

Form F82 – 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 [Fair Work Act 2009](#).

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 Street		
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?



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 non-English speakers](#) on our website.

Yes – Specify language

No

Do you require any special assistance at the hearing or conference (e.g. a hearing loop)?

Yes – Please specify the assistance required

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.

Yes – Provide representative's details below

No

Your representative



These are the details of the person or organisation 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.

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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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Yes – Specify language

No

Do you require any special assistance at the hearing or conference (e.g. a hearing loop)?

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Yes – Provide representative’s details below

No

Your representative



These are the details of the person or organisation 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



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Legal name of Applicant	Independent Education Union of Australia
Applicant’s ACN (if a company)	
Applicant’s trading name or registered business name (if applicable)	

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
Phone number	(02) 8202 8900	Fax number	
Email address	industrial@ieu.asn.au ; michael@ieu.asn.au		

Do you need an interpreter?



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Yes – Specify language

No

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Yes – Provide representative's details below

No

Your representative



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

Name of person	
----------------	--

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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 Employers



These are the details of the employers who will be covered by the supported bargaining authorisation. Attach additional pages, if necessary.

See Attached – Schedule 1

Legal name of employer			
Trading name of employer			
ABN/ACN			
Contact person			
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			
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 [] Other please specify:		
First name(s)			
Surname			
Postal address			
Suburb			
State or territory		Postcode	
Phone number		Fax number	
Email address			

Third employer (if applicable)

Legal name of employer			
Trading name of employer			
ABN/ACN			
Contact person			
Title	[] Mr [] Mrs [] Ms [] Other please specify:		
First name(s)			
Surname			
Postal address			

Suburb			
State or territory		Postcode	
Phone number		Fax number	
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

SYDNEY NSW 2000

██████████

████████████████████

Mr Paul Mondo

C/- Australian Childcare Alliance

6/539 Highett Road,

HIGHETT VIC 3190

██████████

████████████████████

Community Early Learning Australia Limited

Level 32, 200 George Street

SYDNEY NSW 2000

C: Ms Laura Stevens

[REDACTED]
[REDACTED]

Community Child Care Association Inc

PO Box 1730

PRESTON SOUTH VIC 3072

C: Ms Laura Stevens

[REDACTED]
[REDACTED]

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)?

No. Go to question 2.4

Unsure. Go to question 2.4

Yes. The Commission must make a supported bargaining authorisation if an application is made and the employees are in an industry, occupation or sector declared by the Minister under s.243(2B).

Provide further details, including a copy of the declaration if available. Go to question 2.3

2.3 Are all of the employees specified in question 2.1 in the industry, occupation or sector 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

2.4 Please specify why it is appropriate for employers and employees that will be covered by the proposed agreement to be bargaining together by addressing each of the matters at 2.4.1 to 2.4.4. If you have no information to provide in response to a particular matter, please note this.

2.4.1 the prevailing pay and conditions within the relevant industry or sector (including whether low rates of pay prevail in the industry or sector)

There is a relatively high degree of award dependence in the early education and care sector.

Low rates of pay prevail in this sector.

2.4.2 whether the employers have clearly identifiable common interests

Note: Examples of common interests that employers may have include a geographical location; the nature of the enterprises to which the agreement will relate; the terms and conditions of employment in those enterprises; being substantially funded, directly or indirectly, by the Commonwealth, a State or a Territory s 243(2).

1. The employers specified in this application have clearly identifiable common interests, taking into account:
 - a. the commonality in the nature of their enterprises; and
 - b. the commonality in the terms and conditions of employment in those enterprises; and
 - c. that each of the employers are substantially funded, directly or indirectly, by the Commonwealth; and
 - d. that each of the employers have a common regulatory framework.

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?

Yes

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.

2.6. Does the application specify any employee who is covered by a single-enterprise agreement that has not passed its nominal expiry date?

Yes

No. The Commission cannot make a supported bargaining authorisation if an employee who is to be covered by the authorisation is covered by a single enterprise agreement that has not passed its nominal expiry date unless the Commission is satisfied that the employer's main intention in making the agreement with the employees covered by it was to avoid being specified in a supported bargaining authorisation.

Provide further details here.

2.7. Does the proposed enterprise agreement cover employees in relation to general building and construction work?

Yes. The Commission cannot make a supported bargaining authorisation if the proposed agreement would cover employees in relation to general building and construction work


No

Provide further details here.

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	
Name	Helen Gibbons
Date	6 June 2023
Capacity/Position	Executive Director, Early Childhood Education and Care - UWU

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Signature	
Name	Cara Nightingale
Date	6 June 2023
Capacity/Position	Vice President Early Childhood AEU Vic Branch

Signature	
Name	Brad Hayes
Date	6 June 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

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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

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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	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo
Peacock Street Long Day Care Pty Ltd	Peacock Street Long Day Care	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo
Peacock Street Long Day Care Pty Ltd	Bindook Cottage	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo
Peacock Street Long Day Care Pty Ltd	Peek-A-Boo Cottage	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo
Mondo Corp Pty Ltd ATFThe Mondo Family Trust	Bimbi Early Learning and Kindergarten	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo
Village Kids Childrens Centre - Domain Pty Ltd	Educating Kids Early Learning Centre- Domain	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo
Village Kids Childrens Centre - Townsville Pty Ltd	Educating Kids Early Learning Centre - Townsville	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo

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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	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo
Wispsinn Pty Ltd	Childcare First trading as Bela Babes Early Learning Centre	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo
Child Care Services Australia Pty Ltd	Highway Child Care & Early Learning Centre	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo
Child Care Services Australia Pty Ltd	Lockleys Child Care & Early Learning Centre	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo
Child Care Services SA Pty Ltd	Angaston Child Care & Early Learning Centre	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo
Child Care Services SA Pty Ltd	Kapunda Child Care & Early Learning Centre	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo
Bear Childcare Pty Ltd	Barfa Bear Child Care	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo

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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	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo
LITTLE SCHOLARS SCHOOL OF EARLY LEARNING (ASHMORE) PTY LTD	The Scholars Group Pty Ltd	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo
LITTLE SCHOLARS SCHOOL OF EARLY LEARNING (YATALA) PTY LTD	The Scholars Group Pty Ltd	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo
LITTLE SCHOLARS SCHOOL OF EARLY LEARNING (STAPYLTON) PTY LTD	The Scholars Group Pty Ltd	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo
LITTLE SCHOLARS SCHOOL OF EARLY LEARNING (DECEPTION BAY) PTY LTD	The Scholars Group Pty Ltd	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo
LITTLE SCHOLARS SCHOOL OF EARLY LEARNING (REDLAND BAY) PTY LTD	The Scholars Group Pty Ltd	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo
LITTLE SCHOLARS SCHOOL OF EARLY LEARNING (BURLEIGH) PTY LTD	The Scholars Group Pty Ltd	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo

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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	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo
LITTLE SCHOLARS SCHOOL OF EARLY LEARNING (GEORGE ST) PTY LTD	The Scholars Group Pty Ltd	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo
LITTLE SCHOLARS SCHOOL OF EARLY LEARNING (PACIFIC PINES) PTY LTD	The Scholars Group Pty Ltd	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo
LITTLE SCHOLARS SCHOOL OF EARLY LEARNING (ORMEAU) PTY LTD	The Scholars Group Pty Ltd	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo
LITTLE SCHOLARS SCHOOL OF EARLY LEARNING (ORMEAU 2) PTY LTD	The Scholars Group Pty Ltd	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo
LITTLE SCHOLARS SCHOOL OF EARLY LEARNING (ORMEAU VILLAGE) PTY LTD	The Scholars Group Pty Ltd	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo
Organic Seedlings Education Pty Ltd	Organic Seedlings Education	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo

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Landsdale School of Early Learning	Early Years Learning and Development Pty Ltd	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo
Radium Early learning Pty Ltd	Sagewood Early Learning Dayton	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo
North Epping Early Learning Pty Ltd	Cressy Road Early Learning	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo
Clovel Childcare & Early Learning Centre Granville Pty Ltd	Clovel Childcare, Early Learning & OOSH Services	[REDACTED]	[REDACTED]	[REDACTED]	Nigel Ward and Paul Mondo
Ashwood Children's Centre Inc.	Ashwood Children's Centre	[REDACTED]	[REDACTED]	[REDACTED]	Community Child Care Association
Coburg Children's Centre Incorporated	Coburg Children's Centre Childcare and Kindergarten	[REDACTED]	[REDACTED]	[REDACTED]	Community Child Care Association
Derby Street Children's Centre Incorporated	Derby Street Children's Centre	[REDACTED]	[REDACTED]	[REDACTED]	Community Child Care Association

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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

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

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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	[REDACTED]	[REDACTED]	[REDACTED]	Community Early Learning Australia
Koala Long Day Care - Sutherland Hospital Ltd.	Koala Long Day Care - Sutherland Hospital	[REDACTED]	[REDACTED]	[REDACTED]	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	[REDACTED]	[REDACTED]	[REDACTED]	Community Early Learning Australia
G8 Education Limited	G8 Education	[REDACTED]	[REDACTED]	[REDACTED]	G8 Education Limited
			[REDACTED]	[REDACTED]	