

IN THE FAIR WORK COMMISSION

Matter No.: B2023/538
Re Application by: Application by UWU, AEU and IEUA re Early Childhood Education and Care Sector for a Supported Bargaining Authorisation

STATEMENT OF Tonii Tran

I, Tonii Tran of [REDACTED] state that this statement is true and correct to the best of my knowledge and belief:

Background

1. I have operated in the Early Childhood Education and Care Sector (**ECEC**) as an owner of long day care centres for over 14 years.

Australian Childcare Alliance

2. I am the current President of the Australian Childcare Alliance Victoria branch. I have been in this position since February this year and am one of nine volunteer board members. I have been a board member since October 2018.
3. Australian Childcare Alliance Victoria is a not-for-profit, member funded organization supporting and advocating for privately owned Long Day Care Centres. Together with the other Australian Childcare Alliance state branches, the organization works on behalf of early learning services providers to ensure families and their children have an opportunity to access affordable, high quality early learning services throughout Australia.
4. Through my role at Australian Childcare Alliance Victoria I have sat on various forums and working groups related to early education, organized by various departments, research and inquiry organisations to assist with raising the quality of early childhood education.

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About my Centres

5. The details for the centres I own and operate are set out in the Table 1 below:

Table 1

Employer	Centre Name	Centre Address	Number of licensed placements in the centre	Number of rooms in the centre	Age profile of children in centre	Employee Numbers
Starfish Childcare Pty Ltd	Starfish Early Learning Centre	168 Canterbury Rd, Blackburn South VIC 3130	89	5	Up to 5years old	Director: 1 Educational Leader: 1 shared by all 6 services Room Leaders: 3 Teachers: 3 Educators: 9 Assistant Educators: 13 Cooks: 1
Starfish Childcare Nunawading Pty Ltd	Starfish Early Learning Centre (Nunawading)	24 Mountainview Rd, Nunawading VIC 3131	120	7	Up to 5years old	Director: 1 Room Leaders: 5 Teachers: 3 Educators: 13 Assistant Educators: 18 Cooks: 1
Starfish Childcare Springvale Pty Ltd	Starfish Early Learning Centre (Springvale)	28 St Johns Ave, Springvale VIC 3171	108	6	Up to 5years old	Director: 1 Educational Leader: Room Leaders: 3 Teachers: 2 Educators: 8 Assistant Educators: 8 Cooks: 1
Starfish Childcare Clayton Pty Ltd	Starfish Early Learning Centre (Clayton South)	48 Kallay St, Clayton South VIC 3169	98	6	Up to 5years old	Director: 1 Educational Leader: Room Leaders: 1 Teachers: 2 Educators: 5 Assistant Educators: 4 Cooks: 1
Starfish Childcare Reservoir Pty Ltd	Starfish Early Learning Centre (Reservoir)	17 Rosenthal Cres, Reservoir VIC 3073	116	6	Up to 5years old	Director: 1 Educational Leader: Room Leaders: 4 Teachers: 2 Educators: 9 Assistant Educators: 12 Cooks: 1

Starfish Childcare Essendon Pty Ltd	Starfish Early Learning Centre (Essendon)	1 Melfort Avenue, Essendon VIC 3040	124	7	Up to 5years old	Director: 1 Educational Leader: Room Leaders: Teachers: Educators: Assistant Educators: Cooks:
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6. I am only aware of 1 employee in Table 1 is a member of a trade union.
7. The centres in Table 1 do not operate with an enterprise agreement. We pay a combination of award wages and over award wages to attract staff. We have not previously been attracted to pursuing an enterprise agreement as it would not have been funded by the Commonwealth. The attraction of pursuing an enterprise agreement through the supported bargaining stream is that I understand the Commonwealth will participate in the process and will fund the outcome.
8. Our objective is to provide high quality care and personal and educational development in a safe and engaging environment for young children in preparation for them to enter the school system (**our service offering**).
9. The charge rates for the childcare centres in Table 1 are based on the nature and quality of our service offering and the demographics of the market we operate in.
10. The centres in Table 1 are funded through the Commonwealth Childcare Subsidy, except the Essendon Centre as it is newly established and undergoing licensing.
11. The Childcare Subsidy is based upon:
 - (a) household income that will determine the percentage of the subsidy our families are eligible for; and
 - (b) an activity test (according to the workforce participation) that determines the number of hours of subsidised care a child receives in each fortnight.
12. The Childcare Subsidy is paid directly to our centres to offset a family's fees. The family then pays any gap fee to the centre.
13. The centres in Table 1 are regulated by the Education and Care Services National Law Act 2010 (**National Law**) and Education and Care Services National Regulations 2011 (**National Regulations**). The centres are also subject to State regulatory authorities and the Australian Children's Education and Quality Care Authority (**ACECQA**).

14. I have been provided with a copy of the application in this matter and understand that the application is proposed to cover employers and employees covered by the following description:

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.

15. The centres referred to in Table 1 above fits this definition because they:

- (a) operate in the ECEC sector;
- (b) are a long day care centres regulated under the National Quality Framework;
- (c) employ educators under the *Children Services Award 2010*;
- (d) employ teachers under the *Educational Services (Teachers) Award 2020*;
- (e) employ a cook; and
- (f) are funded as a long day care centres by the Commonwealth government through the Child Care Subsidy.

16. In the centres referred to in Table 1 the employees typically perform the work set out in **Annexure A**.

17. I along with the other members of the Australian Child Care Alliance have participated in a series meetings and communications sessions concerning being named in this application and I am aware that the application is seeking an authorisation to allow my company and others to negotiate for an enterprise agreement.

- 18. In this knowledge I have agreed to participate in this application and support the making of the authorisation to allow negotiations to occur.

- 19. Mr Nigel Ward and Mr Paul Mondo have been appointed as our bargaining representative with other employers who are members of the Australian Child Care Alliance subject to the application.

Tonii Tran 

Date.....20th July 2023.....

Annexure A

Director	Educational Leader	Room Leader	Teachers	Educators	Assistant Educator	Cook
<p>The Director is responsible for the overall management of the centre. The responsibilities of which may vary from centre to centre.</p> <p>Subject to their delegated authority this covers compliance with regulatory standards, staff management, liaising with families, managing childcare subsidy and the operational financial management of the centre.</p>	<p>The primary role of the education leader is to lead the development and implementation of educational programs in the centre. This involves design, implementation and review with broad ranging consultation and engagement with employees and parents.</p> <p>The educational leader can also be responsible for managing the inclusion of all children and assessing the professional development needs of educators and teachers</p>	<p>The room leader is a teacher or educator who through their experience and/or competency is the most senior person in the room and plays a leading role with the other staff in the room while still undertaking the role of an educator.</p> <p>The room leader is responsible for overseeing the educational program in their room including planning and setting up activities as well as observing and assessing children’s learning against the EYLF</p>	<p>Our teachers are qualified teachers work alongside our educators delivering the educational programs in the centre. Our teachers are particularly focussed on delivering three and four year old kindergarten programs including focussing on children transitioning to school.</p> <p>The teachers play a key role in applying a depth of pedagogical competence in the centre.</p>	<p>Our educators assist in the preparation, implementation and evaluation of our educational programs for the children within the rooms that they operate in. This will differ depending on the age of the children in the room.</p> <p>They will work with our children individually and must ensure the welfare and safety of the children they work with.</p>	<p>Our assistant educators play a support role working with and under the educator and room leader. They can be used as break cover or relief staff and can work across multiple rooms in any one day</p>	<p>Our cooks prepare three meals a day and are responsible for the planning of the meals along with the sourcing of ingredients and supplies for this.</p> <p>Our cooks play an important role in preparing food that meets the cultural and health needs of our children.</p>