

Draft – As at 04 November 2024 (5PM version)

***Local Government (Early Childhood
Education and Care Worker
Retention Payments)
Splinter Award 2024***

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1. Title

- 1.1 This Award shall be known as the *Local Government (Early Childhood Education and Care Worker Retention Payments) Splinter Award 2024* (“**Award**”).

2. Commencement and Duration

- 2.1 Subject to clause 2.2, this Award commences operation on and from [insert date] and shall remain in force until 30 November 2026.

3. Coverage

- 3.1 This Award shall apply to all employers named in Schedule A who operate a Child Care Subsidy (“**CCS**”) approved Centre-Based Day Care (“**CBDC**”) or Outside School Hours Care (“**OSHC**”); and who are determined by the Commonwealth Department of Education to be eligible for the Early Childhood Education and Care Worker Retention Payment Grant (“**ECEC Worker Retention Payment Grant**”).
- 3.2 Subject to subclause 3.3, this Award shall apply to all employees of the employers identified in clause 3.1 who are undertaking duties covered by the federal *Children’s Services Award 2010* [MA000120] (“**CS Award**”) or *Educational Services (Teachers) Award 2020* [MA000077] (“**ES (Teachers) Award**”) that are eligible Early Childhood Education and Care workers (“**Eligible ECEC workers**”).
- 3.3 This Award does not apply to trainees who are undertaking a registered traineeship and whose pay and conditions are not covered by the CS Award or the ES (Teachers) Award.

4. Industrial Parties

- 4.1 The industrial parties to this Award are:
- (a) Local Government NSW; and
 - (b) New South Wales Local Government, Clerical, Administrative, Energy, Airlines and Utilities Union.

5. Definitions and Interpretation

5.1 In this Award, unless the context requires otherwise:

Award means the *Local Government (Early Childhood Education and Care Worker Retention Payments) Splinter Award 2024*.

CS Award is a reference to the *Children's Services Award 2010* [MA000120].

ECEC Worker Retention Payment Grant means the grant provided by the Australian Government to support a wage increase for eligible ECEC workers from December 2024, which opened in October 2024 and closes in September 2026.

Eligible ECEC workers has the same meaning as under the *Early Childhood Education and Care Worker Retention Payment Grant Opportunity Guidelines* published by the Department of Education, Australian Government, in October 2024.

ES (Teachers) Award is a reference to the *Early Services (Teachers) Award 2020* [MA000077].

Hourly salary system rate of pay means the salary system rate of pay calculated on an hourly basis.

LG (State) Award means:

- i. the *Broken Hill City Council Consent Award 2022*, as varied from time to time, and any award that succeeds the *Broken Hill City Council Consent Award 2022*;
- ii. the *City of Sydney (South Sydney) Award 2021 – 2024*, as varied from time to time, and any award that succeeds the *City of Sydney (South Sydney) Award 2021 – 2024*;
- iii. the *Local Government (State) Award 2023*, as varied from time to time, and any award that succeeds the *Local Government (State) Award 2023*;
- iv. *The City of Sydney Award 2022*, as varied from time to time, and any award that succeeds *The City of Sydney Award 2022*; and/or
- v. any enterprise agreement or council agreement made in relation to the abovementioned awards.

Ordinary pay has the same meaning as under the *LG (State) Award*.

Salary system rate of pay means the rate of pay an employee is entitled to receive under their employer's salary system in recognition of the skills the employee is required to apply on the job.

6. Relationship with the LG (State) Award

- 6.1 This Award is to be read and interpreted in conjunction with the *LG (State) Award*.
- 6.2 Where there is any inconsistency between this Award and the *LG (State) Award*, this Award shall prevail to the extent of the inconsistency.
- 6.3 Where this Award is silent, the *LG (State) Award* shall apply.

7. Statement of Intent

- 7.1 This Award puts in place special interim arrangements to assist in ensuring that local government providers of CCS approved services may be eligible for the Commonwealth's Early Childhood Education and Care Worker Retention Payment Grant.
- 7.2 This Award shall not set any precedent in relation to award entitlements after its expiry.

8. Grievance and Dispute Procedure

- 8.1 Clause 37 [Grievance and Dispute Procedures] of the *Local Government (State) Award 2023* shall apply.

9. Anti-Discrimination

- 9.1 Clause 4 [Anti-Discrimination] of the *Local Government (State) Award 2023* shall apply.

10. Salary system rate of pay and the Retention Allowance for ECEC workers

- 10.1 This clause supplements the relevant salary system provisions in the LG State Award.
- 10.2 Employees shall be paid the salary system rate of pay that recognises the skills the employee is required to apply on the job. The employee's hourly salary system rate of pay must be equal to or greater than the minimum hourly rates of pay for the relevant classification in either the CS Award or the ES (Teachers) Award.

Part A Retention Allowance (from 2 December 2024)

- 10.3 (a) Subject to subclause 10.3(b), effective from 2 December 2024 (or upon the employer becoming covered by this Award employees shall be paid a Part A Retention Allowance equal to the amount per hour set out in either:

- (i) Column 3 in Table 1 of Schedule B for the relevant classification under the CS Award, or
 - (ii) Column 3 in Table 2 of Schedule B for the relevant classification under the ES (Teachers) Award.
- (b) Employees shall immediately cease to be entitled to the Part A Retention Allowance if the Commonwealth Government ceases to fully fund the employer for the allowance under the ECEC Worker Retention Payment Grant.

Part B Retention (Supplement) Allowance (from 1 July 2025)

- 10.4 (a) Subject to subclauses 10.4(b) and 10.4(c), effective from the first full pay period commencing on or after 1 July 2025, employees shall be paid a Part B Retention (Supplement) Allowance equal to the increase in rates of pay under the CS Award or the ES (Teachers) Award (if any) arising from the Annual Wage Review of the Fair Work Commission (“FWC”) for the 2025/2026 period.

Example:

If the relevant minimum hourly rate under the CS Award is currently \$30 per hour and the FWC increases the award rate by 5%, the minimum hourly rate will increase by \$1.50 per hour. The amount of the Part B Retention (Supplement) Allowance will be \$1.50 per hour.

- (b) The Part B Retention (Supplement) Allowance specified at subclause 10.4(a) of this Award may be absorbed into enterprise increases under the LG (State) Award which take effect between 1 July 2025 and 30 June 2026.

Example:

If the FWC increases rates of pay under the CS Award by 5% from 1 July 2025, and the rates of pay under the LG State Award increase by 3% between 1 July 2025 and 30 June 2026:

- Step 1: calculate the quantum of the increase to the CS Award as per the example at subclause 10.4(a) of this Award (5% x award rate = \$X)
- Step 2: calculate the quantum of the increase to the LG State Award (3% x salary system rate = \$Y)

The Part B Retention (Supplement) Allowance will equal the quantum amount in Step 1 (\$X) minus the quantum amount in Step 2 (\$Y).

- (c) Employees shall immediately cease to be entitled to the Part B Retention (Supplement) Allowance if the Commonwealth Government ceases to fully fund the employer for the Part A Retention Allowance at clause 10.3 and the Part C Retention Allowance at clause 10.5.

Part C Retention Allowance (from 1 December 2025)

- 10.5 (a) Subject to subclause 10.5(b), effective from 1 December 2025 employees shall be paid a Part C Retention Allowance equal to 5% of the relevant hourly rate of pay under the CS Award or the ES (Teachers) Award.
- (b) Employees shall immediately cease to be entitled to the Part C Retention Allowance if the Commonwealth Government ceases to fully fund the employer for the allowance under the ECEC Worker Retention Payment Grant.

11. Leave Reserved

- 11.1 Leave is reserved for the Parties to the Award to apply to vary this Award and/or access the Industrial Relations Commission of New South Wales should the eligibility criteria for the Commonwealth's Early Childhood Education and Care Worker Retention Payment Grant be varied.

Schedule A - Employers covered by this Award

A.1 The employers listed in Table 1 below are the employers covered by this Award, as provided by clause 3.

	Name of council	Date
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Schedule B - Hourly quantum increases for Part A - Retention Allowance

TABLE 1

Hourly quantum increases applying to the *Children's Services Award 2010* as of 2 December 2024.

Column 1	Column 2	Column 3
Children's Services Award 2010 classification	Hourly rate prior to	Quantum dollar increase from
	2 December 2024	2 December 2024
Level 1.1	\$23.97	\$2.40
Level 2.1	\$24.84	\$2.48
Level 2.2	\$25.66	\$2.57
Level 3.1	\$27.17	\$2.72
Level 3.2	\$28.10	\$2.81
Level 3.3	\$28.99	\$2.90
Level 3.4 (Diploma)	\$30.59	\$3.06
Level 4.1	\$32.00	\$3.20
Level 4.2	\$32.49	\$3.25
Level 4.3	\$32.97	\$3.30
Level 5.1	\$33.46	\$3.35
Level 5.2	\$33.95	\$3.40
Level 5.3	\$34.43	\$3.44
Level 6.1	\$38.59	\$3.86
Level 6.2	\$39.07	\$3.91
Level 6.3	\$39.55	\$3.96
Level 6.4	\$41.02	\$4.10
Level 6.5	\$41.40	\$4.14
Level 6.6	\$41.89	\$4.19
Level 6.7	\$42.39	\$4.24
Level 6.8	\$42.88	\$4.29
Level 6.9	\$43.36	\$4.34

TABLE 2

Hourly quantum increases applying to the *Educational Services (Teachers) Award 2020* as of 2 December 2024.

Column 1	Column 2	Column 3
<i>Educational Services (Teachers) Award 2020</i> classification	Hourly rate prior to 2 December 2024	Quantum dollar increase from 2 December 2024
Teachers – Long day care centres		
Level 1	\$36.74	\$3.67
Level 2	\$40.16	\$4.02
Level 3	\$43.72	\$4.37
Level 4	\$47.28	\$4.73
Level 5	\$50.83	\$5.08
Teachers – Preschools and Schools		
Level 1	\$35.33	\$3.53
Level 2	\$38.61	\$3.86
Level 3	\$42.03	\$4.20
Level 4	\$45.46	\$4.55
Level 5	\$48.88	\$4.89