Form F82 – <u>Amended</u> Application for a supported bargaining authorisation

Fair Work Act 2009, s.242 and 243

This is an application to the Fair Work Commission for a supported bargaining authorisation in accordance with Part 2-4 of the <u>Fair Work Act 2009</u>.

The Applicant



These are the details of the person who is making the application.

A person who may make an application for a supported bargaining authorisation is a bargaining representative for a proposed enterprise agreement or an employee organisation entitled to represent the industrial interests of an employee in relation to work to be performed under the agreement

-	_		
Legal name of Applicant	United Workers Union		
Applicant's ACN (if a company)			
Applicant's trading name or registered business name (if applicable)			
Applicant's ABN (if applicable)	52 728 088 684		
Contact person	Ben Redford		
Postal address	833 Bourke Stree	t	
Suburb	DOCKLANDS		
State or territory	VIC	Postcode	3008
Phone number	(03) 9235 7777	Fax number	(03) 9235 7770
Email address	Ben.redford@unitedworkers.org.au		

Do you need an interpreter?

9	2-2
Inte	rpreter

If you have trouble accessing this information, please contact us. We can arrange to provide it in another format. You can find information about <u>help for non-English speakers</u> on our website.

[] Yes – Specify language	
[X 1 No	

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Do you require any special assistance at the he loop)?	aring or conference (e.g. a hearing
[] Yes – Please specify the assistance required	
[X] No	
Do you have a representative?	
A representative is a person or organisati a lawyer or paid agent, a union or employ friend. There is no requirement to have a	
[] Yes – Provide representative's details below	
[X] No	
Your representative	
These are the details of the person or or	rganisation that is representing you (if any).
Name of person	
Firm, organisation, company	
Postal address	
Suburb	
State or territory	Postcode
Phone number	Fax number
Email address	
Is your representative a lawyer or paid agent?	
[]Yes	
[] No	

The Applicant



These are the details of the person who is making the application.

A person who may make an application for a supported bargaining authorisation is a bargaining representative for a proposed enterprise agreement or an employee

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organisation entitled to represent the industrial interests of an employee in relation to work to be performed under the agreement

Legal name of Applicant	Australian Education Union – Victorian Branch		
Applicant's ACN (if a company)			
Applicant's trading name or registered business name (if applicable)	Australian Education Union, AEU		
Applicant's ABN (if applicable)	44 673 398 674		
Contact person	Cara Nightingale		
Postal address	126 Trenerry Crescent		
Suburb	ABBOTSFORD		
State or territory	VIC	Postcode	3067
Phone number	0402 023 940	Fax number	
Email address	Cara.Nightingale@aeuvic.asn.au		

Do you need an interpreter?

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Interpreter	

If you have trouble accessing this information, please contact us. We can arrange to provide it in another format. You can find information about <u>help for</u> non-English speakers on our website.

Interpreter IIOII-ETIGIISTI Speakers Off Of	il website.
[] Yes – Specify language [X] No	
Do you require any special assistant loop)?	ce at the hearing or conference (e.g. a hearing
[] Yes – Please specify the assistanc	e required
[X] No	

Do you have a representative?



A representative is a person or organisation who is representing you. This might be a lawyer or paid agent, a union or employer organisation, or a family member or friend. There is no requirement to have a representative.

FAIR WORK COMMISSION Form F82 – Application for a supported bargaining authorisation					
[] Yes – F	Provide representative	e's details below		
[X] No				
Υ	our repre	esentative			
		These are the details	of the person or orga	ınisation that is	representing you (if any).
	Name of	person			
	Firm, org	ganisation,			
	Postal ad	ddress			
	Suburb				
State or territory			Postcode		
	Phone no	umber		Fax number	
	Email ad	dress			
[s your rep] Yes] No	oresentative a lawye	r or paid agent?		
T	he App	olicant			
	(F)	These are the details of the person who is making the application.			
	A person who may make an application for a supported bargaining authorisation a bargaining representative for a proposed enterprise agreement or an employee organisation entitled to represent the industrial interests of an employee in relation to work to be performed under the agreement			reement or an employee	
		Legal name of Applicant	Independent Educ	ation Union of	Australia
		Applicant's ACN (if a company)			

Applicant's trading name or registered business name (if

applicable)

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Applicant's ABN (if applicable)	44 401 438 657		
Contact person	Michael Wright		
Postal address	GPO Box 116		
Suburb	SYDNEY		
State or territory	NSW Postcode 2001		2001
Phone number	(02) 8202 8900	Fax number	
Email address	industrial@ieu.asn.au; michael@ieu.asn.au		

Do you need an interpreter?



If you have trouble accessing this information, please contact us. We can arrange to provide it in another format. You can find information about help for

Interpreter <u>non-English speakers</u> on ou	ir wedsite.
[] Yes – Specify language	
[X] No	
Do you require any special assistant loop)?	e at the hearing or conference (e.g. a hearing
[] Yes – Please specify the assistance	e required
[X] No	
Do you have a representative?	
A representative is a person of	or organisation who is representing you. This might t



be (]) a lawyer or paid agent, a union or employer organisation, or a family member or friend. There is no requirement to have a representative.

[]	Yes – Provide representative's	details	below
[X	1 No		

Your representative



These are the details of the person or organisation that is representing you (if any).

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lame of person	
1	

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Firm, organisation, company					
Postal address					
Suburb					
State or territory				Postcode	
Phone number				Fax number	
Email address					
s your representative a la	wyer or p	oaid agen	t?		
] Yes					
] No					
The Employers					
See Attached –	Schedule	: 1			
Trading name of employer					
ABN/ACN					
Contact person					
Title	[] Mr	[] Mrs	[] Ms	[] Other ple	ease specify:
First name(s)					
Surname					
Postal address					
Suburb					
State or territory				Postcode	

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Phone number		Fax number	
Email address			
Second employer			
Legal name of employer			
Trading name of employer			
ABN/ACN			
Contact person			
Title	[] Mr [] Mrs [] Ms	s [] Other ple	ease specify:
First name(s)			
Surname			
Postal address			
Suburb			
State or territory		Postcode	
Phone number		Fax number	
Email address			
Third employer (if applicat	ole)		
Legal name of employer			
Trading name of employer			
ABN/ACN			
Contact person			
Title	[] Mr [] Mrs [] Ms	s [] Other ple	ease specify:
First name(s)			
Surname			
Postal address			

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Suburb		
State or territory	Postcode	
Phone number	Fax numb	per
Email address		

Attach additional pages if necessary

1. Preliminary

1.1 What industry are the employers in?

The early childhood education and care sector

1.2 Are there any other bargaining representatives?

List any other bargaining representatives for the proposed agreement of whom the Applicant is aware.

Mr Nigel Ward

C/- Australian Business Lawyers and Advisors

8 Chifley Square

SYNDEY NSW 2000

1300 565 846

Mr Paul Mondo

C/- Australian Childcare Alliance

6/539 Highett Road,

HIGHETT VIC 3190

0411 587 170

Community Early Learning Australia Limited

Level 32, 200 George Street

SYDNEY NSW 2000

C: Ms Laura Stevens

0431 380 471

Community Child Care Association Inc

PO Box 1730

PRESTON SOUTH VIC 3072

C: Ms Laura Stevens

0431 380 471

2. Application for supported bargaining authorisation

2.1. Please specify the employers and employees who will be covered by the authorisation.

The application for a supported bargaining authorisation must specify:

- the employers that will be covered by the agreement
- the employees who will be covered by the agreement; and
- any other matter prescribed by the procedural rules.

Provide further details here.

- 1. This application seeks that the Fair Work Commission make a supported bargaining authorisation in respect of a proposed agreement to cover:
 - a. the employers outlined in Schedule 1; and
 - b. the employees of the employers outlined in Schedule 1 who perform the following types of work in the early education and care (**ECEC**) sector:
 - a. Work covered by the *Childrens Services Award 2010* occurring in a long day care setting, but not including the following types of work or work performed in the following settings:
 - i. Adjunct care;
 - ii. A stand alone preschool or a kindergarten;
 - iii. Occasional care;
 - iv. Out of school hours care;
 - v. Vacation care;
 - vi. Mobile centres;

vii.	Early childhood intervention programs: and

- viii. Work covered by an enterprise agreement that has not reached its nominal expiry date, including:
 - 1. Bermagui Pre-School Co-Operative Society Ltd. Teachers' Agreement 2020 (AE509492)
 - 2. Gowrie Victoria Early Childhood Teachers Enterprise Agreement 2022
 - 3. Victorian Early Childhood Teachers and Educators Agreement 2020
 - 4. Victorian Early Educators Agreement 2020
 - 5. Victorian Early Childhood Agreement 2021
- b. Work covered by the *Educational Services (Teachers) Award 2020* in a long day care setting, but not including the types of work or work performed in the settings outlined in 1(a)(i) (viii) above; and
- c. Work performed in the ECEC sector in a long day care setting including that of a qualified chef or cook.

2.2 Has a Ministerial declaration of an industry, occupation or sector has been made under s.243(2B)?

[X] No. Go to question 2.4						
[]	Unsure. Go to question 2.4					
	Yes. The Commission must make a supported bargaining authorisation if an cation is made and the employees are in an industry, occupation or sector declared by finister under s.243(2B).					
2.3	Provide further details, including a copy of the declaration if available. Go to question					
2.3 secto	Are all of the employees specified in question 2.1 in the industry, occupation or or declared by the Minister under subsection (2B)?					
[]	Yes. Go to question 2.6, you do not need to answer the questions in 2.4 or 2.5.					
[]	No. Please identify below which employees are not in the industry, occupation or sector declared by the Minister under subsection (2B) and then go to question 2.4					

d. that each of the employers have a common regulatory framework.

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2.4.3	whether the likely number of bargaining representatives for the agreement
	would be consistent with a manageable collective bargaining process



Consider matters such as the number of bargaining representatives, the number of employers and the size of the employee cohort to be covered by the proposed enterprise agreement.

- 1. The likely number of bargaining representatives for the proposed agreement will be consistent with a manageable collective bargaining process.
 - a. It appears there will be 7 bargaining representatives for the proposed agreement:
 - i. UWU
 - ii. AEU
 - iii. IEU
 - iv. Australian Childcare Alliance (ACA)
 - v. Community Early Learning Australia (CELA)
 - vi. Community Child Care Association (CCC)
 - vii. G8 Education Limited (G8)

2.4.4. any other matters you consider relevant

The making of the authorisation is consistent with the objects of the Act.					

(see s.243 of the Fair Work Act 2009)

2.5. Are at least some of the employees who will be covered by the agreement represented by an employee organisation?

F\/	-	` '
[X		Yes
1/\		1 00

[] No. The Commission must be satisfied that at least some of the employees who will be covered by the agreement are represented by an employee organisation for a supported bargaining authorisation to be made.

Provide further details here.

	WORK COMMISSION F82 – Application	ON for a supported bargaining authorisation	
2.6.	• •	cation specify any employee who is covered by a single- reement that has not passed its nominal expiry date?	
[]	Yes		
empl agree	oyee who is to b ement that has n mployer's main i	ission cannot make a supported bargaining authorisation if an e covered by the authorisation is covered by a single enterprise ot passed it nominal expiry date unless the Commission is satisfied intention in making the agreement with the employees covered by it pecified in a supported bargaining authorisation.	that
	Provide furthe	r details here.	
•	building and Yes. The Commosed agreement	osed enterprise agreement cover employees in relation to gene construction work? mission cannot make a supported bargaining authorisation if the would cover employees in relation to general building and construct	
work			
[X]	NO ide further details	a horo	
FIOV	de futiller details	STIGIC.	
Sig	nature		
	signature yo	ompleting this form electronically and you do not have an electronic ou can attach, it is sufficient to type your name in the signature field. mplete all the fields below.	You
Siç	gnature	the second	
Na	ıme	Ben Redford	
Da	te	26 July 2023	
Ca	pacity/Position	Executive Director, Strategic Power, UWU	

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Signature	Q. Nightingale
Name	Cara Nightingale
Date	26 July 2023
Capacity/Position	Vice President Early Childhood AEU Vic Branch

Signature	& Maye
Name	Brad Hayes
Date	26 July 2023
Capacity/Position	Federal Secretary – IEU



Where this form is not being completed and signed by the Respondent, include the name of the person who is completing the form on their behalf in the **Capacity/Position** section.

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS

Schedule A – List of Respondents

Legal name of business	Trading name of business	ABN/ACN	Contact Person	Contact person email	Bargaining representative
DMP Child Care Association Inc	DMP Early Learning				Nigel Ward and Paul Mondo
3 Bears Cottage Pty Ltd	3 Bears Cottage Early Education Service				Nigel Ward and Paul Mondo
CBF CHILDCARE PTY LTD	Daws Road Early Learning Centre				Nigel Ward and Paul Mondo
WINDYBANKS PTY LTD	Unley Early Learning Centre				Nigel Ward and Paul Mondo
Starfish Childcare Pty Ltd T/As Starfish Early Learning Centre	Starfish Early Learning				Nigel Ward and Paul Mondo
Starfish Childcare Nunawading Pty Ltd As Trustee for Starfish Nunawading Trust T/As Starfish Early Learning Centre (Nunawading)	Starfish Early Learning				Nigel Ward and Paul Mondo

Legal name of business	Trading name of business	ABN/ACN	Contact Person	Contact person email	Bargaining representative
Starfish Childcare Springvale Pty Ltd T/As Starfish Early Learning Centre (Springvale)	Starfish Early Learning				Nigel Ward and Paul Mondo
Starfish Childcare Clayton Pty Ltd As Trustee for Starfish Clayton South Trust T/As Starfish Early Learning Centre (Clayton South)	Starfish Early Learning				Nigel Ward and Paul Mondo
Starfish Childcare Reservoir Pty Ltd As Trustee for Starfish Reservoir Trust T/As Starfish Early Learning Centre (Reservoir)	Starfish Early Learning				Nigel Ward and Paul Mondo
Starfish Childcare Essendon Pty Ltd As Trustee for Starfish Essendon Trust T/As Starfish Early Learning Centre (Essendon)	Starfish Early Learning				Nigel Ward and Paul Mondo
Thomanders Pty Ltd	Essence Early Learning				Nigel Ward and Paul Mondo
Midi Property Investment Pty Ltd	Coolamon School of Early Learning and Warriapendi Early Learning				Nigel Ward and Paul Mondo
S and A Chemello Pty Ltd	Malvern Springs Early Learning and Ellenbrook School of Early Learning				Nigel Ward and Paul Mondo

Legal name of business	Trading name of business	ABN/ACN	Contact Person	Contact person email	Bargaining representative
P and A Chemello Nominees Pty Ltd	Kingsway Afterschool care				Nigel Ward and Paul Mondo
Peacock Street Long Day Care Pty Ltd	Peacock Street Long Day Care				Nigel Ward and Paul Mondo
Peacock Street Long Day Care Pty Ltd	Bindook Cottage				Nigel Ward and Paul Mondo
Peacock Street Long Day Care Pty Ltd	Peek-A-Boo Cottage				Nigel Ward and Paul Mondo
Mondo Corp Pty Ltd ATFThe Mondo Family Trust	Bimbi Early Learning and Kindergarten				Nigel Ward and Paul Mondo
Village Kids Childrens Centre - Domain Pty Ltd	Educating Kids Early Learning Centre- Domain				Nigel Ward and Paul Mondo
Village Kids Childrens Centre - Townsville Pty Ltd	Educating Kids Early Learning Centre - Townsville				Nigel Ward and Paul Mondo

Legal name of business	Trading name of business	ABN/ACN	Contact Person	Contact person email	Bargaining representative
Educating Kids Childrens Centre Pty Ltd	Educating Kids Early Learning Centre - Kirwan				Nigel Ward and Paul Mondo
Wispfinn Pty Ltd	Childcare First trading as Bela Babes Early Learning Centre				Nigel Ward and Paul Mondo
Child Care Services Australia Pty Ltd	Highway Child Care & Early Learning Centre				Nigel Ward and Paul Mondo
Child Care Services Australia Pty Ltd	Lockleys Child Care & Early Learning Centre				Nigel Ward and Paul Mondo
Child Care Services SA Pty Ltd	Angaston Child Care & Early Learning Centre				Nigel Ward and Paul Mondo
Child Care Services SA Pty Ltd	Kapunda Child Care & Early Learning Centre				Nigel Ward and Paul Mondo
Bear Childcare Pty Ltd	Barfa Bear Child Care				Nigel Ward and Paul Mondo

Legal name of business	Trading name of business	ABN/ACN	Contact Person	Contact person email	Bargaining representative
LITTLE SCHOLARS SCHOOL OF EARLY LEARNING (NERANG) PTY LTD	The Scholars Group Pty Ltd				Nigel Ward and Paul Mondo
LITTLE SCHOLARS SCHOOL OF EARLY LEARNING (ASHMORE) PTY LTD	The Scholars Group Pty Ltd				Nigel Ward and Paul Mondo
LITTLE SCHOLARS SCHOOL OF EARLY LEARNING (YATALA) PTY LTD	The Scholars Group Pty Ltd				Nigel Ward and Paul Mondo
LITTLE SCHOLARS SCHOOL OF EARLY LEARNING (STAPYLTON) PTY LTD	The Scholars Group Pty Ltd				Nigel Ward and Paul Mondo
LITTLE SCHOLARS SCHOOL OF EARLY LEARNING (DECEPTION BAY) PTY LTD	The Scholars Group Pty Ltd				Nigel Ward and Paul Mondo
LITTLE SCHOLARS SCHOOL OF EARLY LEARNING (REDLAND BAY) PTY LTD	The Scholars Group Pty Ltd				Nigel Ward and Paul Mondo
LITTLE SCHOLARS SCHOOL OF EARLY LEARNING (BURLEIGH) PTY LTD	The Scholars Group Pty Ltd				Nigel Ward and Paul Mondo

Legal name of business	Trading name of business	ABN/ACN	Contact Person	Contact person email	Bargaining representative
LITTLE SCHOLARS SCHOOL OF EARLY LEARNING (REDLAND BAY SOUTH) PTY LTD	The Scholars Group Pty Ltd				Nigel Ward and Paul Mondo
LITTLE SCHOLARS SCHOOL OF EARLY LEARNING (GEORGE ST) PTY LTD	The Scholars Group Pty Ltd				Nigel Ward and Paul Mondo
LITTLE SCHOLARS SCHOOL OF EARLY LEARNING (PACIFIC PINES) PTY LTD	The Scholars Group Pty Ltd				Nigel Ward and Paul Mondo
LITTLE SCHOLARS SCHOOL OF EARLY LEARNING (ORMEAU) PTY LTD	The Scholars Group Pty Ltd				Nigel Ward and Paul Mondo
LITTLE SCHOLARS SCHOOL OF EARLY LEARNING (ORMEAU 2) PTY LTD	The Scholars Group Pty Ltd				Nigel Ward and Paul Mondo
LITTLE SCHOLARS SCHOOL OF EARLY LEARNING (ORMEAU VILLAGE) PTY LTD	The Scholars Group Pty Ltd				Nigel Ward and Paul Mondo
Organic Seedlings Education Pty Ltd	Organic Seedlings Education				Nigel Ward and Paul Mondo

Legal name of business	Trading name of business	ABN/ACN	Contact Person	Contact person email	Bargaining representative
Landsdale School of Early Learning	Early Years Learning and Development Pty Ltd				Nigel Ward and Paul Mondo
Radiam Early learning Pty Ltd	Sagewood Early Learning Dayton				Nigel Ward and Paul Mondo
North Epping Early Learning Pty Ltd	Cressy Road Early Learning			neshaoneil@hotmail.com	Nigel Ward and Paul Mondo
Clovel Childcare & Early Learning Centre Granville Pty Ltd	Clovel Childcare, Early Learning & OOSH Services				Nigel Ward and Paul Mondo
Ashwood Children's Centre Inc.	Ashwood Children's Centre				Community Child Care Association
Coburg Children's Centre Incorporated	Coburg Childrens Centre Childcare and Kindergarten				Community Child Care Association
Derby Street Children's Centre Incorporated	Derby Street Children's Centre				Community Child Care Association

Legal name of business	Trading name of business	ABN/ACN	Contact Person	Contact person email	Bargaining representative
Lady Gowrie Child Centre (Melbourne) Inc	Gowrie Victoria				Community Child Care Association
Hawthorn Early Years Incorporated	Hawthorn Early Years Education and Care				Community Child Care Association
Hillbank Community Children's Centre Incorporated	Hillbank Community Childcare centre				Community Child Care Association
Unley Community Child Care Centre Inc.	Unley Community Child Care Centre Inc.				Community Child Care Association
Yawarra Children's Services	Yawarra Children's Services Pookara Community Early Education and Care				Community Child Care Association
Amy Hurd Early Learning Centre Inc	Amy Hurd Early Learning Centre Inc				Community Early Learning Australia
Balranald Early Learning Centre Inc	Balranald Early Learning Centre Inc				Community Early Learning Australia

Legal name of business	Trading name of business	ABN/ACN	Contact Person	Contact person email	Bargaining representative
Believe Playschool Pty Ltd	Believe Playschool				Community Early Learning Australia
Bermagui Preschool Co-operative Society ltd.	Bermagui Preschool Co-Op Soc lyd				Community Early Learning Australia
The Trustee for Ross-Clarke Family Trust	Cheeky Cherubs Preschool				Community Early Learning Australia
Childcare Australia United Ltd	Bonnet Bay Child Care Centre				Community Early Learning Australia
Kirawee Child Care Centre Pty Ltd	Kirrawee Child Care Centre				Community Early Learning Australia
Little Mate Pty Ltd	Cobbers Child Care Centre				Community Early Learning Australia
Edgeworth Child Care Centre Inc	Edgeworth Child Care Centre Inc				Community Early Learning Australia

Legal name of business	Trading name of business	ABN/ACN	Contact Person	Contact person email	Bargaining representative
Glendale Early Education Centre Inc.	Glendale Early Education Centre				Community Early Learning Australia
Koala Long Day Care - Sutherland Hospital ltd.	Koala Long Day Care - Sutherland Hospital				Community Early Learning Australia
The Trustee for S&N Clayton Family Trust	Bellingen Burrow Long Day Care Centre Young Explorers Pre-school and Long Day Care				Community Early Learning Australia
	Gowrie NSW				Community Early Learning Australia
Gowne NSW					Community Early Learning Australia
Big Fat Smile Group Ltd	Big Fat Smile	82 002 796 232	Marina Harris	Marina.harris@bigfatsmile.c om.au	Community Early Learning Australia
G8 Education Limited	G8 Education				G8 Education Limited

Legal name of business	Trading name of business	ABN/ACN	Contact Person	Contact person email	Bargaining representative