



Form F1 – Application (no specific form provided)

Fair Work Commission Rules 2013, subrule 8(3) and Schedule 1

This is an application to the Fair Work Commission.

The Applicant



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

Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify:		
First name(s)			
Surname			
Postal address	PO Box 739		
Suburb	BELMONT		
State or territory	WA	Postcode	6984
Phone number	08 9373 1000	Fax number	NA
Email address	industrial@ieuwa.org.au		

If the Applicant is a company or organisation please also provide the following details

Legal name of business	Independent Education Union of Australia WA Branch
Trading name of business	Independent Education Union of Australia WA Branch
ABN/ACN	59 914 290 495
Contact person	Rebecca Collopy

How would you prefer us to communicate with you?

Email (you will need to make sure you check your email account regularly)

Post

Does the Applicant have a representative?



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

Yes – Provide representative's details below

No

Applicant's representative



These are the details of the person or business who is representing the Applicant.

Name of person

Firm, union or company

Postal address

Suburb

State or territory

Postcode

Phone number

Fax number

Email address

Is the Applicant's representative a lawyer or paid agent?

Yes

No

The Respondent



These are the details of the person or business who will be responding to your application to the Commission.

Title

Mr Mrs Ms Other please specify:

First name(s)

Please see attached Annexure A.

Surname

Postal address

Suburb

State or territory

Postcode

Phone number

Fax number

Email address

If the respondent is a company or organisation please also provide the following details

Legal name of business

Please see attached Annexure A.

Trading name of business

ABN/ACN

Contact person

1. The Application

1.1 Please set out the provision(s) of the Fair Work Act 2009 (or any other relevant legislation) under which you are making this application.

1. The Independent Education Union of Australia WA Branch – an organisation of employees (**the Union**) – makes an application pursuant to section 249(1)(a) of the *Fair Work Act 2009* (Cth) (**the Act**), in its capacity under s248(1)(b) of the Act, for the Fair Work Commission (**FWC**) to make a single interest employer authorisation. Pursuant to s250(1)(a) of the Act, the authorisation will cover the following employers:

- Catholic Education Western Australia Limited (ABN 47 634 504 135);
- John XXIII College Inc (ABN 63 415 939 827);
- Loreto Nedlands Limited (ABN 42 317 652 643);
- Mazenod College Limited (ABN 53 128 213 267);
- Mercy Education Limited (ABN 69 154 531 870);
- Norbertine Canons Inc (ABN 29 781 711 208);
- Servite College Council Inc (ABN 69 356 899 381);
- EREA Colleges Ltd (ABN 71 659 944 831);
- EREA Flexible Schools Ltd (ABN 52 659 978 846); and
- Marist Schools Australia Limited (ABN 76 654 014 794).

2. The above entities are '*single interest employers*' as defined by section 172(5)(b). The operations and business activities of the above employers are reasonably comparable pursuant to s249(1)(1AA) of the Act.

3. In satisfaction of s250(1)(b) of the Act, the employees to be covered by the proposed enterprise agreement are:
- a) all support/operations/general staff employed by the employers listed in paragraph 1, being all Catholic schools throughout Western Australia; and
 - b) working in:
 - i. Schools registered pursuant to the School Education Act 1999 (WA) and/or
 - ii. A long day care, occasional care (including those occasional care services not licensed), childcare centres, day-care facilities, out-of-school hours care, kindergartens and preschools, and early childhood intervention programs.
4. The Union has members in all the schools operated by the employers listed at paragraph 1, pursuant to section 249(1)(b)(i).
5. The group of employers (save for two; see paragraph 6) listed have previously satisfied the requirements of the Act for a single employer authorisation to cover teaching staff employed by the employers listed. [PR728298]. Deputy President Binet further extended that authorisation on 28 February 2023 [PR751277]. As ordered in B2021/227 on 31 March 2021, the FWC has been satisfied that the above entities have agreed to bargain together pursuant to s249(b)(i) of the (then) Act. The Union expects that this will apply again for this authorisation.
6. The only difference between the list of respondents to this application and the list of employers approved in the teaching staff single interest employer authorisation reflects a governance restructure by one employer: Effective January 2023, the Trustees of Edmund Rice Education Australia Ltd restructured to become Edmund Rice Education Australia Ltd (EREA Ltd). EREA Ltd utilises a series of subsidiary companies, two of which operate schools in Western Australia: EREA Colleges Ltd and EREA Flexible Schools Ltd.
7. This application excludes employees employed as Teachers registered with the Teachers Registration Board of Western Australia.
8. Further, on 6 October 2020, the Union's Branch Secretary Rebecca Collopy wrote to the first respondent's Executive Director Dr Debra Sayce to request the initiation of bargaining for both teaching and support employees of the group of respondents. On 22 October acknowledged receipt of this correspondence, inviting the Union to meet and discuss the matter.
9. A meeting to discuss initial bargaining matters with held between the Union and a representative of the first respondent on 4 November 2020. Whilst the need to bargain for new agreements for both teaching and support staff was agreed, the respondents' 2021 application for single interest employer authorisation only dealt with teaching staff.

2. Order or relief sought

2.1 Please set out the order or relief sought.



Using numbered paragraphs, set out what you are asking the Commission to do.

10. The Union seek orders:

- a) under section 248 of the Act for a single-interest employer authorisation to allow for a '*single interest employer agreement*' as defined in section 12 of the Act;
- b) the terms of the authorisation provide for:
 - i. the employers as identified in paragraph 1;
 - ii. the employees as identified in paragraph 3; and
- c) the effect that the employers identified at paragraph 1 are '*single interest employers*' in relation to an agreement (s172(5)(c)).

2.2 Please set out grounds for the order or relief sought.



Using numbered paragraphs, set out the grounds, including particulars, on which you are seeking the relief set out in question 2.1.

1. The employers listed above have clearly identifiable common interests with other employers and it would not be contrary to the public interest to make the authorisation in relation to that employer.
2. The employer's operations and business activities as Catholic school education providers are reasonably comparable with those of the other employers that will be covered by the agreement.
3. The employers have not made an application for a single interest employer authorisation to cover the employees who are the subject of this application.
4. The employers listed above have been granted orders by the Fair Work Commission to cover their employees employed as teachers only.
5. The majority of employees who will be covered by the agreement want to bargain for the agreement.
6. The employees are not covered by an existing agreement.

3. The employer

3.1 What is the industry of the employer?

Educational Services.

4. Industrial instrument(s)

4.1 Please set out any modern award, agreement or other industrial instrument relevant to the application and their ID/Code number(s) if known.

Educational Services (Schools) General Staff Award 2020 [MA000076]

Signature



If you are completing this form electronically and you do not have an electronic signature you can attach, it is sufficient to type your name in the signature field. You must still complete all the fields below.

Signature

A handwritten signature in black ink, appearing to read 'Rebecca Collopy'.

Name

Rebecca Collopy

Date

12 July 2023



Where this form is not being completed and signed by the Applicant, 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

Annexure A – Western Australian Catholic Education Employers

	Entity	ABN/ACN	Address	Contact Person
1	Catholic Education Western Australia Ltd	ABN 47 634 504 135	PO Box 198 LEEDERVILLE WA 6903 e-mail: [REDACTED]	Dr Debra Sayce Executive Director
2	Mercy Education Limited	ACN 154 531 870	720 Heidelberg Road ALPHINGTON VIC 3078 e-mail: [REDACTED]	Mr Christopher Houlihan Chief Executive
3	Servite College Council Inc	ABN 69 356 899 381	PO Box 263 Tuart Hill WA 6939 e-mail [REDACTED]	Ms Silvana Vicoli Principal
4	Norbertine Canons Inc	ABN 29 781 711 208	St Norbert College QUEENS PARK WA 6107 e-mail: [REDACTED]	Ms Sharon Rainford Principal
5	Mazenod College Limited	ABN 53 128 213 267	55 Gladys Rd LESMURDIE WA 6076 e-mail: [REDACTED]	Mr Simon Harvey Principal
6	John XXIII College Inc	ABN 65 415 939 827	PO Box 226 CLAREMONT WA 6910 e-mail: [REDACTED]	Mr Daniel Mahon Principal
7	EREA Colleges Ltd	ABN 71 659 944 831	PO Box 33185 Domain LPO MELBOURNE VIC 3004 e-mail: [REDACTED]	Mr Chris Woolley Chief Executive Officer
8	EREA Flexible Schools Ltd	ABN: 52 659 978 846	PO Box 2 Virginia BC QLD 4014 e-mail: [REDACTED]	Mr Matt Hawkins Chief Executive Officer
9	Marist Schools Australia Limited	ABN 76 654 014 794	PO Box 1247 Mascot NSW 1460 e-mail: [REDACTED]	Dr Frank Malloy National Director
10	Loreto Nedlands Limited	ABN 42 317 652 643	69 Webster Street NEDLANDS WA 6009 e-mail: [REDACTED]	Ms Rika Audres Principal