

[2026] FWCFB 26

The attached document replaces the document previously issued with the above code on 9 February 2026.

The date in paragraph [1] of the Statement has been corrected.

Kuwthar Aumarah  
Associate to Justice Hatcher, President

10 February 2026





# STATEMENT

*Fair Work Act 2009*

s.157—FWC may vary etc. modern awards if necessary to achieve modern awards objective

## **Gender-based undervaluation – priority awards review — Children’s Services Award 2010** (AM2024/23)

JUSTICE HATCHER, PRESIDENT  
VICE PRESIDENT ASBURY  
DEPUTY PRESIDENT O’NEILL  
DEPUTY PRESIDENT SLEVIN  
DEPUTY PRESIDENT GRAYSON

SYDNEY, 9 FEBRUARY 2026

*Gender-based undervaluation – priority awards review – Children’s Services Award 2010 – variation of the award on the Commission’s own initiative – correction to determination*

[1] On 10 December 2025, we issued a decision finalising the Gender-based undervaluation review of the *Children’s Services Award 2010 (CS Award)*<sup>1</sup>. A determination to implement the revised classification structures, the first phase of the minimum wage rate increases and the consequential variations we have discussed was published with the decision<sup>2</sup>.

[2] A correction to the determination was issued on 22 December 2025 to insert an additional classification in clause I.4.1 Retained minimum rates of pay—Children’s Services Employees<sup>3</sup>.

[3] On 23 January 2026, we received correspondence from the Australian Childcare Alliance (ACA) which identified that additional classifications should also be included in the list and table in clause I.4 of Schedule I. In its correspondence, the ACA have sought to include Levels 3A.1, 3A.2 and 4A.5 in clause I.4 to avoid the minimum pay rates of employees currently classified at those levels being reduced from 1 March 2026. The ACA provided a draft determination for consideration together with their correspondence.<sup>4</sup>

[4] We have considered the correspondence and draft determination, and it is our *provisional view* that the correction should be made to include Levels 3A.1, 3A.2 and 4A.5 in clause I.4. On review of the variations necessary to give this effect, it is our *provisional view* that some additional corrections are also needed. The additional corrections include a variation to clause I.4.2(a) to refer to I.3 as this is the clause which contains the applicable rate of pay for Level 4A.5, and the inclusion of the following text below the table appearing in clause I.4.2(b), ‘\*\*Former Western Australian ‘E’ worker classification’, so that this reference is carried over from the table in the current award.

[5] We have published a draft determination together with this Statement. Interested parties are invited to file submissions regarding the *provisional views* expressed in paragraph [4] of this Statement and the accompanying draft determination. Submissions must be sent to [awards@fwc.gov.au](mailto:awards@fwc.gov.au) by **12.00 pm (AEDT) on Friday, 13 February 2026**. In the absence of any responsive views, the variations will be made in the same terms as proposed in the draft determination.



PRESIDENT

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<sup>1</sup> [Decision \[2025\] FWCFB 283](#).

<sup>2</sup> Determination [PR794818](#), 10 December 2025.

<sup>3</sup> [Determination Correction PR794932](#), 22 December 2025.

<sup>4</sup> [Correspondence](#) from the Australian Childcare Alliance, 23 January 2026.