

Fair Work Commission
11 Exhibition Street
MELBOURNE VIC 3000

15 January 2021

By email: amod@fwc.gov.au

Re: AM2020/97 – Allison & Phil Family Trust T/A my OSHC - Children’s Services Award 2010

I refer to the Full Bench’s Statement of 26 December 2020 in the above matter [2020] FWCFB 6844.

The Statement dealt with an application by Allison & Phil Family Trust T/A my OHSC (my OHSC) to vary the *Children’s Services Award 2010* (the Award) to correct an apparent anomaly at clause 14.3 of the Award which results in higher rates of pay for junior Children’s Services Employees (CSEs) Level 1.1 at 19 years of age as compared to adult CSEs Level 1.1 at 20 years of age.

CCSA supports the provisional view expressed by the Full Bench in the Statement that clause 14.3(b) of the Award should be varied by deleting the final row of the table in that clause.

Effect of current clause 14.3(b) wording

The current wording of clause 14.3(b) has the following effect on hourly rates for Level 1.1 CSEs:

Employee Age	16	17	18	19	20
Pay rate basis	70% of Level 2.1	80% of Level 2.1	90% of Level 2.1	100% of Level 2.1	100% of Level 1.1
Full / Part-time rate (\$/hr)	14.74	16.85	18.95	21.06	20.29
Casual rate (\$/hr)	18.43	21.06	23.69	26.33	25.36

The anomaly identified by my OSHC is reflected in the highlighted cells, whereby the full-time rate for a 19yo Level 1.1 CSE is \$21.06 (100% of the Level **2.1** rate), but for a 20yo it is only \$20.29 (100% of the Level **1.1** rate). Similarly, the 19yo casual rate is \$26.33 but the 20yo casual rate is only \$25.36.

The current wording of the clause is having the effect of a 19yo “Junior” Level 1.1 employee earning more than the hourly rate for an adult employee at the same classification. That is clearly an unintended anomaly in the original wording of the clause designed to address the wages of actual juniors (i.e. those employees under the age of 19).

Effect of proposed clause 14.3(b) wording

The proposed wording of clause 14.3(b) will have the following effect on hourly rates for Level 1.1 CSEs:

Employee Age	16	17	18	19	20
Pay rate basis	70% of Level 2.1	80% of Level 2.1	90% of Level 2.1	100% of Level 1.1	100% of Level 1.1
Full / Part-time rate (\$/hr)	14.74	16.85	18.95	20.29	20.29
Casual rate (\$/hr)	18.43	21.06	23.69	25.36	25.36

There will be no change to the hourly rates for actual junior employees under 19 years of age. The only change will be that on reaching the age of 19, CSE Level 1.1 employees will be on the full adult hourly rate for their classification.

CCSA supports the Full Bench's provisional view that clause 14.3(b) should be amended as proposed and that the proposed amendment is necessary to achieve the modern awards objective taking into account the considerations in s.134(1)(a) to (h), insofar as they are relevant.



Megan Mendham
Chief Executive Officer