



KPV

Kindergarten Parents Victoria Inc
ABN 39 058 205 158 Reg No. A0024070C

March 6, 2009

**Hon Justice Giudice
President
Australian Industrial Relations Commission
Level 4, 11 Exhibition Street
MELBOURNE VIC 3000**

Your Honour,

Subject: AM2008/33 Educational Services (Other than Higher Education),

Please see attached the Kindergarten Parents Victoria (KPV) Award Modernisation Stage 3 submission.

Any queries may be directed to Nick Church, industrial relations advisor, on 9489 3500.

Yours sincerely,

**Meredith Carter
Chief Executive Officer**

**SUBMISSION TO THE AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION
RE: AWARD MODERNISATION –
AM 2008/33 EDUCATIONAL SERVICES (OTHER THAN HIGHER EDUCATION)**

Introduction

This submission is lodged in accordance with the Statement of the Full Bench on 30 January 2009 dealing with Stage 3 modern awards.

1. Kindergarten Parents Victoria (KPV) represents over 1100 Victorian early childhood education providers such as independent kindergartens (parent committee managed kindergartens), cluster managers (organisation managed kindergartens) and long day care services (mixture of parent committee and organisation managed). KPV is the peak organisation promoting the voice of parents in quality early childhood education for Victorian children. KPV provides support and resources to members relating to governance, management and community participation.
2. Currently over 60,000 Victorian children attend a funded kindergarten program, either at an independent or cluster managed kindergarten, or at a long day care centre.
3. There are a number of significant challenges facing the Victorian early childhood education industry. These include a review of the Victorian Children Services Regulations, Federal proposals to increase kindergarten session times and ongoing labour shortages. The award modernisation process offers an opportunity to reduce some of the administrative burdens facing the industry therefore ensuring services are better equipped to face these aforementioned challenges.
4. KPV submits the following:
 - a. Children's Services (Victoria) Award in Stage 3 – the Children's Services (Victoria) Award 2005 be considered in Stage 3 rather than Stage 4;
 - b. Creation of a modern award covering the early childhood education industry, encompassing all preschool and children's services providers, to be called Early Childhood Education Industry Award 2010 ("the modern award");
 - c. Classification structures – the modern award contain a classification structure recognising different classes of employees employed in the early childhood education industry;
 - d. Objects of Minister – KPV supports a modern award that reduces as far as practicable any overlap between current applicable awards and meets the objects of the statement of the Minister for Employment and Workplace Relations, issued on 18 December 2008.

Children's Services (Victoria) Award in Stage 3

5. KPV submits that the Children's Services (Victoria) Award 2005 be considered in Stage 3 rather than in the Health and Welfare services industry in Stage 4 of the award modernisation process.
6. The Children's Services (Victoria) Award 2005 applies to over 1000 long day care centres throughout Victoria. Of these approximately 40 per cent run a kindergarten program. This demonstrates a clear connection between kindergartens and long day care centres, demonstrating the need to include this award in the Educational

Services (other than Higher Education) industry in Stage 3 of the award modernisation process.

Creation of a modern award for the early childhood education industry

7. KPV submits that the numerous awards currently in the early childhood education industry create confusion and unnecessary administrative burdens on providers, regardless of the management structure.
8. A typical not-for-profit preschool in Victoria employs two early childhood teachers, two early childhood assistants, a clerical employee and a cleaner. This typical preschool, managed by volunteer parents on a committee of management or an organisation provider assisted locally by volunteer parents, must, in this example, grapple with four awards for their six employees.
9. In long day care centres that include a funded kindergarten program (ie four year old kindergarten programs funded by the State Government) an additional award applies for the children's services employees (otherwise known as childcare workers) bringing the potential total to five awards.
10. KPV submits that the creation of a modern award for the early childhood education industry consolidate the following current awards:
 - i. Early Childhood Teachers Interim Award 1999 (AP780883CRV)
 - ii. Educational Services – Early Childhood Assistants – Victoria – Award 1999 (AP780459CRV)
 - iii. Education Services Industry Sector Order - Victoria 1998 (AT780670)
 - iv. Children's Services (Victoria) Award 2005 (AP840807CRV)
11. KPV understands that clerical employees would be covered by the Clerks—Private Sector Award 2010 (MA000002).
12. KPV submits that the creation of a modern award for the early childhood education industry will dramatically reduce the administrative burden on not-for-profit providers and also improve the efficiency for small business operators of early childhood education.
13. KPV submits that, as many providers are either managed or assisted by volunteer parents, the consequent reduction in the administrative burden by the creation of a modern award will encourage greater participation in early childhood education by parents therefore increasing the quality of early childhood education management in the not-for-profit sector.
14. KPV supports the coverage of for-profit providers in a modern award as to create a separate modern award for this sector could create competitive disadvantages between the not-for-profit and profitable sectors.

Classification structures

15. KPV recognises that there are different classification structures applying to the different classes of employees currently covered by the aforementioned awards. KPV recognises that these different classification structures arise from the different regulatory requirements and historical circumstances of each class of employee and

type of employer (eg historical differences between kindergartens and child care centres).

16. KPV submits that a modern award recognise the different classes of employees in a classification structure including:
 - b. Early childhood teachers
 - c. Early childhood assistants
 - d. Children's services employees
 - e. General employees
17. KPV acknowledges that there would be other sections of the modern award that would need to reflect the entitlements of the different classes of employees (eg annual leave provisions).

Modern award and objects of Minister

18. KPV supports a modern award that reduces as far as practicable any overlap between the aforementioned classifications of employees. This would greatly assist the early childhood education industry reduce their current administrative burden.
19. KPV submits that the creation of a modern award would meet the objects of the statement of the Minister for Employment and Workplace Relations issued on 18 December 2008.

Pre-drafting consultation

20. We look forward to discussing this submission as well as being available to respond to any queries that may arise in the upcoming public consultations.

Meredith Carter
Chief Executive Officer