ECEC wages announcement [SEC=PROTECTED]

PROTECTED

Hi s 22 and s 22

Please find attached the draft Q&As (for responding to enquiries to the department etc) for your review.

As discussed with s 22 just now, we will send a copy of the external/public facing comms/media materials on Monday when they come back from our corporate colleagues. Many thanks

s 22

Workforce Branch
Early Childhood Youth Group
Australian Government Department of Education
Phone s 22 | Mobile s 22
[Website](#) | [Twitter](#) | [LinkedIn](#) | [Facebook](#) | [Newsroom](#)



The Department of Education acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to land, waters and community. We pay our respects to them and their cultures, and Elders past, present and emerging.

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Early Childhood Education and Care (ECEC) Worker Retention Payment

FAQs - ECEC workers (post announcement phase)

Q: What is the ECEC Worker Retention Payment (the Payment)?

A: On **8 August 2024** the Australian Government announced the Payment, a Commonwealth funded wage increase for eligible ECEC workers. The Payment will be available to eligible ECEC Providers who apply for funding and meet conditions outlined in the Grant Agreement. All funding must be passed to eligible ECEC workers in the form of higher wages.

Grant funding to support wage increases will be available for two years, from 2 December 2024 until 30 November 2026.

Q: What is the quantum of the wage increase?

A: Eligible Providers will receive funding to support a wage increase for eligible ECEC workers which totals 10 per cent above the national award rates as of 2 December 2024, increased to 15 per cent from **1 December 2025**.

For example:

<i>Children's Services Award 2010 (MA000120)</i>		
Children's services employee level 3.1 on commencement, full time, 20 years or over		
	Hourly	Weekly
Minimum rate (as at 1 July 2024)	\$27.17	\$1,032.30
Minimum rate (10% increase 2 December 2024 – 30 November 2025)	\$29.89	\$1,135.53
Minimum rate (15% increase 1 December 2025 – 30 November 2026)*	\$31.25	\$1,187.15

*This amount does not include potential changes to the *Children's Services Award 2010* arising from the 2024-25 Annual Wage Review.

Additional information on current national award rates is available on the [Fair Work Commission website](#).

Q: What if I'm already paid above the award – do I still get the wage increase?

Commented s 22 1]: The question workers are going to ask is:

1)How do I get this payment?
We need to explain in really simple, clear language, that is really clear their employer has to apply for the payment for them to get a Govt-funded wage increase, and that the employer must do three things:

- 1)Limit fee increases for 4.4% from today/8 August.
- 2)Agree to pass on all the money to their workers (include and point to a schedule showing wage increase).
- 3)Have a workplace instrument in place with you (the employer).

We need really simple language for the workplace instrument requirement and info/advice where to go for information and assistance.

Commented s 22 2]: Per my comments on the Grant guidelines, we should have detailed information on our website about the pay rises consistent with the information in the "aged care wage increases". This should head off calls about this and Helpdesk staff should have a copy of this so they can answer questions.

Commented s 22 3]: I notice in the grant agreement the December date wasn't specified - just flagging to check what approach is preferred and ensure consistency.

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Yes. If you are already being paid above the minimum award rates, the additional funding must be passed on and calculated as the dollar amount of the Award increase. Have a look at [URL] to see pay rates.

Q: Which ECEC workers will benefit from the Payment?

A: For an ECEC worker to be eligible to receive the Payment, they must:

- Be covered by the *Children’s Services Award 2010*, the *Education Services (Teachers) Award 2020*, or state-based ECEC award; **OR**
- Undertake a role as defined in the classifications outlined in the *Children’s Services Award 2010* or the *Educational Services (Teachers) Award 2020*; and
- Work in either a Child Care Subsidy approved Centre Based Day Care or Outside School Hours Care service.

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Q: What about support workers such as administrative and support staff?

A: The Payment is extended to support workers who are undertaking work, within an eligible Centre Based Day Care or Outside School Hours service, as defined in the *Children’s Services Award 2010*. For further information, you may wish to visit the Fair Work Commission website [insert link]

Q: What if my employer doesn’t apply for, or isn’t eligible for, the Payment?

A: Employers may have to ‘opt-in’ to the grant process and meet certain requirements to receive funding and be eligible to enter into the Grant Agreement with the Department of Education. These include forming or adopting a compliant workplace instrument, limiting fee growth to support affordability for families, and agreeing to pass on all funding to eligible ECEC workers in the form of increased wages. If an employer refuses to the doesn’t agree the conditions of the grant, they will not receive additional funding.

Commented s 22 6]: I think we need to take this back a step - they very first question workers will ask is: How can I make sure I get this pay rise?

That’s the most important support we need to provide to workers. We need to explain that their employer has to opt in and the conditions of funding on their employer. We then need to help them with their part in that.

Commented s 22 7]: I think we should prep staff with information about what a “workplace instrument” is - if this Q&A is directed at a worker, there’s a high chance they won’t understand this.

Q: What is a workplace instrument?

Q: Who can I talk to for more information about getting my provider on board?

Remember - we want to promote uptake of the workplace instrument - where are we pointing callers who want to know what this?

Q: Will the wage increase apply to casual and part time ECEC workers?

A: Yes. The wage increase applies to the weekly base salary for eligible full-time and part-time ECEC workers. It also adjusts casual rates and allowances.

Q: When will I receive the Payment?

A: Eligible ECEC Providers will be able to apply for a grant in the coming months. The grant will commence on 2 December 2024. Grant funding must be passed on to ECEC workers in the form of increased wages.

Commented s 22 8]: I don’t think this answers the question - for a worker, they don’t care about the grant, just when they could get a pay rise from.

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You should speak to your employer about when you might receive your wage increase, as this may be impacted by a number of factors including payroll cycles.

Q: Will ECEC workers benefit from the 2024-25 Annual Wage review increase in addition to the Payment?

A: Yes. Each financial year, the Fair Work Commission reviews and sets minimum wages for employees. If a decision is taken to increase modern award wages in the 2024-25 Annual Wage Review, the Payment will then apply to the increased modern award rates of pay.

For example, should the 2024-25 Annual Wage Review increase the *Children's Services Award 2010* by 3 per cent from 1 July 2025, employers must pay level 3.1 educators at least \$29.75 an hour to be eligible for funding (the previous \$28.89 plus 3 per cent).

Q: What workplace relations requirements must be met to receive the wage increase?

A: To be eligible for funding, the ECEC provider must have a compliant workplace instrument in place which includes the required wage rates outlined in the grant agreement. Examples of workplace instruments are;

- single or multi-enterprise agreements (including the supported bargaining agreement);
- Individual Flexibility Arrangements (IFAs);
- A workplace determination.

Under the workplace instrument, the Provider must have a legally enforceable obligation to pay workers at least 10 per cent above the rates specified as at 1 July 2024, or as increased by decision of the Annual Wage Review, in the *Children's Services Award (2010)* and *Educational Services (Teachers) Award (2020)* (the Awards) as relevant, for the closest equivalent role, from commencement until 30 November 2025.

Q: What about employees who are not covered under the national workplace relations system (e.g. employed under a state-based award)?

A: State-based workplace instruments are recognised and compliant under the grant eligibility criteria. ECEC workers who are employed under a state-based workplace instrument will be eligible to receive the payment if they are undertaking duties equivalent to those under the *Children's Services Award 2010* and *Educational Services (Teachers) Award 2020*.

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To apply for funding, the ECEC Provider must be operating a centre-based day care or outside school hours care service and be approved to receive the Child Care Subsidy on behalf of families who attend their service.

Commented s 22 9]: As above - need to clarify that the payment is initially being geared for CBDC/OSHC.

Q: How will I know if I am being paid the right amount?

A: The minimum rates to be paid to ECEC workers are listed in **Schedule A** of the Grant Opportunity Guidelines. ECEC Providers will also have reporting requirements to ensure compliance with the grant conditions.

Q: What if I work in Family Day Care or In Home Care?

A: The Government intends that funding be made available to workers in all ECEC care sectors. However, different eligibility conditions may need to apply because of different employment arrangements in this sector and the Government will be consulting with these parts of the sector to consider how funding can be extended.

Commented s 22 10]: Draft only - this is just to provide the gist.

FAQs - ECEC Providers (post announcement phase)

Q: How can my organisation access the Payment?

A: The Payment will be administered through a demand-driven grant process for eligible Providers. The grant opportunity will be published on **GrantConnect**, the Australian Government's grant information system.

A link to the application page will be added when it is available.

Commented s 22 11]: Suggest we add a line here about the reading the weekly newsletter

~~One~~ A Provider can apply for the Payment on behalf of ~~one or more~~ any services they own and operate.

Commented s 22 12]: I can't remember from the GoGs but is this going to be a person with provider management and control!?

Q: When can I apply for the Payment?

A: The Grant Opportunity Guidelines and application package ~~are expected to~~ will be published in the coming months. To ensure you receive the most up to date information regarding this process, ensure you are subscribed to the Department of Education's [Early Childhood Education and Care newsletter](#), and regularly check the email address which you have listed in the Child Care Subsidy System (either via your third party software or the Provider Entry Point).

Q: What are the eligibility requirements?

A: To be eligible for the Payment, Providers must be approved to administer the Child Care Subsidy (CCS). Eligible service types include Centre-Based Day Care and Outside School Hours Care. A full list of requirements will be specified in the Grant Opportunity Guidelines.

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Q: What are the grant conditions?

A: As a condition of receiving a grant, Providers must agree to:

- Limit service fee increases by no more than 4.4% from ~~8⁹~~ August 2024 to ~~9⁷~~ August 2025.
- Engage workers under an eligible workplace instrument, which specifies the wage increase as the minimum wage rate.
- Pass on the full amount of grant funding as wages.

A full list of conditions will be specified in the Grant Opportunity Guidelines, which will be available shortly.

Q: What is the fee growth limit?

A: Unless a written exemption is obtained from the Department of Education, the fee growth percentage caps are as follows:

- if Services have not increased fees within the eligibility period (i.e. between 8 August 2024 and the application date), a maximum 4.4 per cent increase on Service fees applies from the commencement date of the grant agreement to 8 August 2025 (12 months post announcement); or
- if Services have increased fees within the eligibility period, a maximum of 4.4 per cent increase on Service fees, minus the percentage of any fee increases during the eligibility period applies from the commencement date of the grant agreement to 8 August 2025 (12 months post announcement); and
- during each subsequent 12 month period from 10 August 2025 until the end of the term of the relevant grant agreement entered into by the Provider, a maximum increase of no more than the rate of indexation in accordance with the Early Childhood Education and Care Cost Index (or equivalent relevant price index for the early childhood sector) published by the ABS for the quarter most recently ended prior to 8 August 2025.

The baseline fees against which the constraint will be measured will be based on the fees as specified in the Notice of Charged Fees submitted in the application for grant funding.

The Department of Education will monitor service fees for the length of the Grant Agreement.

Q: Does the Payment include a provision for costs associated with a wage increase (e.g. 'on costs')?

Commented s 22 14]: This implies there are other conditions in the GoGs - this should be deleted. We should be as clear, detailed and explicit as possible about conditions from the moment announcement to maximise awareness and give providers time to consider and adjust to support uptake.

Commented s 22 15]: Let's not lead with the exemption

Commented s 22 16]: This is really confusing and I commented on this in the GoGs too. I presume we have a simple, clear way to explain this in our web content - we should mirror this.

PROTECTED

PROTECTED

A: Yes, providers can use grant funding for supplementing wages and eligible on-costs for eligible workers at their service(s). Eligible on-costs will be specified in the Grant Opportunity Guidelines.

Commented s 22 17]: Is there a reason to withhold this information? If that list is final, we can provide it.

Q: My service doesn't have a workplace instrument in place, how do I get one and how long will it take?

A: Establishing a new workplace instrument, such as an enterprise agreement, can take some time to put in place. Information on the process of making an enterprise agreement is available on the Fair Work Commission website.

Providers must ensure the workplace instrument meets the eligibility requirements in order to receive the Payment.

Services operating in the Centre Based Day Care sector can also consider whether joining the ECEC supported bargaining agreement is right for them.

Commented s 22 18]: Need to be careful - this hasn't concluded yet and it's not just a straightforward sign up process (as I understand it).

If you are a member of an employer organisation you can also seek their advice.

Q: Is there a cut-off date for applications?

A: You can submit an application at any time while the grant opportunity is open. The grant opportunity is expected to open in the coming months, until 30 September 2026. Payments will be made from 2 December 2024 until 30 November 2026.

You will receive the funding amount applicable to the year in which you join the process. For example, if your Grant Agreement commences in 2024-25, you will receive a funding amount of 10 per cent above award until 1 July 2025, followed by the full 15 per cent for the second year. If your Grant Agreement commences in the second year, you will receive a funding amount of 15 per cent above award for the remainder of that year and you would not be entitled to any funding from the first year.

Q: Will funding be back dated if I don't apply at the commencement of the grant opportunity?

A: Any complete application received by 30 June 2025 where the Provider has an eligible workplace instrument in place which stipulates that the higher wage rates are payable from 2 December 2024 will receive funding in arrears backdated to the commencement of funding.

Q: How will funding be delivered to eligible Providers?

A: Eligible Providers will receive payments every four weeks through the Child Care Subsidy system using existing payment runs. For each payment, a standard payment summary will be made available in the CCSS portal.

Commented s 22 19]: The GoGs say something about 2 months in arrears?

PROTECTED

PROTECTED

Q: How will the Payment account for the gender undervaluation process announced by the Fair Work Commission?

A: The Fair Work Commission is examining whether an adjustment to several national awards, including the *Children's Services Award 2010*, is required on work value grounds. This process, which is due to release its results in July 2025, may result in an increase to the awards for ECEC workers. For information regarding how this process interacts with the worker retention payment, please refer to the Grant Opportunity Guidelines and ensure you review the latest information provided by the Department.

Commented s 22 20]: I see no reason why we wouldn't publicise this information now.

We should be forward learning about our approach to absorption - this may entice providers to get on board!

DRAFT

PROTECTED

From: s 22
To:
Cc:
Subject: RE: Updated implementation timeline [SEC=PROTECTED]
Date: Friday, 5 July 2024 9:20:27 AM

PROTECTED

Thanks s 22 and team.

I think what s 22 is looking for is something much more detailed. I'd suggest scrapping May/June from the timeline, and expanding Aug-Dec to go week by week. There is particular interest in where things will come to the Office for action/review.

As discussed, my first priority is a detailed outline of key dates/activities over the next month (ie in the lead up to the announcement and introduction of the legislation to Parliament), particular given the Minister and a number of key people in the Clare Office have leave in this period. For example (and I've made up the dates/items but expect there are many other things):

s 47C

I haven't include some of the media pieces because typically our media team will handle but it would be helpful to get Dept Media input on what they think the key dates will be. Fine for dates to be indicative, just indicate where this is so.

I'd like to have the detailed timeline (up to Aug 14) by **10am Monday**, and a more detailed timeline by the middle of the week. It doesn't need to be pretty (a simple table) would be fine.

s 22

PROTECTED

From: s 22 @education.gov.au>
Sent: Thursday, July 4, 2024 8:37 PM
To: s 22 @education.gov.au>; s 22 @education.gov.au>
Cc: s 22 @education.gov.au>; s 22 @education.gov.au>; s 22 @education.gov.au>; s 22 @education.gov.au>

Subject: Updated implementation timeline [SEC=PROTECTED]

PROTECTED

Hi s 22

Thanks for your time today to talk through the materials to support the office for the next steps for the workforce retention payment.

Please find attached the updated implementation timeline (we've included a second slide setting out the key pieces we'll need engagement/direction from offices as requested).

Tomorrow I'll send through the draft AGS response to the UWU correspondence (and likely date for a conference in the week beginning 22 July) s 47C

Many thanks,

s 22

Workforce Branch
Early Childhood Youth Group
Australian Government Department of Education

s 22

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The Department of Education acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to land, waters and community. We pay our respects to them and their cultures, and Elders past, present and emerging.

PROTECTED

From: s 22
To:
Cc:
Subject: RE: ECEC workers per jurisdiction and JSA figure [SEC=OFFICIAL]
Date: Friday, 9 August 2024 2:18:32 PM

Thanks s 22 Are you able to give me a buzz re a quick question I have?
 Thanks

From: s 22 @education.gov.au>
Sent: Friday, August 9, 2024 2:00 PM
To: s 22 @education.gov.au>; s 22 @education.gov.au>
Cc: s 22 @education.gov.au>; s 22 @education.gov.au>;
 s 22 @education.gov.au>

Subject: ECEC workers per jurisdiction and JSA figure [SEC=OFFICIAL]

Hi s 22 and s 22

Responses to your questions from this morning below. Please let me know if you require any further information.

Thanks

s 22

Any chance we can get numbers of ECE workers per jurisdiction? Other states not urgent, but QLD numbers today would be great

There were 45,270 CBDC, OSHC and VAC staff in Queensland based on the latest National Workforce Census data.

	Centre Based Day Care	Outside School Hours Care	Vacation Care	Total
NSW	48,995	10,312	7,841	67,148
VIC	37,427	5,405	3,156	45,988
QLD	32,093	6,604	6,573	45,270
SA	8,910	3,198	3,195	15,303
WA	11,474	3,059	2,209	16,742
TAS	2,495	818	440	3,753
NT	1,569	432	303	2,304
ACT	3,763	1,259	963	5,985
TOTAL	146,726	31,085	24,679	202,490

Totals may not equal sum of components due to rounding of weighted data.

Source: 2021 Early Childhood Education and Care National Workforce Census

If you want this figure to include other service types out of scope for the ECEC Worker Retention Payment, we have included IHC, FDC and preschool figures as well:

Size of ECEC workforce in the ECEC National Workforce Census^(a) - Australia

	Centre Based Day Care	Family Day Care	In Home Care	Outside School Hours Care	Vacation Care	Child Care Total	Child Care Total %	Preschool	Total (incl. Preschool)	Total % (incl. Preschool)
NSW	48,995	4,341	300	10,312	7,841	71,789	33.3	7,730	79,519	33
VIC	37,427	3,873	378	5,405	3,156	50,238	24.1	7,310	57,548	24
QLD	32,093	2,783	204	6,604	6,573	48,258	21.7	3,545	51,803	22
SA	8,910	379	51	3,198	3,195	15,732	6.6	0	15,732	7
WA	11,474	1,189	100	3,059	2,209	18,030	7.5	0	18,030	8
TAS	2,495	311	0	818	440	4,064	2.6	2,128	6,192	3
NT	1,569	61	0	432	303	2,365	1.3	843	3,208	1
ACT	3,763	154	5	1,259	963	6,144	2.9	886	7,030	3
TOTAL	146,726	13,091	1,038	31,085	24,679	216,619	100.0	22,443	239,061	100.0
TOTAL %	61.4	5.5	0.4	13.0	10.3	100.0	100.0	9.4	100.0	100.0

(a) Totals may not equal sum of components due to rounding of weighted data.

Source: 2021 Early Childhood Education and Care National Workforce Census

Also to clarify, the 200,000 workers - understand it's from JSA but does it include other staff eg cooks, admin staff, etc and across which sectors?

The figure is drawn from the following excerpt from JSA's capacity study: "Australia's early childhood workforce is made up of well over 200,000 individuals. The majority are Early Childhood Educators, including Early Childhood Education Room Leaders, who work directly with children. Early Childhood Teachers and Children's Education and Care Service Directors provide educational and organisational leadership. The sector is also supported by specialised education and care professionals and assistants, and roles such as Administration Assistants, Cooks, and Cleaners."

In general terms, JSA's study investigated the whole ECEC sector but for analytical ease focused on the two relevant ANZSIC industry groups:

1. '871 Child Care Services' and
 2. '801 Preschool Education'
- and eight target ANZSCO Occupations (6-digit level)
1. '134111 Child Care Centre Manager'

2. '241111 Early Education (Pre-Primary School) Teacher'
3. '421111 Child Care Worker'
4. '421112 Family Day Care Worker'
5. '421113 Nanny'
6. '421114 Out of School Hours Care Worker'
7. '422111 Aboriginal and Torres Strait Islander Education Worker' and
8. '422115 Preschool Aide'.

From: s 22
To:
Cc:
Subject: RE: Outstanding authority matters for ECEC wages [SEC=PROTECTED]
Date: Thursday, 4 July 2024 2:02:50 PM
Attachments: [image001.jpg](#)

PROTECTED

Hi s 22 – please see my comments/advice below. s 47C

Per our discussion on a timeline to announcement, let me know when you think letter will come up/need to be signed/responded to etc in the coming weeks.

Thank you!

s 22

PROTECTED

From: s 22 @education.gov.au>
Sent: Thursday, July 4, 2024 12:10 PM
To: s 22 @education.gov.au>; s 22 @education.gov.au>
Cc: s 22 @education.gov.au>; s 22 @education.gov.au>; s 22 @education.gov.au>; s 22 @education.gov.au>
Subject: Outstanding authority matters for ECEC wages [SEC=PROTECTED]

PROTECTED

Hi s 22

Thanks for the discussion just now. As mentioned, we've had some discussions with PM&C and Finance s 47C

s 47C

s 47C

s 47C

Great!

Thanks,

s 22

Workforce Branch
Early Childhood Youth Group
Australian Government Department of Education

s 22

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The Department of Education acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to land, waters and community. We pay our respects to them and their cultures, and Elders past, present and emerging.

PROTECTED

s 22

From: s 22 @education.gov.au>
Sent: Tuesday, July 9, 2024 3:00 PM
To: s 22 @education.gov.au>; s 22 @education.gov.au>
Cc: s 22 @education.gov.au>; s 22 @education.gov.au>; s 22 @education.gov.au>; s 22 @education.gov.au>; s 22 @education.gov.au>; s 22 @education.gov.au>
Subject: Supported bargaining conference - listed for 22 July [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]
Importance: High

OFFICIAL: Sensitive//Legal Privilege

Hi s 22 and s 22

AGS has just received confirmation the next supported bargaining conference has been listed by FWC for 22 July (please see attached).

In terms of strategy for attendance at the conference and a possible 9 August conference date, AGS has advised the following options could be considered:

1. At present there is no suggestion that the FWC will list the matter for a conference in the weeks of 5 August or 12 August. The Commonwealth would therefore need to specifically request this (and the FWC and the parties would need to agree). If we make this request, and the announcement is delayed, we run the risk of having convened the parties and the FWC, but not being in a position to provide any information. [Agree – not keen to pursue this at this stage.](#)
2. Noting the above, and that the parties are also seeking listings on 26, 27 and 28 August, the Commonwealth could potentially:
 - Write to the parties in advance of the government announcement (having correspondence ready to go once the timing of the announcement is confirmed), and indicate a willingness to attend the next listed conference to discuss the Commonwealth's position further (and any specific matters we wish to raise). Rather than proposing informal meetings in the interim period, the Commonwealth could possibly indicate that it

Find out more about AGS at <http://www.ags.gov.au>

Important: This message may contain confidential or legally privileged information. If you think it was sent to you by mistake, please delete all copies and advise the sender. For the purposes of the *Spam Act 2003*, this email is authorised by AGS.

**OFFICIAL: Sensitive
Legal Privilege**



Notice of Listing

Conference (in person)

Title of Matter:	Application by United Workers' Union, Australian Education Union and Independent Education Union of Australia
Section:	s.242 - Application for the FWC's approval of a supported bargaining authorisation
Subject:	Application for a supported bargaining authorisation - Early childhood education and care sector
Matter Number:	B2023/538

Listing Details:

The above matter is listed for **Conference, in person**, before Deputy President Easton at:

10:00 AM
Monday, 22 July 2024
Fair Work Commission
Terrace Tower
80 William Street
East Sydney

Please use the link below to join the conference by Microsoft Teams:

[Join the meeting now](#)

Join on a video conferencing device

Tenant key: 88412664@t.plcm.vc

Video ID: 133 954 399 2

The Applicant and a personal representative of the Respondent must attend unless extenuating circumstances apply.

Please indicate the name and telephone contact details of each person attending, by email to chambers.easton.dp@fwc.gov.au, **at least 24 hours prior to the Conference.**

Communicating with the Commission

All correspondence sent to the Chambers of Deputy President Easton must be simultaneously sent all other parties in the proceeding. All such communication must be undertaken with care to ensure that the impartiality and integrity of the Commission's processes are not undermined (for further information see *John Holland Rail Pty Ltd v Comcare* [2011] FCAFC 34). Deputy President Easton will not receive correspondence that is not also sent to all other participating parties.

Re-scheduling or Adjournment Requests

Any requests to re-schedule or adjourn the above listing will only be considered by Deputy President Easton if the party seeking the alteration has sought the consent of the other parties and has provided, where possible, alternative times or dates that are mutually acceptable to the parties.

For further information, see: [Fair Hearings Practice Note](#).

Parties must not use an electronic recording device to record proceedings under any circumstance (unless the party has the leave of the Fair Work Commission to do so). However, parties are welcome to take their own paper notes.

Sent to:

Ms Cara Louise Nightingale
Australian Education Union-Victorian Branch
s 47F

Mr Michael Aird
Independent Education Union of Australia-New South Wales/Australian Capital Territory Branch
s 47F

s 47F
Independent Education Union of Australia-New South Wales/Australian Capital Territory Branch
s 47F

s 47F
United Workers' Union
s 47F

Mr Nigel Ward
Australian Business Lawyers & Advisors
Nigel.Ward@ablawyers.com.au

Mr Paul Mondo
Australian Childcare Alliance Victoria
paul@mondocorp.com.au

Ms Laura Stevens
Community Child Care Association Inc
laurastevens@cela.org.au

Ms Rachel Beckett
G8 Education Limited Trading AS G8 Education
s 47F

Inquiries:

All inquiries relating to this notice are to be directed to s 22
Phone: s 22 , email: chambers.easton.dp@fwc.gov.au.

Fair Work Commission, 9 July 2024 12:45PM

Please note: The Commission has a [statement on unacceptable behaviour towards staff](#)

From: s 22
To:
Cc:
Subject: Re: Table for teacher wages [SEC=OFFICIAL:Sensitive]
Date: Wednesday, 7 August 2024 9:59:55 PM
Attachments: [image001.jpg](#)

OFFICIAL: Sensitive

Yes, that's fine - AWR only.

OFFICIAL: Sensitive

From: s 22 @education.gov.au>
Sent: Wednesday, August 7, 2024 9:16:43 PM
To: s 22 @education.gov.au>; s 22 @education.gov.au>
Cc: s 22 @education.gov.au>; s 22 @education.gov.au>
Subject: Re: Table for teacher wages [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Thank you s 22

s 22 - s 22 has asked whether the statement under the table that says ' and other FWC processes' implies we will cover the gender undervaluation. Wouldn't it be safer to just refer to the annual AWR?

Thanks, s 22

OFFICIAL: Sensitive

From: s 22 @education.gov.au>
Sent: Wednesday, August 7, 2024 8:03 PM
To: s 22 @education.gov.au>
Cc: s 22 @education.gov.au>; s 22 @education.gov.au>
Subject: Re: Table for teacher wages [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Thank you!

OFFICIAL: Sensitive

From: s 22 @education.gov.au>
Sent: Wednesday, August 7, 2024 8:00:33 PM
To: s 22 @education.gov.au>
Cc: s 22 @education.gov.au>; s 22 @education.gov.au>

Subject: RE: Table for teacher wages [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi s 22

Please see below.

Thanks

s 22

Workforce Branch | Child Care Division | Early Childhood and Youth Group

Australian Government Department of Education

Phone: s 22 | SA Office – Karna Country

[Website](#) | [LinkedIn](#) | [Instagram](#) | [Facebook](#) | [X](#) | [Newsroom](#)

A close up of a blue and orange background? ? Description automatically generated



The Department of Education acknowledges the Traditional Owners and Custodians of Country throughout Australia and their continuing connection to land, waters and community. We pay our respects to them and their cultures, and Elders past and present.

The artwork *Guwanyi wingara yirabana* is our story. It means 'learning journey' in Dharug/Darug language. Designed by Trevor Eastwood from Dalmarri with our people, the artwork was made by many hands in a powerful gesture showcasing reconciliation in action.

OFFICIAL: Sensitive

From: s 22

@education.gov.au>

Sent: Wednesday, August 7, 2024 7:03 PM

To: s 22

@education.gov.au>;

s 22

@education.gov.au>

Subject: FW: Table for teacher wages [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Thanks!

OFFICIAL: Sensitive

From: s 22

Sent: Wednesday, August 7, 2024 7:28 PM

To: s 22

@education.gov.au>; s 22

@education.gov.au>; s 22

@education.gov.au>

Subject: Table for teacher wages

Can I please get an equivalent table for an early childhood teacher – whichever rate/level we typically use as our standard?

Award rates and wage increase for Educator 3.1

	Hourly Rate	FTE Weekly Rate	FTE Yearly Rate
Educator 3.1 (current)	\$27.17	\$1032.30	\$53,865
			\$59,252

Educator 3.1 (10%)	\$29.89	\$1135.53	
Educator 3.1 (15%)*	\$31.25	\$1187.15	\$61,945

**figure likely to be higher as it will include increases under the Annual Wage Review and other Fair Work Commission processes.*

Award rates and wage increase for a **teacher (level 3) in a long day care setting**

	Hourly Rate	FTE Weekly Rate	FTE Yearly Rate
Teacher level 3 (current)	\$43.72	\$1,661.20	\$86,681.00
Teacher level 3 (10%)	\$48.09	\$1,827.32	\$95,350.00
Teacher level 3 (15%)*	\$50.27	\$1,910.38	\$99,683.63

**figure likely to be higher as it will include increases under the Annual Wage Review process.*