

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *Re: variation of the Parents and Citizens Associations Award – State 2016 [2020] QIRC 022*

PARTIES: **United Voice, Industrial Union of Employees, Queensland**
(Applicant)

v

Queensland Council of Parents and Citizens' Associations
(Respondent)

CASE NO: MA/2019/2

PROCEEDING: Application to vary a modern award

DELIVERED ON: 19 February 2020

HEARING DATE: 10 December 2019

MEMBER: HARTIGAN IC

HEARD AT: Brisbane

ORDER: **1. Application granted.**
2. Orders are made in the terms of the final page of these reasons.

CATCHWORDS: INDUSTRIAL LAW – VARIATION OF A MODERN AWARD – application to vary a modern award

LEGISLATION: *Industrial Relations Act 2016 (Qld) s 147*

APPEARANCES: Mr J. Spreckley for United Voice, Industrial Union of Employees, Queensland.

Ms C. Laird for the Queensland Council of
Parents and Citizens' Associations.

Reasons for Decision

- [1] United Voice, Industrial Union of Employees, Queensland ("the Applicant") applies, pursuant to s 147 of the *Industrial Relations Act 2016* ("IR Act"), to vary a modern award, the *Parents and Citizens Associations Award – State 2016* ("the Award").
- [2] The Award applies to employees who are, *inter alia*, employed in an activity conducted by a Parents and Citizens Association within Queensland and whose rates of pay are fixed by the Award.
- [3] The Respondent, the Queensland Council of Parents and Citizens' Associations,¹ consented to the variations sought by the Applicant.

The variations sought

- [4] The amendments sought to vary the Award were summarised by the Applicant in its submissions.² The Applicant submitted that the purpose of the variations sought was to:
 - (a) standardise casual loading for all streams at 25%;
 - (b) remove the exclusion from Out of School Hours Care ("OSHC") casual employees receiving broken shift allowance;
 - (c) increase the broken shift allowance, from \$14.89 to \$16.47, to be consistent with the rate prescribed in the federal *Children's Services Award 2010* ("*Children's Services Award*");
 - (d) standardise and increase junior rates to be consistent with the *Children's Services Award*;
 - (e) apply the current "educational leader" allowance to the "responsible person";
 - (f) introduce Diploma and Advanced Diploma level classifications and pay rates;

¹ On 20 November 2019, directions were issued pursuant to s 539(b)(i) of the *Industrial Relations Act 2016* (Qld) that United Voice, Industrial Union of Employees, Queensland be named the Applicant and the Queensland Council of Parents and Citizens' Associations be named the Respondent in this proceeding.

² Applicant's Submissions filed 29 November 2019, at page 1.

- (g) adjust the 3.4 classification rate to be the mid–point between the 3.3 rate and 4.1 Diploma rate;
- (h) adjust the (unqualified) Assistant Coordinator rates;
- (i) included an additional Director/Coordinator level for larger services; and
- (j) include a new Manager classification.

[5] The variations sought were provided to the Commission by the parties³ in the form of a draft consent order, which were in the following terms:

Pursuant to s 147 of the Industrial Relations Act 2016 (Qld) the Parents and Citizens Associations Award – State 2016 is varied as follows:

Clause 8.3 – Casual employees

1. By deleting sub-clause 8.3(d).
2. By deleting the following words from sub-clause 8.3(e):

"In the Clerical and administrative, Operations managers and Retail operations streams, respectively – for";

and inserting the word –

"For" at the beginning of the sentence.

3. By renumbering sub-clause 8.3(e) as sub-clause 8.3(d).
4. By renumbering sub-clause 8.3(f) as sub-clause 8.3(e).
5. By renumbering sub-clause 8.3(g) as sub-clause 8.3(f).

Clause 12 – Classifications and minimum wages

6. By deleting the table set out in the sub-clause 12.4(b), and replacing it with the table below:

Health and fitness stream

Classification	Award Per Week \$ ²	Rate ¹	Part-time Award Per Hour \$	Rate ¹	Casual Award Rate ¹ Per Hour \$ (P/T + 25%)
Level 1	775.50		20.41		25.51
Level 2	792.00		20.84		26.05
Level 3	823.50		21.67		27.09
Level 4	855.50		22.51		28.14

³ Draft Order dated 18 December 2019.

Notes:

¹ Includes the arbitrated wage adjustment payable under the 1 September 2019 Declaration of General Ruling.

² Rounded to the nearest \$0.50.

7. By deleting the table set out in sub-clause 12.4(d), and replacing with the table below:

OSHC and vacation care stream

Classification	Level	Award¹ Per Week \$²	Rate	Part-time Award Per Hour \$	Casual Award Rate¹ Per Hour \$ (P/T + 25%)
Child Care Worker	Level 1.1	821.50		21.62	27.03
	Level 2.1	847.00		22.29	27.86
	Level 2.2	873.00		22.97	28.71
	Level 3.1	927.50		24.41	30.51
	Level 3.2	947.00		24.92	31.15
	Level 3.3	966.50		25.43	31.79
	Level 3.4	1,032.00		27.16	33.95
Child Care Educator (Qualified)	Level 4.1	1,097.00		28.87	36.09
	Level 4.2	1,113.00		29.29	36.61
	Level 4.3	1,129.50		29.72	37.15
	Level 4.4	1,129.50		29.72	37.15
Assistant Coordinator (Unqualified)	Level 4A.1	1,097.00		28.87	36.09
	Level 4A.2	1,113.00		29.29	36.61
Assistant Coordinator (Qualified)	Level 5.1	1,142.50		30.07	37.59
	Level 5.2	1,155.00		30.39	37.99
Coordinator (Unqualified)	Level 5A.1	1,142.50		30.07	37.59
	Level 5A.2	1,155.00		30.39	37.99
	Level 5A.3	1,174.00		30.89	38.61
Coordinator/Director (Qualified) – Level 1³	Level 6.1	1,194.50		31.43	39.29
	Level 6.2	1,220.00		32.11	40.14
	Level 6.3	1,246.50		32.80	41.00
Coordinator/Director (Qualified) – Level 2⁴	Level 6.4	1,263.00		33.24	41.55
	Level 6.5	1,285.00		33.82	42.28
	Level 6.6	1,305.00		34.34	42.93
Coordinator/Director/ Assistant Manager (Qualified) – Level 3⁵	Level 6.7	1,327.00		34.92	43.65
	Level 6.8	1,349.50		35.51	44.39
	Level 6.9	1,372.50		36.12	45.15
Manager⁶	Level 7.1	1,620.50		42.64	53.30
	Level 7.2	1,666.50		43.86	54.83
	Level 7.3	1,712.50		45.07	56.34
	Level 7.4	1,757.50		46.25	57.81

Notes:

¹ Includes the arbitrated wage adjustment payable under the 1 September 2019 Declaration of General Ruling.

² Rounded to the nearest \$0.50.

³ A Coordinator/Director - Level 1 is an employee appointed as a coordinator of a service licensed for up to 59 children (paid at wage levels 6.1 to 6.3).

⁴ A Coordinator/Director - Level 2 is an employee appointed as a coordinator of a service licensed for up to 120 children (paid at wage levels 6.4 to 6.6).

⁵ A Coordinator/Director/Assistant Manager - Level 3 is an employee appointed as a coordinator of a service licensed for over 120 children (paid at wage levels 6.7 to 6.9).

⁶ A Manager –

Level 7 holds the same qualifications as a Level 6 employee and is appointed to be responsible for the overall strategic, financial and operational management of an Outside School Hours Care licensed to accommodate over 180 children.

Level 7 who is paid a salary of at least 25% in excess of the Level 7.4 rate will not be entitled to the benefit of the terms and conditions within the following clauses:

- 12.9 Mixed functions/Higher duties
- 13.1 Broken Shift Allowance
- 13.2 Divisional and District parities
- 13.5 Laundry Allowance
- 13.7 Overtime meal allowance
- 15.1 Ordinary hours of duty
- 15.5 Rosters
- 18 Overtime
- 18.3 Payment for meetings

8. By deleting the table set out in sub-clause 12.4(f), and replacing with the table below:

Support worker stream

Classification	Award Rate¹ Per Week \$²	Part-time Award Rate¹ Per Hour \$	Casual Award Rate¹ Per Hour \$ (P/T + 25%)
Level 1	790.00	20.79	25.99
Level 2	817.50	21.51	26.89
Level 3	841.50	22.14	27.68

Notes:

¹ Includes the arbitrated wage adjustment payable under the 1 September 2019 Declaration of General Ruling.

² Rounded to the nearest \$0.50.

Clause 12.5 – Junior rates of pay

9. By deleting table 12.5(b).

10. By deleting, in the first line of the first paragraph "12.5(c)" and replacing it with "12.5(b)".

11. By deleting the words "(a) *Health and fitness stream:*" from sub-clause 12.5(a).

12. By deleting from the table set out in sub-clause 12.5(a), "*Percentage of Level 1 rate in the Health and fitness stream*" and replacing with "*Percentage of relevant adult rate*".
13. By deleting "65%" from the right hand column of table 12.5(a) and replacing with "70%".
14. By deleting "75%" from the right hand column of table 12.5(a) and replacing with "80%".
15. By deleting "85%" from the right hand column of table 12.5(a) and replacing with "90%".
16. By deleting "4A.1" from sub-clause 12.5(c) and replacing with "3.1".
17. By renumbering sub-clause 12.5(c) as sub-clause 12.5(b).

Clause 13 – Allowances

18. By deleting "*Subject to clause 13.1(b)*," from sub-clause 13.1(a); and replacing the "a" at the beginning of the sentence with a capital "A".
19. By deleting "\$14.89" from sub-clause 13.1(a) and replacing it with "\$16.47".
20. By deleting sub-clause 13.1(b).
21. By inserting into sub-clause 13.3 the punctuation mark and words "*/responsible person allowance*" into the title after the words "*Educational leader*", and inserting the words "*or responsible person*" after the words "*education leader*" in the body of the sub-clause.

Classification structure

Schedule 4 - Position Descriptors - Outside School Hours Care (OSHC) and Vacation Care Stream

22. By amending Schedule 4 as follows:
23. By amending the Level 4 descriptor by renumbering it as "*Level 5*".
24. By inserting a new Level 4 descriptor as follows:

"Level 4

A Level 4 employee is one who is required to hold an AQF Diploma in Children Services or equivalent. An employee at this level will also perform the same tasks as a Level 3 employee.

Typical Duties/Skills:

- *Responsible, in consultation with the Assistant Director/Coordinator for the preparation, implementation and evaluation of a developmentally appropriate program for individual children or groups.*
- *Responsible to the Assistant Director/Coordinator for the supervision of students on placement.*
- *Responsible for ensuring a safe environment for children.*
- *Responsible for ensuring that records are maintained accurately for each child in their care.*

- *Develop, implement and evaluate daily care routines.*

A Level 4.4 employee is one who has completed an AQF Advanced Diploma in Children Services or equivalent, or other relevant Advanced Diploma or equivalent, and is appointed as an educational leader, specialist, program planner or similar advanced classification."

25. By amending the Level 4A descriptor by deleting the references to "Level 4" and replacing with "Level 5".
26. By amending the Level 5 descriptor by renumbering it as "Level 6".
27. By amending the Characteristics definition under the Level 5 heading by deleting the reference to "Level 4" and replacing with "Level 5" and by deleting the reference to "Level 5" and replacing with "Level 6".
28. By amending the Level 5 descriptor by deleting the words "Children Services" which appear before the word Employee.
29. By amending the Level 5A descriptor by deleting the references to "Level 5" and replacing it with "Level 6".
30. By amending the new Level 6 Characteristics definition, last paragraph, by inserting the punctuation mark and words "/Director/Assistant Manager" after the word Coordinator.
31. By amending the new Level 6 Progression heading at the first bullet point, by inserting the punctuation mark and word "/Director" after the word Coordinator and by deleting "Level 5.1 to 5.3" and replacing with "Level 6.1-6.3".
32. By amending the new Level 6 Progression heading at the second bullet point, by inserting the punctuation mark and word "/Director" after the word Coordinator, and by deleting "60 or more" and replacing with "up to 120", and by deleting "Level 5.4 to 5.6" and replacing with "Level 6.4-6.6".
33. By inserting a new third bullet point – *"a Coordinator/Director/Assistant Manager appointed to coordinate the activities of a service licensed to accommodate over 120 children will be paid at the wage range Level 6.7 - 6.9."*
34. By inserting a new Level 7 as follows:

"Manager

Level 7

An employee appointed as a manager holds the same qualifications and undertakes the same responsibilities as a Level 6 employee and is also responsible for the overall strategic, financial and operational management of an OSHC, licensed to accommodate over 180 children."

35. The variations to the Award operate on and from 20 April 2020.

[6] At the hearing of this matter, the Applicant referred to and relied on extensive written submissions it had filed together with affidavit evidence in support of the variations sought.

- [7] In summary, the Applicant's submissions addressed the basis upon which the variations were sought with respect to the substantive variations as follows:

The standardisation of casual loading

- (a) The variations sought included a variation to standardise casual loading for all employees to 25%. The Award provided for two different rates of casual loading depending on the stream of work the employee was engaged to perform. Those employees working in the clerical, administrative and operational managers and retail operations streams received a casual loading of 25% whilst those who worked in the health and fitness, OSHC and vacation care and support worker streams received a casual loading of 23%.
- (b) It was submitted that the standardisation of casual loading to 25% for all streams within the Award had the effect of removing anomalies from within the Award. Further it was submitted that the purpose of such a variation was to maintain a fair standard in relation to internal comparisons across streams, to simplify the Award, and to maintain fair external comparisons to the prevailing casual rates for employees performing similar work under federal awards.

Broken shift allowance

- (c) The Award provided that all employees who work broken shifts be paid a broken shift allowance except for casual employees of OSHCs. It was submitted that the operation of the Award (by not providing a broken shift allowance to casual employees of OSHC who work broken shifts) was inequitable and did not provide fair standards for casual OHSC employees.
- (d) The application also seeks to align the dollar amount of broken shift allowances with the federal *Children's Services Award*. It was submitted that this variation would allow for consistency and would bring the broken shift allowance in line with the relevant federal comparative standard.

Junior rates

- (e) The Applicant seeks variations to the Award on the basis that the Award provides for two different tables of junior awards and it also submits that some of the junior rates are outdated. The application seeks to standardise junior rates and to vary the benchmark classification to which junior rates percentages are applied.
- (f) The application seeks to vary the benchmark rate to be the relevant adult rate applicable to the work the employee is performing. The application also seeks to vary the junior percentages in the Award to align with those contained in the

Children's Services Award and, also as consistent with the *Children's Services Award*, to prescribe adult rates to all employees at Level 3 (Certificate 3) and above.

- (g) The Applicant submits that varying the junior rates in the Award, in the manner sought, will assist to provide fair and relevant standards and minimum wages to young employees. It also submits that having one table of junior rates will simplify the Award.

Responsible person's allowance and educational leaders

- (h) The Applicant submitted that pursuant to the *Education and Care Services National Regulations* each OSHC is required to designate a "responsible person"⁴ and an "educational leader".⁵ The application seeks to broaden the existing allowance so it can cover either, or both, the "responsible person" and the "educational leader". The Applicant submits that that the payment of the allowance is intended to cover one or both roles and it is not intended that it be paid twice for the same hours worked, to a person performing both roles at the same time.

Classification structure

Coordinators/Directors

- (i) The application seeks to include additional levels of classifications for coordinators/directors of larger services.
- (j) The classification levels that are sought are at Level 3. It was submitted that the additional levels are necessary to account for the growth in larger services and the increasing complexity of the role in larger services. The levels are derived from projecting the Directors rates from the *Children's Services Award* to what rates they would have been as at September 2019. The application seeks to extend the table of Directors rates for OSHC by adopting the rates that were applicable to long day care Directors under the *Children's Services Award*.

Manager

- (k) The Applicant submitted that the evolution of OSHC sector required skilled managers and that the Award does not adequately cater for employees at such a level. As a result, it was submitted, the industry was paying above the Award in order to attract and retain staff at a managerial level.

⁴ Defined in Reg 150.

⁵ Defined in Reg 118.

Level 4 Diploma qualified staff

- (l) The Applicant further submitted that the Award did not adequately provide for Diploma qualified staff, who are not appointed as coordinators or directors. It was submitted that there are positions emerging within OSHCs which require Diplomas and it is expected that this trend will continue to grow into the future.
- (m) The application seeks to include a Level 4 classification with a rate based upon a projection of rates formally applicable to Diploma qualified staff under the *Children's Services Award*.

Level 3.4 rate

- (n) Whilst there is an existing Level 3.4 and pay rate in the Award, the application seeks to amend the Level 3.4 pay rate so that it is set at the midpoint between Level 3.3 and the proposed Level 4. The proposed new rate for Level 3.4 is derived from projecting the midpoint between an equivalent Level 3.3 rate and a Diploma rate in the *Children's Services Award*.

The Respondent's position

- [8] The Respondent consents to the variations to the Award sought by the Applicant and, further, consented to the draft orders referred to at paragraph [5] herein.
- [9] In its submissions, the Respondent relevantly stated the basis of its consent was, in summary, as follows:
 - (a) the evidence before the commission satisfies the requirements of the IR Act for the commission to order the variations to be made; and
 - (b) the proposed variations are supported by the Respondent and are necessary to support individual Parents and Citizens Associations to make day to day decisions regarding employment conditions and entitlements.
- [10] At the hearing, Ms Laird, the representative for the Respondent, submitted that it was important for the Respondent to have an award which accurately reflected the changes which have occurred in the industry.
- [11] Representatives for both parties further confirmed at the hearing that there had been extensive consultation within the industry with respect to the variations sought and that the changes to the Award were generally supported.

Consideration

- [12] Chapter 3 of the IR Act provides for the exercise of powers with respect to modern awards. Section 147 of the IR Act falls within Chapter 3. Section 147 of the IR Act provides that the Commission may make or vary a modern award on its own initiative or by application to provide for "fair and just employment conditions".
- [13] Section 141 of the IR Act requires, that in exercising its powers pursuant to Chapter 3, that the Commission must ensure a modern award:
- (a) provides for fair and just wages and employment conditions that are at least as favourable as the Queensland Employment Standards;⁶ and
 - (b) generally reflects the prevailing employment conditions of employees covered, or to be covered, by the award.⁷
- [14] I am satisfied that the variations sought by the Applicant and consented to by the Respondent would ensure that the Award continues to provide "fair and just employment conditions" and ensures that the Award generally reflects the prevailing employment conditions of employees covered by the Award. In this respect, I have had regard to the submissions made by the parties that several of the variations sought will bring the Award into line and reflect changes that have been made within the industry.
- [15] Whilst noting the diversity of the variations sought, I am satisfied that the purpose of the amendments includes to simplify the Award, to ensure consistency and fairness of entitlements to employees covered by the Award and to properly reflect changes to the type of work and the requirements to work in the industry.
- [16] I have also had regard to the consent provided by the Respondent who views the amendments as necessary and that it will assist Parents and Citizens Associations in their day-to-day operations.
- [17] On 18 December 2019, I issued orders in the terms of the consent orders provided by the parties on 18 December 2019. Following this, several clerical errors were identified in those orders, and pursuant to r 95 of the *Industrial Relations (Tribunals) Rules 2011* (Qld), I have corrected those errors with the consent of the parties.
- [18] I grant the application and make the necessary orders to vary the Award.

⁶ *Industrial Relations Act 2016* (Qld) s 141(1)(a).

⁷ *Ibid* s 141(1)(b).

Order

Pursuant to s 147 of the *Industrial Relations Act 2016* (Qld) the *Parents and Citizens Associations Award – State 2016* is varied as follows:

Clause 8.3 – Casual employees

1. By deleting sub-clause 8.3(d).
2. By deleting the following words from sub-clause 8.3(e):

"In the Clerical and administrative, Operations managers and Retail operations streams, respectively – for";

and inserting the word –

"For" at the beginning of the sentence.

3. By renumbering sub-clause 8.3(e) as sub-clause 8.3(d).
4. By renumbering sub-clause 8.3(f) as sub-clause 8.3(e).
5. By renumbering sub-clause 8.3(g) as sub-clause 8.3(f).

Clause 12 – Classifications and minimum wages

6. By deleting the table and notes set out in the sub-clause 12.4(b), and replacing them with the following:

Health and fitness stream

Classification	Award Rate ¹ Per Week \$ ²	Part-time Award Rate ¹ Per Hour \$	Casual Award Rate ¹ Per Hour \$ (P/T + 25%)
Level 1	775.50	20.41	25.51
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Level 4	855.50	22.51	28.14

Notes:

¹ Includes the arbitrated wage adjustment payable under the 1 September 2019 Declaration of General Ruling.

² Rounded to the nearest \$0.50.

7. By deleting the table and notes set out in sub-clause 12.4(d), and replacing them with the following:

OSHC and vacation care stream

Classification	Level	Award¹ Rate Per Week \$²	Part- time Award Rate¹ Per Hour \$	Casual Award Rate¹ Per Hour \$ (P/T + 25%)
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Assistant Coordinator (Qualified)	Level 5.1	1,142.50	30.07	37.59
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Manager⁶	Level 7.1	1,620.50	42.64	53.30
	Level 7.2	1,666.50	43.86	54.83
	Level 7.3	1,712.50	45.07	56.34
	Level 7.4	1,757.50	46.25	57.81

Notes:

- ¹ Includes the arbitrated wage adjustment payable under the 1 September 2019 Declaration of General Ruling.
- ² Rounded to the nearest \$0.50.
- ³ A Coordinator/Director - Level 1 is an employee appointed as a coordinator of a service licensed for up to 59 children (paid at wage levels 6.1 to 6.3).
- ⁴ A Coordinator/Director - Level 2 is an employee appointed as a coordinator of a service licensed for up to 120 children (paid at wage levels 6.4 to 6.6).
- ⁵ A Coordinator/Director/Assistant Manager - Level 3 is an employee appointed as a coordinator of a service licensed for over 120 children (paid at wage levels 6.7 to 6.9).
- ⁶ A Manager –

Level 7 holds the same qualifications as a Level 6 employee and is appointed to be responsible for the overall strategic, financial and operational management of an Outside School Hours Care licensed to accommodate over 180 children.

Level 7 who is paid a salary of at least 25% in excess of the Level 7.4 rate will not be entitled to the benefit of the terms and conditions within the following clauses:

12.9	Mixed functions/Higher duties
13.1	Broken Shift Allowance
13.2	Divisional and District parities
13.5	Laundry Allowance
13.7	Overtime meal allowance
15.1	Ordinary hours of duty
15.5	Rosters
18	Overtime
18.3	Payment for meetings

- 8. By deleting the table and notes set out in sub-clause 12.4(f), and replacing them with the following:**

Support worker stream

Classification	Award Rate¹ Per Week \$²	Part-time Award Rate¹ Per Hour \$	Casual Award Rate¹ Per Hour \$ (P/T + 25%)
Level 1	790.00	20.79	25.99
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Level 3	841.50	22.14	27.68

Notes:

¹ Includes the arbitrated wage adjustment payable under the 1 September 2019 Declaration of General Ruling.

² Rounded to the nearest \$0.50.

Clause 12.5 – Junior rates of pay

9. By deleting sub-clause 12.5(b).
10. By deleting, in the first line of the first paragraph "12.5(c)" and replacing it with "12.5(b)".
11. By deleting the words "*Health and fitness stream:*" from sub-clause 12.5(a).
12. By deleting from the table set out in sub-clause 12.5(a), "*Percentage of Level 1 rate in the Health and fitness stream*" and replacing with "*Percentage of relevant adult rate*".
13. By deleting "65%" from the right hand column of table 12.5(a) and replacing with "70%".
14. By deleting "75%" from the right hand column of table 12.5(a) and replacing with "80%".
15. By deleting "85%" from the right hand column of table 12.5(a) and replacing with "90%".
16. By deleting "4A.1" from sub-clause 12.5(c) and replacing with "3.1".
17. By renumbering sub-clause 12.5(c) as sub-clause 12.5(b).

Clause 13 – Allowances

18. By deleting "*Subject to clause 13.1(b),*" from sub-clause 13.1(a); and replacing the "a" at the beginning of the sentence with a capital "A".
19. By deleting "\$14.89" from sub-clause 13.1(a) and replacing it with "\$16.47".
20. By deleting sub-clause 13.1(b).
21. By inserting into sub-clause 13.3 the punctuation mark and words "*/responsible person allowance*" into the title after the words "*Educational leader*", and inserting the words "*or responsible person*" after the words "*education leader*" in the body of the sub-clause.

Classification structure

Schedule 4 - Position Descriptors - Outside School Hours Care (OSHC) and Vacation Care Stream

22. By amending Schedule 4 as follows:
23. By renaming Level 4 and Level 5 as Level 5 and Level 6 respectively.
24. By inserting a new Level 4 descriptor as follows:

"Level 4

A Level 4 employee is one who is required to hold an AQF Diploma in Children Services or equivalent. An employee at this level will also perform the same tasks as a Level 3 employee.

Typical Duties/Skills:

- *Responsible, in consultation with the Assistant Director/Coordinator for the preparation, implementation and evaluation of a developmentally appropriate program for individual children or groups.*
- *Responsible to the Assistant Director/Coordinator for the supervision of students on placement.*
- *Responsible for ensuring a safe environment for children.*
- *Responsible for ensuring that records are maintained accurately for each child in their care.*
- *Develop, implement and evaluate daily care routines.*

A Level 4.4 employee is one who has completed an AQF Advanced Diploma in Children Services or equivalent, or other relevant Advanced Diploma or equivalent, and is appointed as an educational leader, specialist, program planner or similar advanced classification."

25. By amending the Level 4A descriptor by deleting the references to "Level 4" and replacing with "Level 5".
26. By amending the Characteristics definition under the Level 5 heading by deleting the reference to "Level 4" and replacing with "Level 5" and by deleting the reference to "Level 5" and replacing with "Level 6".
27. By amending the Level 5 descriptor by deleting the words "Children Services" which appear before the word Employee.
28. By amending the Level 5A descriptor by deleting the references to "Level 5" and replacing it with "Level 6".
29. By amending the new Level 6 Characteristics definition, last paragraph, by inserting the punctuation mark and words *"/Director/Assistant Manager"* after the word Coordinator.
30. By amending the new Level 6 Progression heading at the first bullet point, by inserting the punctuation mark and word *"/Director"* after the word Coordinator and by deleting *"Level 5.1 to 5.3"* and replacing with *"Level 6.1-6.3"*.
31. By amending the new Level 6 Progression heading at the second bullet point, by inserting the punctuation mark and word *"/Director"* after the word Coordinator, and by deleting *"60 or more"* and replacing with *"up to 120"*, and by deleting *"Level 5.4 to 5.6"* and replacing with *"Level 6.4-6.6"*.
32. By inserting a new third bullet point – *"a Coordinator/Director/Assistant Manager appointed to coordinate the activities of a service licensed to accommodate over 120 children will be paid at the wage range Level 6.7 - 6.9."*
33. By inserting a new Level 7 as follows:

"Level 7

Manager

An employee appointed as a manager holds the same qualifications and undertakes the same responsibilities as a Level 6 employee and is also responsible for the overall strategic, financial and operational management of an OSHC, licensed to accommodate over 180 children."

34. The variations to the Award operate on and from 20 April 2020.