



DECISION

Fair Work Act 2009

s.216AA - Application by an employer for approval of a variation of a supported bargaining agreement to add employer and employees

Nest Employee Services Pty Ltd T/A Nido Early School
(B2024/1697)

NAED Employee Services Pty Ltd T/A Nido Early School
(B2024/1698)

Childcare Management Services Pty Ltd T/A Nido Early School
(B2024/1699)

LYTWA2 Pty Ltd T/A Nido Early School
(B2024/1700)

**Liberta Childcare Services Pty Ltd ATF Liberta Childcare Services WD
Trust T/A Nido Early School**
(B2024/1702)

**Moolanda Care and Learning Centre Inc. T/A Moolanda Care and
Learning Centre**
(B2024/1708)

**Busy Bees Australia Employer Pty Ltd T/A Busy Bees Early Learning
Australia**
(B2025/23)

**Port Pirie & District Children's Center Inc T/A Port Pirie Child Care
Centre**
(B2025/27)

**Warradale Community Children's Centre Incorporated T/A Warradale
Community Children's Centre**
(B2025/102)

Thomastown Child Care Centre Inc T/A Thomastown Childcare Centre
(B2025/113)

**Le Fevre Community Children's Centre Incorporated T/A Le Fevre
Community Children's Centre**
(B2025/114)

**Guardian Community Early Learning Centres Pty Ltd T/A Guardian
Childcare & Education**
(B2025/117)

Edge Early Learning Administration Pty Ltd T/A Edge Early Learning
(B2025/120)

**The Trustee for Fereday Family Trust No 2 T/A Cambridge Road Play and
Learn Centre**
(B2025/121)

Affinity Education Group Limited T/A Affinity Education
(B2025/122)

The Trustee for the PJ & NL Gray Family Trust T/A Platypus Kinda
(B2025/124)

**West Pennant Hills Child Care Centre Pty Limited T/A Adventures
Preschool and Long Day Care**
(B2025/125)

**Mawson Lakes Community Early Learning Inc T/A Mawson Lakes
Community Early Learning**
(B2025/126)

Styles Street Children's Community Long Day Care Centre Inc
(B2025/128)

**Possums Early Learning Centre Incorporated T/A Possums Early Learning
Centre**
(B2025/129)

**The Ridge Preschool & Childcare Centre Pty Ltd T/A The Ridge Preschool
and Childcare**
(B2025/131)

Maroubra Neighbourhood Children's Centre Co-Operative Ltd
(B2025/132)

Langridge, Jennie Fay T/A Kindisaurus CCC
(B2025/133)

Koorinal Casual Childcare Centre Inc
(B2025/134)

**Fawkner Park Children's Centre Co-Operative Ltd T/A Fawkner Park
Children's Centre Co-Op Ltd**
(B2025/135)

Cowes Primary School T/A Phillip Island Early Learning Centre
(B2025/136)

Columbia Park Early Learning Centre Inc
(B2025/137)

**Stepping Stone (S.A.) Childcare & Early Development Centres Pty Ltd T/A
Stepping Stone Aberfoyle Park Childcare & Early Development Centre,
Stepping Stone Allenby Gardens Childcare & Early Development Centre,
Stepping Stone Angle Vale Childcare & Early Development Centre,
Stepping Stone Blakeview Childcare & Early Development Centre,
Stepping Stone Brooklyn Park Childcare & Early Development Centre,
Stepping Stone Collinswood Childcare & Early Development Centre,
Stepping Stone Curtis Road Childcare & Early Development Centre,
Stepping Stone Evanston Childcare & Early Development Centre, Stepping
Stone Happy Valley Childcare & Early Development Centre, Stepping
Stone Hewett Childcare & Early Development Centre, Stepping Stone Hove
Childcare & Early Development Centre, Stepping Stone Kidman Park
Childcare & Early Development Centre, Stepping Stone Klemzig Childcare
& Early Development Centre, Stepping Stone Lightsview Childcare &
Early Development Centre, Stepping Stone Lockleys Childcare & Early
Development Centre, Stepping Stone Marden Childcare & Early
Development Centre, Stepping Stone Morphett Vale Childcare & Early
Development Centre, Stepping Stone Munno Para Childcare & Early
Development Centre, Stepping Stone Northfield Childcare & Early
Development Centre, Stepping Stone Para Hills Childcare & Early
Development Centre, Stepping Stone RAH Childcare & Early Development
Centre, Rostrevor College Stepping Stone Early Learning Centre, Stepping
Stone Tanunda Childcare & Early Development Centre, Stepping Stone
Tea Tree Gully Childcare & Early Development Centre, Stepping Stone
Two Wells Childcare & Early Development Centre, Stepping Stone West
Beach Childcare & Early Development Centre**
(B2025/143)

Modbury Community Children's Centre Incorporated
(B2025/147)

Jumbunna Children's Centre Ltd T/A Jumbunna Children's Centre
(B2025/148)

**Tarshaun Pty Ltd (as Trustee for Connolly Family Trust) T/A Clovel
Childcare & Early Learning Centre Ryde, Clovel Childcare & Early
Learning Centre Greystanes, Clovel Day Nursery, Clovel Cottage Nursery**
(B2025/149)

**Clovel ELC KS Blacktown Pty Ltd T/A Clovel Childcare & Early Learning
Centre South Penrith, Clovel Childcare & Early Learning Centre
Blacktown, Clovel Childcare & Early Learning Centre Liverpool**
(B2025/150)

Seaford District Community Children's Centre Inc
(B2025/156)

Early Childhood Education and Care Multi-Employer Agreement 2024-2026

Children's services

DEPUTY PRESIDENT HAMPTON

ADELAIDE, 28 JANUARY 2025

Applications for variations of the Early Childhood Education and Care Multi-Employer Agreement 2024-2026 to add employers and their employees

[1] This matter concerns 33 applications for the approval of variations to the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026 (ECEC Agreement)* to add the respective employers, and their relevant employees, to its coverage. The applications have been made under s.216AA of the *Fair Work Act 2009 (FW Act)*. The employers seeking to be added (**applicant employers**) are:

- Nest Employee Services Pty Ltd T/A Nido Early School
- NAED Employee Services Pty Ltd T/A Nido Early School
- Childcare Management Services Pty Ltd T/A Nido Early School
- LYTWA2 Pty Ltd T/A Nido Early School
- Liberta Childcare Services Pty Ltd ATF Liberta Childcare Services WD Trust T/A Nido Early School
- Moolanda Care and Learning Centre Inc. T/A Moolanda Care and Learning Centre
- Busy Bees Australia Employer Pty Ltd T/A Busy Bees Early Learning Australia
- Port Pirie & District Children's Center Inc T/A Port Pirie Child Care Centre
- Warradale Community Children's Centre Incorporated T/A Warradale Community Children's Centre
- Thomastown Child Care Centre Inc T/A Thomastown Childcare Centre
- Le Fevre Community Children's Centre Incorporated T/A Le Fevre Community Children's Centre

- Guardian Community Early Learning Centres Pty Ltd T/A Guardian Childcare & Education
- Edge Early Learning Administration Pty Ltd T/A Edge Early Learning
- The Trustee for Fereday Family Trust No 2 T/A Cambridge Road Play and Learn Centre
- Affinity Education Group Limited T/A Affinity Education
- The Trustee for the PJ & NL Gray Family Trust T/A Platypus Kinda
- West Pennant Hills Child Care Centre Pty Limited T/A Adventures Preschool and Long Day Care
- Mawson Lakes Community Early Learning Inc
- Styles Street Children's Community Long Day Care Centre Inc
- Possums Early Learning Centre Incorporated T/A Possums Early Learning Centre
- The Ridge Preschool & Childcare Centre Pty Ltd T/A The Ridge Preschool and Childcare
- Maroubra Neighbourhood Children's Centre Co-Operative Ltd
- Langridge, Jennie Fay T/A Kindisaurus CCC
- Koorinal Casual Childcare Centre Inc
- Fawkner Park Children's Centre Co-Operative Ltd T/A Fawkner Park Children's Centre Co-Op Ltd
- Cowes Primary School T/A Phillip Island Early Learning Centre
- Columbia Park Early Learning Centre Inc
- Stepping Stone (S.A.) Childcare & Early Development Centres Pty Ltd T/A Stepping Stone Aberfoyle Park Childcare & Early Development Centre, Stepping Stone Allenby Gardens Childcare & Early Development Centre, Stepping Stone Angle Vale Childcare & Early Development Centre, Stepping Stone Blakeview Childcare & Early Development Centre, Stepping Stone Brooklyn Park Childcare & Early Development Centre, Stepping Stone Collinswood Childcare & Early Development Centre, Stepping Stone Curtis Road Childcare & Early Development Centre, Stepping Stone Evanston Childcare & Early Development Centre, Stepping Stone Happy Valley Childcare & Early Development Centre, Stepping Stone Hewett Childcare & Early Development Centre, Stepping Stone Hove Childcare & Early Development Centre, Stepping Stone Kidman Park Childcare & Early Development Centre, Stepping Stone Klemzig Childcare & Early Development Centre, Stepping Stone Lightsview Childcare & Early Development Centre, Stepping Stone Lockleys Childcare & Early Development Centre, Stepping Stone Marden Childcare & Early Development Centre, Stepping Stone Morphett Vale Childcare & Early Development Centre, Stepping Stone Munno Para Childcare & Early Development Centre, Stepping Stone Northfield Childcare & Early Development Centre, Stepping Stone Para Hills Childcare & Early Development Centre, Stepping Stone RAH Childcare & Early Development Centre, Rostrevor College Stepping Stone Early Learning Centre, Stepping Stone Tanunda Childcare & Early Development Centre, Stepping Stone Tea Tree Gully Childcare & Early Development Centre, Stepping Stone Two Wells Childcare & Early Development Centre, Stepping Stone West Beach Childcare & Early Development Centre
- Modbury Community Children's Centre Incorporated
- Jumbunna Children's Centre Ltd T/A Jumbunna Children's Centre

- Tarshaun Pty Ltd T/A Clovel Childcare & Early Learning Centre Ryde, Clovel Childcare & Early Learning Centre Greystanes, Clovel Day Nursery, Clovel Cottage Nursery
- Clovel ELC KS Blacktown Pty Ltd T/A Clovel Childcare & Early Learning Centre South Penrith, Clovel Childcare & Early Learning Centre Blacktown, Clovel Childcare & Early Learning Centre Liverpool
- Seaford District Community Children's Centre Inc.

[2] The applicant employers are all engaged in the early childhood education and care (**ECEC**) sector.

[3] I have heard the applications together for convenience. However, each has been considered on its own merits having regard to the relevant supporting evidence and materials.

[4] The ECEC Agreement was approved¹ by a Full Bench of the Commission on 10 December 2024 with reasons issued later (**approval decisions**). It was the first supported bargaining agreement made since the FW Act was amended by the *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022* (Cth) (**SJBP Act**). The ECEC Agreement was made following a supported bargaining authorisation issued under s.242 and related provisions of the FW Act by an earlier Full Bench in September 2023² (**authorisation**).

[5] The ECEC Agreement presently covers 60 employers and approximately 12,000 employees engaged in the ECEC sector.³ The ECEC sector is defined in clause 3 as follows:

“**children’s services and early childhood education sector** means the sector of long day care, occasional care (including those occasional care services not licensed), nurseries, children’s service centres, day care facilities, family based children’s service, out-of-school hours care, vacation care, adjunct care, in-home care, kindergartens and preschools, mobile centres and early childhood intervention programs.”

[6] The ECEC Agreement is underpinned by the *Children’s Services Award 2010* and the *Educational Services (Teachers) Award 2020* (together, **Awards**).

[7] The United Workers’ Union (**UWU**), Australian Education Union (**AEU**) and the Independent Education Union of Australia (**IEU**) are also covered by the ECEC Agreement.

[8] The supported bargaining scheme and the bargaining process leading to the ECEC Agreement have been set out comprehensively by the Full Bench in the approval decisions and I need not repeat it here. It is however appropriate to record that part of the context for the making of the ECEC Agreement is that the Commonwealth Government has made available funding for an Early Childhood Education and Care Worker Retention Payment (**EWRP**). The objective of the EWRP is to boost the wages of employees in the ECEC sector. A clear objective of the ECEC Agreement is to facilitate access to the EWRP.⁴

[9] It is also appropriate to record that the approval of the ECEC Agreement was based upon undertakings that were provided by the relevant employers under s.190 of the FW Act (**undertakings**) which were directly associated with the operation of the EWRP process and the obligation for the employers to apply for the funding in order for the ECEC Agreement

wages provisions to operate in practice. The undertakings also addressed a typographical error in a wage rate and ensured that the annual leave arrangements met the relevant approval requirements associated with the National Employment Standards (NES). I will return to this aspect.

[10] Each applicant employer has brought the application on the basis that it has been agreed with their relevant employees that they should be covered by the ECEC Agreement. The applications are supported by the UWU, which has also countersigned many of the variations and/or provided supporting declarations on behalf of the employees concerned.

[11] Under the FW Act, the variations have no effect unless approved by the Commission,⁵ and these applications seek that approval.

[12] The hearing in these matters was conducted on 24 January 2025. During the hearing I heard from a representative of each of the applicant employers, which included Community Early Learning Australia (CELA), Community Child Care Association (CCCA) and the Australia Childcare Alliance (ACA). I also heard from the employee organisations (UWU, AEU and IEU), who along with CELA, CCCA and ACA, were involved in the making of the ECEC Agreement. I sought submissions from the broader group of parties because these are the first applications of this kind to be considered by the Commission, and the matters involved some novel issues of relevance to the ECEC parties more generally. All parties and organisations appearing in these matters confirmed their support for the applications and the approval of the variations.

[13] At the conclusion of the hearing, I advised the parties that I would subsequently approve all of the variations sought. That approval and my reasons for doing so, are set out below.

[14] The directly relevant provisions of the FW Act are as follows:

“Subdivision AA—Variation of supported bargaining agreement to add employer and employees (with consent)

216A Variation of supported bargaining agreement to add employer and employees

- (1) A variation of a supported bargaining agreement, that has the effect that an employer that was not covered by the agreement will be covered by it, may be made jointly by the employer and the affected employees.

Note: Once the employer is covered by the agreement, any of their employees who the agreement is expressed to cover will also be covered by it. See also the definition of *affected employees* in section 12.

- (2) The employer may request the affected employees to approve the proposed variation by voting for it.
- (3) Without limiting subsection (2), the employer may request that the affected employees vote by ballot or by an electronic method.
- (4) The variation is *made* when a majority of the affected employees who cast a valid vote approve the variation.

- (5) The variation has no effect unless it is approved by the FWC under section 216AB.

216AAA Terms of variation must be explained to employees

- (1) Before an employer requests under subsection 216A(2) that affected employees approve a proposed variation, the employer must take all reasonable steps to ensure that:
- (a) the terms of the agreement as proposed to be varied, and the effect of those terms, are explained to the affected employees; and
 - (b) the explanation is provided in an appropriate manner taking into account the particular circumstances and needs of those employees.
- (2) Without limiting paragraph (1)(b), the following are examples of the kinds of employees whose circumstances and needs are to be taken into account for the purposes of complying with that paragraph:
- (a) employees from culturally and linguistically diverse backgrounds;
 - (b) young employees;
 - (c) employees who did not have a representative for the variation.

216AA Application for the FWC's approval of a variation of a supported bargaining agreement to add employer and employees

Application for approval

- (1) If a variation of a supported bargaining agreement is made as mentioned in section 216A, the employer to be covered by the agreement must apply to the FWC for approval of the variation.

Material to accompany the application

- (2) The application must be accompanied by:
- (a) a signed copy of the variation; and
 - (b) a copy of the agreement as proposed to be varied; and
 - (c) any declarations that are required by the procedural rules to accompany the application.

When the application must be made

- (3) The application must be made:
- (a) within 14 days after the variation is made; or
 - (b) if in all the circumstances the FWC considers it fair to extend that period—within such further period as the FWC allows.

Signature requirements

- (4) The regulations may, for the purposes of this Subdivision, prescribe requirements relating to the signing of variations.

216AB When the FWC must approve a variation of a supported bargaining agreement to add employer and employees

- (1) If an application for the approval of a variation of a supported bargaining agreement is made under section 216AA, the FWC must approve the variation if the FWC is satisfied that:
- (a) if the application that was made under section 242 for the supported bargaining authorisation in relation to the agreement had specified the affected employees and their employer, the FWC would have been required to make the authorisation in accordance with section 216AC; and
 - (b) the affected employees have voted on whether to approve the variation and, of those who cast a valid vote, a majority approved the variation; and
 - (c) the variation has been genuinely agreed to by the affected employees in accordance with section 216AD;
- unless the FWC is satisfied that there are serious public interest grounds for not approving the variation.
- (2) Despite subsection (1), the FWC must not approve the variation if, as a result of the variation, the agreement would cover employees in relation to general building and construction work.
- (3) Despite subsection (1), the FWC must not approve the variation if the employer that will be covered by the agreement is specified in a single interest employer authorisation in relation to any of the affected employees.

216AC Determining whether the FWC would have been required to make a supported bargaining authorisation

For the purposes of paragraph 216AB(1)(a), the FWC is to determine whether it is satisfied that it would have been required to make the supported bargaining authorisation in accordance with sections 243 and 243A, modified as follows:

- (a) as if paragraph 243(1)(a), subparagraph 243(1)(b)(iii) and paragraphs 243(1)(c) and (2A)(a) were omitted;
- (b) as if references to the employers included the employer who made the application under section 216AA for approval of the variation;
- (c) as if references to employees who will be covered by the agreement, or an employee, were references to the affected employees or an affected employee;
- (d) as if all of the words in paragraph 243(2A)(b) were replaced with the words “the affected employees are, at the time the application for approval of the variation is being considered, employees in an industry, occupation or sector declared by the Minister under subsection (2B)”.

216AD Determining whether a variation of a supported bargaining agreement to add employer and employees has been genuinely agreed to by affected employees

- (1) For the purposes of paragraph 216AB(1)(c), the FWC is to determine whether it is satisfied that the variation has been genuinely agreed to by the affected employees in accordance with section 188, modified as follows:
 - (a) as if references (other than in a note) to an enterprise agreement being genuinely agreed to were references to the variation being genuinely agreed to;
 - (b) as if references to employees covered by or expressed to be covered by the agreement, employees requested to approve the agreement by voting for it, or employees, were references to the affected employees;
 - (c) as if, in paragraph 188(2)(a), the reference to the agreement were a reference to the agreement as proposed to be varied;
 - (d) as if subsections 188(2A), (3) and (4) were omitted;
 - (e) as if, in subsections 188(4A) and (5), references to subsection 180(5) were references to section 216AAA;
 - (f) as if, in paragraph 188(5)(c), the reference to subsection 182(1) or (2) were a reference to subsection 216A(4).
- (2) In taking into account the statement of principles made under section 188B:
 - (a) the FWC may disregard the matters mentioned in paragraphs 188B(3)(a) and (b); and
 - (b) the matters mentioned in paragraphs 188B(3)(c) and (d) are taken to be matters relating to the agreement as proposed to be varied; and
 - (c) the matters mentioned in paragraphs 188B(3)(e) are taken to be matters relating to the variation.
- (3) The regulations may provide that, for the purposes of the FWC deciding whether it is satisfied that the variation has been genuinely agreed to, specified provisions of this Part, or regulations made for the purposes of this Part, have effect with such modifications as are prescribed by the regulations.

216AE When the FWC may refuse to approve a variation of a supported bargaining agreement to add employer and employees

- (1) If an application for the approval of a variation of a supported bargaining agreement is made under section 216AA, the FWC may refuse to approve the variation if the FWC considers that compliance with the terms of the agreement as proposed to be varied may result in:
 - (a) a person committing an offence against a law of the Commonwealth; or
 - (b) a person being liable to pay a pecuniary penalty in relation to a contravention of a law of the Commonwealth.
- (2) Subsection (1) has effect despite section 216AB (which deals with the approval of variations of supported bargaining agreements).

- (3) If the FWC refuses to approve a variation of a supported bargaining agreement under this section, the FWC may refer the agreement as proposed to be varied to any person or body the FWC considers appropriate.

216AF When variation comes into operation

If a variation of a supported bargaining agreement is approved under section 216AB, the variation operates from the day specified in the decision to approve the variation.”

[15] These provisions deal with ‘consent’ variations where the employer and their relevant employees jointly agree to be covered by the supported bargaining agreement. I observe that there are other provisions in subdivision AB of the FW Act, that are not presently relevant, and which apply to applications where an employer concerned and its relevant employees have not agreed to the variation.

[16] I also observe that the particular variation approval requirements (to add parties to an existing multi-employer supported bargaining agreement under subdivision AA) appear to be a self-contained set of provisions. That is, where other provisions of the FW Act are to be expressly considered, such as those associated with the variation approval requirements provided by s.216AB(1) and s.216AC, and the ‘genuinely agreed’ requirements of s.216AD, these are incorporated with stated modifications. In that light, the enterprise agreement approval requirements provided by Division 4 of Part 2-4, and the variation requirements of subdivision A of that Part, dealing with other forms of variations to enterprise agreements, would not of themselves appear to be relevant to applications of this kind under subdivision AA.

[17] I now briefly deal with below, my satisfaction with the various requirements and considerations relevant to these matters.

The making of the variations – s.216A, s.216AAA and s.216AB(1)(b)

[18] The Commission is being requested to approve the variations to the ECEC Agreement that have been made by the parties. It is convenient to first deal with the requirements of the FW Act in that regard. I will return later to the requirement that the variations have been genuinely agreed and related matters.

[19] The variation may be jointly made by an employer that is not yet covered by a supported bargaining agreement, and their affected employees, being the employees employed by it at the time who will be covered by the agreement if the variation is approved by the Commission. The relevant time would be when the variation is being made.⁶

[20] The employer may request that the affected employees approve the proposed variation by voting for it. Any such vote may be undertaken by ballot including by an electronic method.⁷

[21] Each of the applicant employers in this matter have agreed to a joint variation with their affected employees. The employees have approved the variations by a majority or unanimous vote in each case, via a proper ballot or vote of employees. In most cases the ballots were conducted by an independent ballot agent. In other applications, less formal voting

arrangements were applied; however, in each case I am satisfied that proper processes were utilised.

[22] The FW Act also requires that before an employer requests the employees to approve the proposed variation, it must take all reasonable steps to ensure that the terms of the agreement as proposed to be varied, and the effect of those terms, are explained to the affected employees and that the explanation is provided in an appropriate manner taking into account the circumstances and needs of the employees.⁸ The FW Act also provides some examples of the kinds of employees whose circumstances and needs are to be taken into account.⁹

[23] The material provided with each of the applications supports a finding that these requirements have been met. The measures undertaken included the provision of comprehensive and accurate written explanations of the effect of the variation; and access to all relevant documents (including the ECEC Agreement, the Awards and information about the EWRP), in most cases both in hard copy and via electronic links. In those limited cases where significant additional measures were required (such as language), the associated declarations confirm that appropriate steps have been taken. This has included in the limited circumstances where this was applicable, the provision of key documents translated into relevant languages. Further, appropriate information and sufficient notice was provided in advance of each ballot or vote.

[24] The variation in each case has been made under the relevant terms of the Act.¹⁰

The making of the applications – s.216AA

[25] As noted above, the applications have been made by each applicant employer. The material accompanying the applications complied with the requirements of the FW Act and the *Fair Work Commission Rules 2024 (Rules)*.

[26] In this latter regard, the Rules provided, in effect, that these applications were to be served upon all of the existing employers (and the employee organisations) covered by the ECEC Agreement.¹¹ However, on 16 January 2025, the Commission issued an order¹² modifying the service requirements in relation to these and other like applications to vary the ECEC Agreement. The modified service rules required that the applications only be served upon the employer and employee organisations involved in the making of the ECEC Agreement. This approach was also applied¹³ to the service of any declaration filed by the employee organisations involved. This modification to the service requirements was made in the context of the industry, the nature of the ECEC Agreement and the fact that the making of each application is made public by the Commission on a dedicated webpage. Further, as part of the modified service orders, notices confirming these arrangements were to be issued to all existing employers, which also facilitated access to any applications and declarations made. These notices have been provided. To the extent that any of the applications did not comply with the original or modified service requirements, I have waived compliance with the Rules under rule 6 given all of the circumstances, including the fact that all applications have been made available to all of the organisations appearing in this matter. In addition, the effect of the notices that have been given to all of the existing employers is now also set out on the dedicated webpage.

[27] The applications were made within 14 days after the variations were made.

[28] To the extent that the applications as originally made contained minor errors or omissions, I have waived the irregularities. Where this involved an issue with the variation itself, such as the variations not being signed as required or an incorrect entity reference, I have given leave under s.586(a) of the FW Act to amend the applications to substitute the corrected documents.

[29] Section 216AA(2)(b) requires that the application be accompanied by a “a copy of the agreement as proposed to be varied.” The phrase is used elsewhere in the immediate provisions. Although the import of this obligation is not beyond debate, I consider that what is required is a copy of the relevant enterprise agreement as it stands at the time that the variation is being made by the parties. This would be consistent with the evident purpose of the phrase when used in each context and with the notion that the parties make the variation (via the vote),¹⁴ but that the variation has no effect unless approved by the Commission.¹⁵

[30] The applicant employers provided a copy of the ECEC Agreement and the relevant variation, which is, in effect, an additional page confirming their addition to the coverage consistent with the schedule of employers within the Agreement – Part G. Accordingly, on any view, a copy of the agreement as proposed to be varied was provided with the applications.

[31] I also observe that should an employer have provided a copy of the ECEC Agreement with their application that did not completely reflect the most up to date version, such as not including a complete list of the employers who are covered by the Agreement, there would be a strong case for the Commission to use its powers under s.586(b) of the FW Act to waive what would be a minor irregularity in the form or manner of the application. This is the correct characterisation of the omission as the variation is solely to add an additional employer to an already long list of existing employers.

[32] The variations have been signed as required by the FW Act and *Fair Work Regulations 2009 (Regulations)*. In many applications, the UWU has represented the employees and signed the variation on their behalf. In others, an identified employee representative, who would be covered by the ECEC Agreement if the variation is approved, has signed the variation consistent with regulation 2.10B of the Regulations.

[33] The applications are all validly made. This meets the requirements of s.216AA of the FW Act.

The other approval requirements – s.216AB

[34] The effect of s.216AB of the FW Act is that if a relevant application has been made, the Commission must approve the variation if it is satisfied as to each of the following:

- If the application had been made for a supported bargaining authorisation in relation to the same affected employees and employer, the Commission would have been required to make the authorisation under ss.243 and 243A of the FW Act. This is informed by the modification of the authorisation making requirements established by s.216AC.

- The affected employees have voted on whether to approve the variation and a majority of valid votes approved the variation. I have dealt with this requirement earlier in this decision.
- The variation has been genuinely agreed by the affected employees in accordance with s.216AD. Section 216AD calls into play s.188 of the FW Act but modifies its operation to take into account that it is a variation, rather than a new enterprise agreement, that is being agreed.

[35] Subject to other requirements, satisfaction with the above would then require the Commission to approve the variation unless it was satisfied that there are serious public interest grounds for not approving the variation.

[36] There are two other restrictions on the circumstances where the Commission must approve the variation. The variation must not be approved if the result of the variation is that:

- The agreement would cover employees in relation to general building and construction work; and
- The employer concerned is specified in a single interest authorisation in relation to any of the affected employees.

[37] I deal with each requirement of s.216AB in turn.

Consistency with the supported bargaining authorisation requirements

[38] For reasons previously outlined, the Commission must approve the variation if it is satisfied (amongst other requirements and exceptions) that it would have been required to make a supported bargaining authorisation under s.243 and s.243A of the FW Act. These requirements are modified by s.216AC to remove any reference to an authorisation application being made and to remove the following considerations from s.243(1)(b):

- Whether the likely number of bargaining representatives for the agreement would be consistent with a manageable collective bargaining process (ss.(1)(b)(iii)); and
- The FWC must be satisfied that at least some of the employees who will be covered by the agreement are represented by an employee association (ss.(1)(c)).

[39] Further, the references to the employers and employees in s.243 and s.243A are taken to include the applicant employer and their affected employees.

[40] Without being definitive, this means in effect that the Commission must consider whether it is appropriate for the applicant employers and their affected employees to bargain together with (join) the existing covered employers and their relevant employees, by being added to the agreement made by them, having regard to:

- The prevailing pay and conditions within the relevant industry or sector (including whether low rates of pay prevail in the industry or sector) – s.243(1)(b)(i);
- Whether the employers have clearly identifiable common interests – s.243(1)(b)(ii);
and
- Any other matter considered appropriate – s.243(1)(b)(iv).

[41] Further, the Commission must not approve a variation where an employer to be covered is already covered by a single-enterprise agreement that has not passed its nominal expiry date, unless it is satisfied that the employer’s main intention in making the agreement was to avoid being specified in a supported bargaining authorisation – ss.243A(1) and (3).

[42] The Commission is also prevented from approving the variation if it would result in employees being covered in relation to general building and construction work – s.243A(4). The restriction is replicated in s.216AB(2) and I deal with it later in this Decision.

[43] I add for completeness that the circumstances contemplated in ss.243(2A) and (2B) of the FW Act relating to a declaration by the Minister do not apply.

[44] The evidence before the Commission is consistent with the notion that the circumstances of the applicant employers and their affected employees is consistent with those found by the Full Bench in making the relevant authorisation. This includes the prevailing pay and conditions and the existence of relevant common interests. In that light, I will not in this Decision set out detailed findings about these matters. Having considered all of the circumstances of each application, and subject to a potential matter dealt with below, I was readily satisfied that s.216AB(1)(a) had been met in each case.

[45] For reasons set out above, s.243(1)(b)(iv) of the FW Act as modified provides that the Commission may have regard to any (other) matters considered appropriate. Applied in context, this would mean that the appropriate matters would be those connected with whether the Commission would have been required to make the authorisation. However, as a matter of abundant caution, I have also considered the impact of the undertakings.

[46] I earlier referred to the fact that the ECEC Agreement was approved on the basis of undertakings provided under s.190 of the FW Act by the employers who were at that time to be covered by the agreement. In some of the applications here, the employers provided a written undertaking dealing with some of the issues covered by the undertakings in the ECEC Agreement. In one case,¹⁶ a comprehensive undertaking was provided along with an amended application and variation (clarifying the entity of the employer) that dealt with all of the issues. In most applications, no express commitments dealing with the issues addressed in the undertakings were provided by the applicant employers along with the application.

[47] The effect of an undertaking given as part of the approval of a multi-employer enterprise agreement, such as the ECEC Agreement, is set out in s.191(2) of the FW Act as follows:

“191 Effect of undertakings

...

(2) If:

- (a) the FWC approves an enterprise agreement after accepting an undertaking under subsection 190(3) in relation to the agreement; and
- (b) the agreement covers 2 or more employers;

the undertaking is taken to be a term of the agreement, as the agreement applies to each employer that gave the undertaking.”(emphasis added)

[48] For reasons previously set out, there is no express capacity for the Commission to seek and accept undertakings as part of the consideration of applications of this type. Further, the capacity to approve the variation of an enterprise agreement on the basis of an undertaking as provided in s.211 only applies to an application made under s.210.

[49] However, I have considered this aspect given that the ECEC Agreement was only approved on the basis of the undertakings, and the undertakings were required to ensure that the agreement met the relevant statutory approval requirements. I have done so on the basis that as far as is possible, the ECEC Agreement should be applied, in practice, in the manner approved by the Full Bench and consistent with its operation as explained to the employees. By virtue of the operation of s.191(2) set out above, the undertakings only apply, to become a term of the agreement, to the existing 60 employers. In that light and for reasons outlined below, and as a matter of abundant caution, I sought an assurance from the applicant employers addressing one matter dealt with in the undertakings.

[50] The undertakings addressed the following:

- The rate of pay under clause G.4.2 will be \$106 in lieu of \$102 – **base rate issue**.
- That annual leave cashed out in accordance with clause 15.6 of the ECEC Agreement will not result in the employee’s remaining accrued entitlement to annual leave being less than 4 weeks – **annual leave issue**.
- The employers will make the appropriate application to the Commonwealth for funding of the Early Childhood Education and Care Worker Retention Grant by no later than 2 weeks after the date of the variation to add them to the ECEC Agreement comes into operation – **EWRP application issue**.
- That any payment received by the employers from the EWRP funding will be paid to the employees covered by the Agreement with the effective start date of 2 December 2024 – **wage payment issue**.

[51] I have considered the status of these matters following the approval of the ECEC Agreement. The base rate issue was a live issue at the time of approval and arose because the stated rate in the agreement was less than the equivalent base rate in the Awards. However, as s.206 of the FW Act provides that if an enterprise agreement rate is less than the award base rate of pay, the agreement is, in effect, taken to be equal to the award base rate. This means that

following approval, the terms of the FW Act itself deals with the base rates issue and no further “undertaking” would be required.

[52] The annual leave issue was also a live issue at the time of approval and arose from the requirement that the terms of the agreement must not contravene the NES (s.186(2)(c)). It is apparent that the Full Bench considered that clause 15.6, without the undertaking would not be consistent with this approval requirement. Section 56 of the FW Act further provides that a term of an enterprise agreement has no effect to the extent that it contravenes s.55 (the NES). The undertaking removed the inconsistency in the agreement term as it applies to those employers who gave the undertaking. Further, in light of s.55 and s.56 of the FW Act, and the fact that an undertaking or assurance given at this point would not in any event alter the actual terms of the ECEC Agreement, this is not a matter that can or need be addressed as part of this process.

[53] The undertaking associated with the EWRP application issue was designed by the Full Bench to ensure that the more beneficial wages provisions would apply in practice as a consequence of the employers making that funding application. This was also associated with the requirement that the Commission be satisfied that the ECEC Agreement would meet the better off overall test of s.190 of the FW Act. Accepting the absence of a capacity to receive and give legal consequence to undertakings in the present context, but in recognition of the importance of the EWRP application issue, this is a matter about which I have sought some assurances from the applicant employers in these matters.

[54] In terms of the practical date of effect of the increased wage rates set out in the ECEC Agreement, I understand that consequent upon funding approval for the EWRP (applications made prior to 30 June 2025), these wages will be payable to the relevant employees and applied as from 2 December 2024. This operates by virtue of the definition of “standard rate” in clause 3 and the operation of clause 11 of the ECEC Agreement. This is also consistent with the EWRP grant conditions and confirmed by the parties in this matter. No additional assurances are necessary.

[55] Appropriate assurances in various forms, including some formal “undertakings” and commitments given during or after the hearing about the EWRP application issue, have now been provided by or on behalf of all of the applicant employers. This “assurance” does not form part of the ECEC Agreement in the manner contemplated for a formal undertaking given under s.190; however, the Commission expects the employers concerned to honour the commitments given. In that regard, I observe that many of the applicant employers had already made the funding application prior to the hearing and the evident purpose of making the variation was, amongst other matters, to facilitate access to the grant funding.

[56] In relation to future applications of this kind concerning the ECEC sector, it is likely to assist the speedy consideration of the matter if the applicant employer confirms their intentions, or the fact that a funding application has already been made, at the time of the application.

[57] For completeness, I note that the model flexibility term provided by the Regulations was also taken to be a term of the ECEC Agreement under s.203 of the FW Act. As this applied by force of the legislation and is now a term of the agreement, no additional assurance was required from any of the employers.

[58] There are no relevant single-enterprise agreements applying to the parties and this means that the restriction in s.243A(1) does not apply.

Has each variation been genuinely agreed to by the majority of affected employees in accordance with s.216AB(1)b) and s.216AD of the FW Act?

[59] As cited earlier, each of the variations have been approved by a majority of valid votes cast by the affected employees at each employer. This meets the requirements of s.216AB(1)(b).

[60] Section 216AD provides, in effect, that the Commission must apply the terms of s.188 with the stated modifications in its assessment as to whether each variation has been genuinely agreed.

[61] Section 188 and the directly related provisions (without the modifications set out earlier) are as follows:

“188 Determining whether an enterprise agreement has been genuinely agreed to by employees

Statement of principles

- (1) The FWC must take into account the statement of principles made under section 188B in determining whether it is satisfied that an enterprise agreement has been genuinely agreed to by the employees covered by the agreement.

Sufficient interest and sufficiently representative

- (2) The FWC cannot be satisfied that an enterprise agreement has been genuinely agreed to by the employees covered by the agreement unless the FWC is satisfied that the employees requested to approve the agreement by voting for it:
 - (a) have a sufficient interest in the terms of the agreement; and
 - (b) are sufficiently representative, having regard to the employees the agreement is expressed to cover.

Note: In *One Key Workforce Pty Ltd v Construction, Forestry, Mining and Energy Union* [2018] FCAFC 77 (2018) 262 FCR 527, a Full Court of the Federal Court observed that whether an agreement has been genuinely agreed involves consideration of the authenticity of the agreement of the employees, including whether the employees who voted for the agreement had an informed and genuine understanding of what was being approved.

Agreement of bargaining representatives that are employee organisations

- (2A) The FWC cannot be satisfied that an enterprise agreement to which section 180A or 180B applies has been genuinely agreed to by the employees covered by the agreement unless the FWC is satisfied that the employer complied with section 180A or 180B (as the case requires) in relation to the agreement.

Where notice of employee representational rights was required

- (3) Subsection (4) applies in relation to an enterprise agreement if an employer was required by subsection 173(1) (which deals with giving notice of employee representational rights) to take all reasonable steps to give notice in relation to the agreement.
- (4) The FWC cannot be satisfied that the agreement has been genuinely agreed to by the employees covered by the agreement unless the FWC is satisfied that the employer complied with the following provisions in relation to the agreement:
 - (a) sections 173 and 174 (which deal with giving notice of employee representational rights);
 - (b) subsection 181(2) (which requires that employees not be requested to approve certain enterprise agreements until 21 days after the last notice of employee representational rights is given).

Explanation of terms of the agreement

- (4A) The FWC cannot be satisfied that the agreement has been genuinely agreed to by the employees covered by the agreement unless the FWC is satisfied that the employer complied with subsection 180(5) in relation to the agreement.

Minor errors may be disregarded

- (5) In determining whether it is satisfied that an enterprise agreement has been genuinely agreed to by the employees covered by the agreement (including determining whether it is satisfied that an employer complied with the provisions mentioned in subsection (2A) or (4) or (4A)), the FWC may disregard minor procedural or technical errors made in relation to the following requirements if it is satisfied that the employees were not likely to have been disadvantaged by the errors:
 - (a) section 173 or 174 (which deal with notices of employee representational rights for certain agreements);
 - (aa) subsection 180(5) (which requires employers to explain the terms of agreements);
 - (ab) section 180A or 180B (which deal with agreement of certain bargaining representatives);
 - (b) subsection 181(2) (which requires that employees not be requested to approve certain enterprise agreements until 21 days after the last notice of employee representational rights is given);
 - (c) subsection 182(1) or (2) (which deal with the making of different kinds of enterprise agreements by employee vote).

Regulations

- (6) The FWC cannot be satisfied that an enterprise agreement has been genuinely agreed to by the employees covered by the agreement unless the FWC is satisfied that the requirements (if any) prescribed by the regulations for the purposes of this subsection are met.

... ..

188B Statement of principles on genuine agreement

- (1) The FWC must, by legislative instrument, make a statement of principles for employers on ensuring that employees have genuinely agreed to an enterprise agreement.
- (2) The FWC must publish the statement on the FWC’s website and by any other means that the FWC considers appropriate.
- (3) The statement must deal with the following matters:
 - (a) informing employees of bargaining for a proposed enterprise agreement;
 - (b) informing employees of their right to be represented by a bargaining representative;
 - (c) providing employees with a reasonable opportunity to consider a proposed enterprise agreement;
 - (d) explaining to employees the terms of a proposed enterprise agreement and their effect;
 - (e) providing employees with a reasonable opportunity to vote on a proposed agreement in a free and informed manner, including by informing employees of the time, place and method for the vote;
 - (f) any matter prescribed by the regulations for the purposes of this paragraph;
 - (g) any other matters the FWC considers relevant.
- (4) The statement is a legislative instrument, but section 42 (disallowance) of the *Legislation Act 2003* does not apply to the statement.”

[62] The modifications provided by s.216AD allow for the fact that the application concerned involves a variation to an existing agreement rather than the making of a new enterprise agreement and the references to the employees concerned is taken to be the “affected employees” as defined in s.12 and the note in s.216A(1) of the FW Act. The modifications also include that certain pre-employee approval steps required for the making of a new enterprise agreement, such as the requirement for prior employee bargaining representative approval and those associated with the Notice of Employee Rights,¹⁷ do not apply to a variation of this kind to a supported bargaining agreement.

[63] The Statement of principles on genuine agreement is a comprehensive statement issued by a Full Bench of the Commission and it is not necessary to set out all of its terms here. Amongst other matters, it addresses:

- Providing employees with a reasonable opportunity to consider a proposed enterprise agreement (variation);
- Explaining to the employees the terms of a proposed enterprise agreement (variation) and its effect;

- Providing employees with a reasonable opportunity to vote on a proposed agreement (variation) in a free and informed manner, including by informing the employees of the time, place and method for the vote; and
- Other relevant matters including the assessment of whether the employees have a sufficient interest in the terms of the agreement (variation), the need for an authentic exercise in agreement making and the views of employee bargaining representatives.

[64] A Full Bench¹⁸ of the Commission has clarified the operation of the statutory provisions in light of the Statement of Principles in the following terms:

“[76] The important point to be made is that while the Commission is required to take into account the Statement of Principles in determining whether an agreement has been genuinely agreed, it does not operate as a set of mandatory rules that must be complied with by an employer absent which the Commission cannot be satisfied that an agreement has been genuinely agreed. Where an employer follows pre-approval steps that are consistent with the Statement of Principles, that would weigh more favourably towards a conclusion that an agreement has been genuinely agreed. The converse is equally true of course. The requirement to take into account the Statement of Principles does not displace the requirement to consider each of the other matters set out in s 188 in determining whether an agreement has been genuinely agreed. In the present case, the SDA submits that there are various grounds upon which we should find that the Agreement has not been genuinely agreed. We turn to those matters now.”

[65] I have taken into account the Statement of Principles in considering the requirements of s.188 of the Act in its form as modified by s.216AD.

[66] Without dealing with all matters which arise, I am satisfied that in each case the employees involved in voting for the variations had both a sufficient interest in the variation and are sufficiently representative of the employees to be included in the ECEC Agreement as a result of each variation. Further, the agreed variations are authentic including by virtue that the employees who voted for the variation had an informed and genuine understanding of what was being approved. The outcomes of the ballots are also supported by the relevant employee organisations and bargaining representatives.

[67] I have earlier found that the employers had met the relevant pre-ballot information requirements of s.216AAA, and I consider that the arrangements for the ballots were consistent with the making of genuinely agreed variations. Further, although not a requirement in its own right, I also observe that a high participation rate for each ballot was evident.

[68] Accordingly, I am also satisfied that the requirements of s.216AB(1)(c) of the FW Act have been met.

Are there serious public interest grounds for not approving the variations?

[69] The notion of public interest was recently considered by a Full Bench¹⁹ of the Commission in a different but related context. Amongst other observations and relying upon earlier authority, the Full Bench stated that the expression “in the public interest” imports a

discretionary value judgment to be made by reference to undefined factual matters, confined only “in so far as the subject matter and the scope and purpose of the statutory enactments may enable ... given reasons to be [pronounced] definitely extraneous to any objects the legislature could have had in view”.²⁰ Further, that “in identifying matters that may be relevant to an assessment of the public interest, a distinction is often drawn between matters affecting the public interests and the private interests of the parties.”²¹

[70] The Full Bench also relevantly stated that:

“The distinction between matters that affect the public interest as opposed to the private interests of the parties will often not be clear. A consideration may affect both the interests of the public at large and the interests of one of more of the parties to the proceedings. The interests of the public might also be affected as a result of the impact of an authorisation on one of the parties. The assessment of whether the making of an authorisation is contrary to the public interest will depend, very much, on the facts of a particular case.”²²

[71] In that case, the issue was whether the authorisation was contrary to the public interest and the Full Bench stated:

“... it must be proved that there is some consequence that would result from making an authorisation that could lead to the conclusion that it is contrary to the public interest to do so. Of course, the identification of one consideration or consequence of making an authorisation that might be said to be contrary to the public interest may not be sufficient. It will, in such a case, be necessary to assess the whole of the facts and circumstances to determine whether, as a whole, it had been proved that making an authorisation would be contrary to the public interest.”²³

[72] In these matters, the test is whether there are serious public interest grounds for not approving the variations. This is high barrier for the refusal to approve a variation that otherwise meets the statutory requirements. Having earlier dealt with the consequences of the undertakings, nothing has been identified here that might challenge or negatively impact the public interest. The parties have freely agreed their terms and conditions, which have previously been approved by the Commission, in the context of the provisions of the FW Act. The ECEC Agreement was made and approved following a process assisted by the Commission and having the agreement cover the additional employers and their affected employees would appear to be consistent with the objects and scheme of the legislation.

[73] Having regard to all of the circumstances of this matter I am also satisfied that there are no serious public interest grounds that militate against the approval of the variations.²⁴

General building and construction work

[74] Section 216AB(2) of the FW Act prevents a variation of this kind being approved if it were to cover employees in the general building and construction industry. That term is relevantly defined in s.23B. It is not necessary to set this out here.

[75] The variations include only employees of a kind who are already covered by the ECEC Agreement and its facilitating authorisation. The Full Bench in making the authorisation has found²⁵ that it does not cover employees in the general building and construction industry. I agree and adopt that finding here.

Any existing single interest authorisation

[76] Section 216AB(3) of the FW Act prevents a variation of this kind being approved if the employer concerned is already specified in a single interest employer authorisation.

[77] This does not apply to any of the applicant employers.

[78] These findings collectively meet the requirements of s.216AB of the FW Act.

Other considerations – s.216AE

[79] Section 216AE of the FW Act provides a (further) discretionary basis to refuse the approval of a variation of this kind. This applies where the Commission considers that compliance with the terms of the agreement may result in a person:

- committing an offence against a law of the Commonwealth; or
- being liable to pay a pecuniary penalty in relation to a contravention of such a law.

[80] The variation in each case is to join an existing approved enterprise agreement following a process consistent with the terms of the FW Act. There is no basis for any such finding in these matters.

Conclusions and approval

[81] Given my satisfaction with all of the relevant requirements, and having assessed the relevant considerations, I was required to approve each of the variations.

[82] The variations are approved and attached to this decision as Annexure A.

[83] The Commission has a discretion under s.216AF of the Act to determine the date of effect of the variations. The variations in this matter will operate from today (28 January 2025) as sought by the relevant parties.



DEPUTY PRESIDENT

Appearances:

N Ward with *K Thomson* of Australian Business Lawyers & Advisors with various representatives for Stepping Stones (S.A.) Childcare & Early Development Centres Pty Ltd, Tarshaun Pty Ltd and Clovel ELC KS Blacktown Pty Ltd.

L Stevens with *M Carnegie* of Community Early Learning Australia and Community Child Care Association with various representatives for The Trustee for the PJ & NL Gray Family Trust, West Pennant Hills Child Care Centre Pty Limited, Styles Street Children's Community Long Day Care Centre Inc, Possums Early Learning Centre Incorporated, The Ridge Preschool & Childcare Centre Pty Ltd, Maroubra Neighbourhood Children's Centre Co-Operative Ltd, Langridge, Jennie Fay, Koorinal Casual Childcare Centre Inc, Fawkner Park Children's Centre Co-Operative Ltd, Cowes Primary School, Columbia Park Early Learning Centre Inc and Jumbunna Children's Centre Ltd.

L Harrison with *S Oski*, *B Horley* and *R James* for the United Workers Union.

A Zahra for the Australian Education Union.

N Bent with *L Crasanti* for Independent Education Union of Australia.

M Rowe with *M Heasley* for Nest Employee Services Pty Ltd and NAED Employee Services Pty Ltd, Childcare Management Services Pty Ltd, LYTWA2 Pty Ltd and Liberta Childcare Services Pty Ltd ATF Liberta Childcare Services WD Trust.

R Southall for Moolanda Care and Learning Centre Inc.

R Riddell-Oosthuizen for Busy Bees Australia Employer Pty Ltd.

R Angione with *J Martin* for Port Pirie & District Children's Center Inc.

L Hay with *P Radhakrishnan* for Warradale Community Children's Centre Incorporated.

S Ventrapragada for Thomastown Child Care Centre Inc.

J Pook for Le Fevre Community Children's Centre Incorporated.

J Smale for Guardian Community Early Learning Centres Pty Ltd.

G Porter for Edge Early Learning Administration Pty Ltd.

L Fereday for The Trustee for Fereday Family Trust No 2.

T Daley with *R Mitchell* for Affinity Education Group Limited.

J Chen for Mawson Lakes Community Early Learning Inc.

R Francis for Modbury Community Children's Centre Incorporated.

J Berkinshaw for Seaford District Community Children's Centre Inc.

Hearing details:

2025

January 24

MS Teams Video.

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ANNEXURE A

Proposed variation

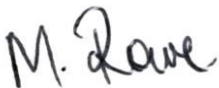
That pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied to add the employer listed below as an employer covered by the agreement:

Business name	Trading name	Address	ABN/ACN
Nest Employee Services Pty Ltd	Nido Early School	1 Park Ave Drummoyne NSW 2047	ABN 39 636 029 340 ACN 636 029 340

Signatures

Employer/Employer representative

I am authorised to sign this Variation on behalf of the Employer listed in the Variation



Signature

Megan Rowe

Full Name

Director - People

Title/Authority to Sign

1 Park Ave, Drummoyne NSW 2047

Address (including State and Postcode)

United Workers Union

On behalf of employees



Signature

Larissa Harrison

Full Name

Director

Title/Authority to Sign

833 Bourke Street, DOCKLANDS VIC 3008

Address (including State and Postcode)

Proposed variation

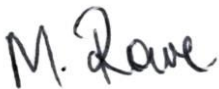
That pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied to add the employer listed below as an employer covered by the agreement:

Business name	Trading name	Address	ABN/ACN
NAED Employee Services Pty Ltd	Nido Early School	1 Park Ave Drummoyne NSW 2047	ABN 52 670 847 766 ACN668 410 893

Signatures

Employer/Employer representative

I am authorised to sign this Variation on behalf of the Employer listed in the Variation



Signature

Megan Rowe

Full Name

Director - People

Title/Authority to Sign

1 Park Ave, Drummoyne NSW 2047

Address (including State and Postcode)

United Workers Union

On behalf of employees



Signature

Larissa Harrison

Full Name

Director

Title/Authority to Sign

833 Bourke Street, DOCKLANDS VIC 3008

Address (including State and Postcode)

Proposed variation

That pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied to add the employer listed below as an employer covered by the agreement:

Business name	Trading name	Address	ABN/ACN
Childcare Management Services Pty Ltd	Nido Early School	1 Park Ave Drummoyne NSW 20247	ABN 85 602 236 751 ACN 602 236 751

Signatures

Employer/Employer representative

I am authorised to sign this Variation on behalf of the Employer listed in the Variation



Signature

Rowena Riddell-Oosthuizen

Full Name

Chief People Officer

Title/Authority to Sign

1 Park Street Drummoyne NSW 2047

United Workers Union

On behalf of employees



Signature

Larissa Harrison

Full Name

Director

Title/Authority to Sign

833 Bourke Street, DOCKLANDS VIC 3008

Address (including State and Postcode)

Proposed variation

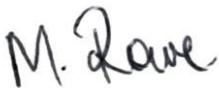
That pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied to add the employer listed below as an employer covered by the agreement:

Business name	Trading name	Address	ABN/ACN
LYTWA2 Pty Ltd	Nido Early School	1 Park Ave Drummoyne NSW 20247	ABN 37639414396 ACN 639414396

Signatures

Employer/Employer representative

I am authorised to sign this Variation on behalf of the Employer listed in the Variation



Signature

Megan Rowe

Full Name

Director - People

Title/Authority to Sign

1 Park Ave, Drummoyne, NSW 2047

Address (including State and Postcode)

United Workers Union

On behalf of employees



Signature

Larissa Harrison

Full Name

Director

Title/Authority to Sign

833 Bourke Street, DOCKLANDS VIC 3008

Address (including State and Postcode)

Proposed variation


That pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied to add the employer listed below as an employer covered by the agreement:

Business name	Trading name	Address	ABN/ACN
Liberta Childcare Services Pty Ltd ACN 663 146 549 ATF Liberta Childcare Services WD Trust	Nido Early School	1 Park Ave Drummoyne NSW 2047	ABN 76 811 559 918

Signatures

Employer- The Trustee for Liberta Childcare Services WD Trust

I am authorised to sign this undertaking on behalf of the Employer , The Trustee for Liberta Childcare Services WD Trust



Signature

Megan Rowe

Full Name

Director - People

Title/Authority to Sign

1 Park Ave, Drummoyne NSW 2047

Address (including State and Postcode)

United Workers Union

On behalf of employees



Signature

Larissa Harrison

Full Name

Director

Title/Authority to Sign

833 Bourke Street, DOCKLANDS VIC 3008

Address (including State and Postcode)

Moolanda Care and Learning Centre Inc.



Proposed variation

That pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied to add the employer listed below as an employer covered by the agreement:

Business name	Trading name	Address	ABN/ACN
Moolanda Care and Learning Centre Inc.	Moolanda Care and Learning Centre	133 Moolanda Boulevard Kingsley WA 6026	ABN 59345759930

Signatures

Employer/Employer representative

I am authorised to sign this Variation on behalf of the Employer listed in the Variation

Signature

Ralph John Southall

Full Name

Director

Title/Authority to Sign

133 Moolanda Boulevard, Kingsley WA 2026.

Address (including State and Postcode)

United Workers Union

On behalf of employees



Signature

Larissa Harrison

Full Name

Director

Title/Authority to Sign

833 Bourke Street, DOCKLANDS VIC 3008

Address (including State and Postcode)

Proposed variation

That pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied to add the employer listed below as an employer covered by the agreement:

Business name	Trading name	Address	ABN/ACN
Busy Bees Australia Employer Pty Ltd	Busy Bees Early Learning Australia	P.O. Box 63, Nundah, Qld, 4012	ABN 46 663 160 316 ACN 663 160 316

Signatures

Employer/Employer representative

I am authorised to sign this Variation on behalf of the Employer listed in the Variation



Signature

Rowena Riddell-Oosthuizen

Full Name

Chief People Officer

Title/Authority to Sign

P.O. Box 63, Nundah, Qld, 4012

Address (including State and Postcode)

United Workers Union

On behalf of employees



Signature

Larissa Harrison

Full Name

Director, UWU

Title/Authority to Sign

101 Henley Beach Road, Mile End SA 5031

Address (including State and Postcode)

Proposed variation


That pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied to add the employer listed below as an employer covered by the agreement:

Business name	Trading name	Address	ABN/ACN
Port Pirie & District Children's Center Inc	Port Pirie Child Care Centre	First Street, Port Pirie	81 976 059 628

Signatures

Employer/Employer representative

I am authorised to sign this Variation on behalf of the Employer listed in the Variation



Signature

Rebekah Angione

Full Name

Director

Title/Authority to Sign

First Street, Port Pirie, S.A 5540

Address (including State and Postcode)

United Workers Union

On behalf of employees



Signature

Larissa Harrison

Full Name

Director, UWU

Title/Authority to Sign

101 Henley Beach Road, Mile End SA 5031

Address (including State and Postcode)

Proposed variation

That pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied to add the employer listed below as an employer covered by the agreement:

Business name	Trading name	Address	ABN/ACN
Warradale Community Children's Centre	Waradale Community Children's Centre Incorporated	362, Morphett Road, Warradale- 5046. 1A Duncan Avenue, Park Holme-5043.	29921783854

Signatures

Employer/Employer representative

I am authorised to sign this Variation on behalf of the Employer listed in the Variation



Signature

Lori Hart Hay

Full Name

Director - Warradale Campus.

Title/Authority to Sign

362 Morphett Road, Warradale SA 5046.

Signature 

Full Name - Poornima Radhakrishnan

Title/Authority to Sign Director - Park Holme campus.
1a Duncan Avenue, Park Holme SA 5043

Address (including State and Postcode)

United Workers Union

On behalf of employees


Signature

Larissa Harrison
Full Name

Director
Title/Authority to Sign

101 Henley Beach Road, Mile End SA 5031
Address (including State and Postcode)

Proposed variation

That pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied to add the employer listed below as an employer covered by the agreement:

Business name	Trading name	Address	ABN/ACN
Thomastown Childcare Centre INC.	Thomastown Childcare Centre .	129 Edgars Road, Thomastown	73402987394

Signatures

Employer/Employer representative

I am authorised to sign this Variation on behalf of the Employer listed in the Variation

Signature



Full Name

Felagsi Steven Paul Malapute

Title/Authority to Sign

President com

Address (including State and Postcode)

United Workers Union

On behalf of employees



Signature

Larissa Harrison

Full Name

Director, UWU

Title/Authority to Sign

101 Henley Beach Road, Mile End SA 5031

Address (including State and Postcode)

Proposed variation

That pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied to add the employer listed below as an employer covered by the agreement:

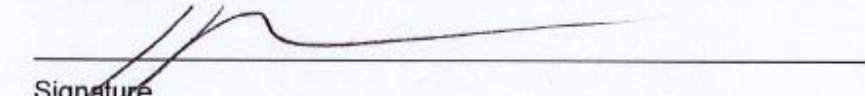
Business name	Trading name	Address	ABN/ACN
Le Fevre Community Children's Centre Inc.	Le Fevre Community Children's Centre	5 Voules Street TAPEROO S.A. 5017	29 873 598 515

Signatures

Employer/Employer representative

I am authorised to sign this Variation on behalf of the Employer listed in the Variation

Signature



Jeremy Mark Poole

Full Name

Director Public Officer

Title/Authority to Sign

5 Voules Street TAPEROO SA 5017

Address (including State and Postcode)

United Workers Union

On behalf of employees



Signature

Larissa Harrison

Full Name

Director, UWU

Title/Authority to Sign

101 Henley Beach Road, Mile End SA 5031

Address (including State and Postcode)

Proposed variation

That pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied to add the employer listed below as an employer covered by the agreement:

Business name	Trading name	ABN/ACN
Guardian Community Early Learning Centres Pty Ltd	Guardian Childcare & Education	83 116 020 887

Signatures

Employer/Employer representative

I am authorised to sign this Variation on behalf of the Employer listed in the Variation



Signature

Richard Burrows

Full Name

Director

Title/Authority to Sign

Ground Floor, 7 Northcliff Street, Milsons Point, NSW 2061

Address (including State and Postcode)

United Workers Union

On behalf of employees



Signature

Larissa Harrison

Full Name

Director, UWU

Title/Authority to Sign

101 Henley Beach Road, MILE END SA 5031



Address (including State and Postcode)

Proposed variation

That pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied to add the employer listed below as an employer covered by the agreement:

Business name	Trading name	Address	ABN/ACN
Edge Early Learning Administration Pty Ltd	Edge Early Learning	70 Cordelia Street, South Brisbane Qld 4101	11620108269

Signatures

<p>Employer/Employer representative</p> <p>I am authorised to sign this Variation on behalf of the Employer listed in the Variation</p> 	<p>United Workers Union</p> <p>On behalf of employees</p> 
<p>Signature</p> <p><i>GILLIAN PORTER</i></p>	<p>Signature</p> <p>Larissa harrison</p>
<p>Full Name</p> <p><i>HEAD OF PEOPLE AND CULTURE</i></p>	<p>Full Name</p> <p>Director, UWU</p>
<p>Title/Authority to Sign</p> <p><i>70 CORDELIA STREET SOUTH BRISBANE QLD 4101</i></p>	<p>Title/Authority to Sign</p> <p>101 Henley Beach Road MILE END SA 5031</p>
<p>Address (including State and Postcode)</p>	<p>Address (including State and Postcode)</p>

Proposed variation of the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026*

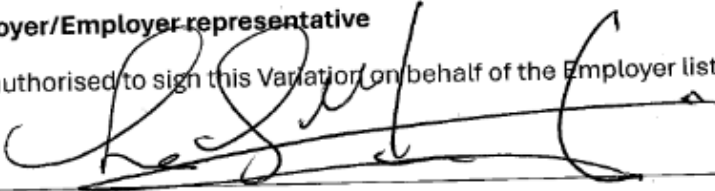
Pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied by inserting into Part G of the Agreement the following:

Business name	Trading name	Address	ABN/ACN
The Trustee for the Fereday Family Trust No2	Cambridge Road Play and Learn Centre	157 Cambridge Road Mornington Tasmania 7018	45868073118

Signatures

Employer/Employer representative

I am authorised to sign this Variation on behalf of the Employer listed in the Variation



Signature

Leslie Stuart Fereday

Full Name

Managing Director

Title/Authority to Sign

56 Mountjoy Terrace Wynnum Queensland 4178

Address (including State and Postcode)

United Workers Union

On behalf of employees



Signature

Larissa Harrison

Full Name

Director, UWU

Title/Authority to Sign

101 Henley Beach Road, Mile End SA 5031

Address (including State and Postcode)

Proposed variation

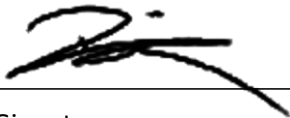
That pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied to add the employer listed below as an employer covered by the agreement:

Business name	Trading name	Address	ABN/ACN
Affinity Education Group	Affinity Education	Level 1/295 Ann Street, Brisbane, Qld 4000	ABN: 37 163 864 195

Signatures

Employer/Employer representative

I am authorised to sign this Variation on behalf of the Employer listed in the Variation



Signature

Rolanda Mitchell

Full Name

Chief People Officer

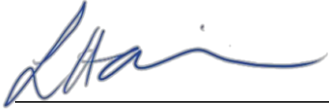
Title/Authority to Sign

GPO Box 440, Brisbane, Qld 4001

Address (including State and Postcode)

United Workers Union

On behalf of employees



Signature

Larissa Harrison

Full Name

Director, United Workers Union

Title/Authority to Sign

101 Henley Beach Road, MILE END SA 5031

Address (including State and Postcode)

Proposed Variation of the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026*

Pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied by inserting into Part G of the Agreement the following:

Business name	Centre name and address	ABN/ACN
The Trustee for the PJ & NL Gray Family Trust	Platypus Kinda 2 KAROWA STREET BOMADERRY NSW 2541	23119925051

Signatures

Employer Representative

I am authorised to sign this variation on behalf of the Employer listed in the variation

Nicole Gray
Signature

Taylor Gray
Full Name

Taylor Gray
Title

Miss

Address (including State and Postcode)

103 McMahon's Rd North Nowra
NSW. 2541

Employee Representative

I am an affected employee and am acting as the representative to sign the variation in accordance with Regulation 2.10B of the Fair Work Act Regulations 2009.

Fiona Forest - Fiona Forest

Signature

Fiona Forest

Full Name

Fiona Forest.

Title

Mrs

Address (including State and Postcode)

*5/63 Brinawarr street
Bomaderry NSW 2541*

Proposed Variation of the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026*

Pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied by inserting into Part G of the Agreement the following:

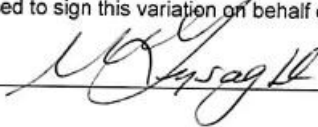
Business name	Centre name and address	ABN/ACN
WEST PENNANT HILLS CHILD CARE CENTRE PTY LIMITED	Adventures Preschool and Long Day Care 25 New Line Rd West Pennant Hills NSW 2125	82109860871

Signatures

Employer Representative

I am authorised to sign this variation on behalf of the Employer listed in the variation

Signature



Full Name

Merrilee Lysaght

Title

Approved Provider


Address (including State and Postcode)

work - 25 New Line Rd West Pennant Hills 2125 NSW
home - 41 Quarry Rd Dural 2158 NSW

Employee Representative

I am an affected employee and am acting as the representative to sign the variation in accordance with Regulation 2.10B of the Fair Work Act Regulations 2009.

Signature



Kayla Randall-Penn

Full Name

Executive Director

Title

28 Marie St, Castle Hill, NSW 2154

Address (including State and Postcode)

Proposed variation

That pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied to add the employer listed below as an employer covered by the agreement:

Business name	Trading name	Address	ABN/ACN
Mawson Lakes Community Early Learning Inc	Mawson Lakes Community Early Learning	12-28 Garden Tce, Mawson Lakes	89 938 921 008

Signatures

Employer/Employer representative

I am authorised to sign this Variation on behalf of the Employer listed in the Variation



Signature

Jing Chen

Full Name

Director

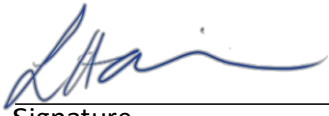
Title/Authority to Sign

12-28 Garden Tce, Mawson Lakes, SA 5095

Address (including State and Postcode)

United Workers Union

On behalf of employees



Signature

Larissa Harrison

Full Name

Director, United Workers Union

Title/Authority to Sign

101 Henley Beach Road, MILE END SA 5031

Address (including State and Postcode)

Proposed Variation of the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026*


Pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied by inserting into Part G of the Agreement the following:

Business name	Centre name and address	ABN/ACN
Styles Street Children's Community Long Day Care Centre Inc	Styles Street Children's Community Long Day Care Centre Inc 62 Styles Street Leichhardt NSW 2040	54786701007

Signatures

Employer Representative

I am authorised to sign this variation on behalf of the Employer listed in the variation



Signature

PETER JAMES SWEENEY

Full Name

PRESIDENT - STYLES STREET CHILDRENS COMMUNITY LONG DAY CARE CENTRE INC.

Title

37 CHARLES ST STANMORE, NSW, 2048

Address (including State and Postcode)

Employee Representative

I am an affected employee and am acting as the representative to sign the variation in accordance with Regulation 2.10B of the Fair Work Act Regulations 2009.



Signature

Marie Claire Bunani

Full Name

Acting Director

Title

62-64 Styles Street Leichhardt NSW 2040

Address (including State and Postcode)

Proposed Variation of the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026*


Pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied by inserting into Part G of the Agreement the following:

Business name	Centre name and address	ABN/ACN
POSSUMS EARLY LEARNING CENTRE INCORPORATED	Possums Early Learning Centre 7 Forsyth Street Wagga Wagga New South Wales 2650	81 619 903 546

Signatures

Employer Representative

I am authorised to sign this variation on behalf of the Employer listed in the variation



Signature

Kirsten Whitaker

Full Name

Nominated Supervisor

Title

19 Springvale Drive Springvale NSW 2650

Address (including State and Postcode)

Employee Representative

I am an affected employee and am acting as the representative to sign the variation in accordance with Regulation 2.10B of the Fair Work Act Regulations 2009.



Signature

Angelina Helen Janissen.

Full Name

Eductor.

Title

46 Lamilla St Wagga Wagga. 2650.

Address (including State and Postcode)

N.S.W.

Proposed Variation of the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026*

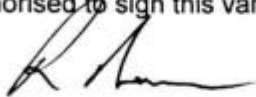
Pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied by inserting into Part G of the Agreement the following.

Business name	Centre name and address	ABN/ACN
THE RIDGE PRESCHOOL & CHILDCARE CENTRE PTY LTD	The Ridge Preschool and Childcare 46 David Road Barden Ridge NSW 2234	22 646 283 070

Signatures

Employer Representative

I am authorised to sign this variation on behalf of the Employer listed in the variation



Signature

RONALD BEAN

Full Name

DIRECTOR

Title

2/13 CONELLA ROAD,

Address (including State and Postcode)

KIRRAWEE NSW 2232.

Employee Representative

I am an affected employee and am acting as the representative to sign the variation in accordance with Regulation 2.10B of the Fair Work Act Regulations 2009.

Signature



Full Name

Olwen Crane

Title

21C

Address (including State and Postcode)

42 Leichhardt Crescent,
Sylvania NSW 2224

Proposed Variation of the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026*

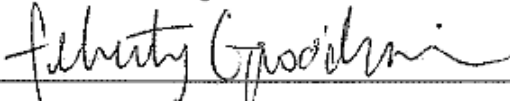
Pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied by inserting into Part G of the Agreement the following:

Business name	Centre name and address	ABN/ACN
MAROUBRA NEIGHBOURHOOD CHILDREN'S CENTRE CO-OPERATIVE LTD	Maroubra Neighbourhood Children's Centre Co-Operative Ltd 49 Bond Street Maroubra NSW 2035	66 109 959 419

Signatures

Employer Representative

I am authorised to sign this variation on behalf of the Employer listed in the variation



Signature

FELICITY GOODWIN

Full Name

PRESIDENT MNCC PARENT COMMITTEE

Title

UNIT 5 / 102 MARINE PARADE, MAROUBRA, NSW 2035

Address (including State and Postcode)

Employee Representative

I am an affected employee and am acting as the representative to sign the variation in accordance with Regulation 2.10B of the Fair Work Act Regulations 2009.

Gerard Moon

Signature

Gerard John Moon

Full Name

Centre Director

Title

126 Fitzgerald Ave Maroubra NSW 2035

Address (including State and Postcode)

Proposed Variation of the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026*

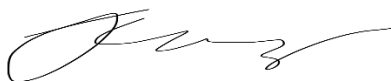
Pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied by inserting into Part G of the Agreement the following:

Business name	Centre name and address	ABN/ACN
LANGRIDGE, JENNIE FAY	Kindisaurus CCC 25 CARINYA AVENUE Mascot NSW 2020	18658096329

Signatures

Employer Representative

I am authorised to sign this variation on behalf of the Employer listed in the variation



Signature

Jennie Langridge

Full Name

Approved provider

Title

25 Carinya Avenue Mascot 2020

Address (including State and Postcode)

Employee Representative

I am an affected employee and am acting as the representative to sign the variation in accordance with Regulation 2.10B of the Fair Work Act Regulations 2009.



Signature

Sarantia Amarellis

Full Name

Diploma

Title

161 Sydenham Road Marrickville 2204

Address (including State and Postcode)

Proposed Variation of the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026*

Pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied by inserting into Part G of the Agreement the following:

Business name	Centre name and address	ABN/ACN
Koorungal Casual Childcare Centre Inc	Koorungal Child Care Centre Inc 565A Koorungal Road Wagga Wagga NSW 2650	75816056235

Signatures

Employer Representative

I am authorised to sign this variation on behalf of the Employer listed in the variation



Signature

Natalie Websdale

Full Name

Committee Treasurer

Title

15 Ansett Street LLOYD NSW 2650

Address (including State and Postcode)

Employee Representative

I am an affected employee and am acting as the representative to sign the variation in accordance with Regulation 2.10B of the Fair Work Act Regulations 2009.

C. Cupitt

Signature

Carmel Cupitt

Full Name

Nominated Supervisor

Title

2/36 Kilpatrick St Wagga NSW 2650

Address (including State and Postcode)

Proposed Variation of the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026*

Pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied by inserting into Part G of the Agreement the following:

Business name	Centre name and address	ABN/ACN
FAWKNER PARK CHILDREN'S CENTRE CO-OPERATIVE LTD	Fawkner Park Children's Centre Co-op Ltd 65 Toorak Road West, South Yarra VIC 3141	58717759041

Signatures

Employer Representative

I am authorised to sign this variation on behalf of the Employer listed in the variation



Signature

Tatyana Skorkina

Full Name

Director

Title

65 Toorak Road West,

Address (including State and Postcode)

South Yarra 3141

Employee Representative

I am an affected employee and am acting as the representative to sign the variation in accordance with Regulation 2.10B of the Fair Work Act Regulations 2009.



Signature

Manon Le Pou

Full Name

Educational leader

Title

65 Toorak Road West, South Yarra

Address (including State and Postcode)

3141

Proposed Variation of the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026*

Pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied by inserting into Part G of the Agreement the following:

Business name	Centre name and address	ABN/ACN
COWES PRIMARY SCHOOL	Phillip Island Early Learning Centre 161 Settlement Rd Cowes VIC 3922	72090374046

Signatures

Employer Representative

I am authorised to sign this variation on behalf of the Employer listed in the variation



Signature

Lynne Clements

Full Name

Director


Title

4 Cole Court, Rhyll, Vic 3923

Address (including State and Postcode)

Employee Representative

I am an affected employee and am acting as the representative to sign the variation in accordance with Regulation 2.10B of the Fair Work Act Regulations 2009.



Signature

Kate Lynch

Full Name

Early Childhood Educator

Title

2/17 Douglas Road, Cowes, Vic 3922

Address (including State and Postcode)

Proposed Variation of the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026*

Pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied by inserting into Part G of the Agreement the following:

Business name	Centre name and address	ABN/ACN
COLUMBIA PARK EARLY LEARNING CENTRE INC.	Columbia Park Early Learning Centre Inc 28A Columbia Drive Wheelers Hill VIC 3150	45021570046

Signatures

Employer Representative

I am authorised to sign this variation on behalf of the Employer listed in the variation



Signature

CATHY ARGVALO

Full Name

CENTRE MANAGER

Title

28A COLUMBIA DRV WHEELERS HILL 3150

Address (including State and Postcode)

VIC, AUSTR

Employee Representative

I am an affected employee and am acting as the representative to sign the variation in accordance with Regulation 2.10B of the Fair Work Act Regulations 2009.



Signature

TANIA DESFOSSES

Full Name

ACTING ZIC

Title

28A COLUMBIA DRIVE WHEELERS HILL VIC 3150

Address (including State and Postcode)

Proposed Variation of the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026*

Pursuant to section 216A of the *Fair Work Act 2009* (Cth), do you approve the proposed variation of the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* by inserting into Part G of the Agreement the following:

Business name	Centre name and address	ABN/ACN
Stepping Stone (S.A.) Childcare & Early Development Centres Pty Ltd	Stepping Stone Aberfoyle Park Childcare & Early Development Centre	56 Sunnymeade Drive, Aberfoyle Park SA 5159
	Stepping Stone Allenby Gardens Childcare & Early Development Centre	47-49 East Avenue, Allenby Gardens SA 5009
	Stepping Stone Angle Vale Childcare & Early Development Centre	91-97 Heaslip Road, Angle Vale SA 5117
	Stepping Stone Blakeview Childcare & Early Development Centre	12 Boucaut Avenue, Blakeview SA 5114
	Stepping Stone Brooklyn Park Childcare & Early Development Centre	432-434 Sir Donald Bradman Drive, Brooklyn Park SA 5032
	Stepping Stone Collinswood Childcare & Early Development Centre	125 North East Road, Collinswood SA 5081
	Stepping Stone Curtis Road Childcare & Early Development Centre	234 Curtis Road, Munno Para SA 5115
	Stepping Stone Evanston Childcare & Early	40 Para Road, Evanston SA 5116
		ABN 21 121 794 769 ACN 121 794 769

	Development Centre	
	Stepping Stone Happy Valley Childcare & Early Development Centre	12 Happy Valley Drive, Happy Valley SA 5159
	Stepping Stone Hewett Childcare & Early Development Centre	10 Rosella Circuit, Hewett, SA, 5118
	Stepping Stone Hove Childcare & Early Development Centre	382-388 Brighton Road, Hove SA 5048
	Stepping Stone Kidman Park Childcare & Early Development Centre	346 Grange Road, Kidman Park SA 5025
	Stepping Stone Klemzig Childcare & Early Development Centre	91 O.G. Road, Klemzig SA 5087
	Stepping Stone Lightsview Childcare & Early Development Centre	40 David Campbell Way, Lightsview SA 5085
	Stepping Stone Lockleys Childcare & Early Development Centre	348-350 Henley Beach Road, Lockleys SA 5032
	Stepping Stone Marden Childcare & Early Development Centre	395 Payneham Road, Marden SA 5070
	Stepping Stone Morphett Vale Childcare & Early Development Centre	14 Colorado Court, Morphett Vale SA 5162
	Stepping Stone Munno Para Childcare & Early	73 Faulding Avenue, Munno Para SA 5115

	Development Centre	
	Stepping Stone Northfield Childcare & Early Development Centre	482-484 Grand Junction Road, Northfield SA 5085
	Stepping Stone Para Hills Childcare & Early Development Centre	510-516 Bridge Road, Para Hills West SA 5096
	Stepping Stone RAH Childcare & Early Development Centre	Level 5 RAH Port Road, Adelaide SA 5000
	Rostrevor College Stepping Stone Early Learning Centre	3 Kintyre Road, Woodforde SA 5072
	Stepping Stone Tanunda Childcare & Early Development Centre	150-152 Murray Street, Tanunda SA 5352
	Stepping Stone Tea Tree Gully Childcare & Early Development Centre	165 Hancock Road, Tea Tree Gully SA 5091
	Stepping Stone Two Wells Childcare & Early Development Centre	15 Gawler Road, Two Wells SA 5501
	Stepping Stone West Beach Childcare & Early Development Centre	614 Burbridge Road, West Beach SA 5024

Signatures

Employer Representative

I am authorised to sign this variation on behalf of the Employer listed in the variation


Signature

COLLEEN IVY CRANE
Full Name

BUSINESS MANAGER
Title

209 MAGILL ROAD MAYLANDS SA 5069
Address (including State and Postcode)

Employee Representative

I am an affected employee and am acting as the representative to sign the variation in accordance with Regulation 2.10B of the Fair Work Act Regulations 2009.


Signature

Lisa-Joylene Downs
Full Name

Centre Director
Title

12 Boucaut Ave Blakeview 5114
Address (including State and Postcode)

Proposed variation

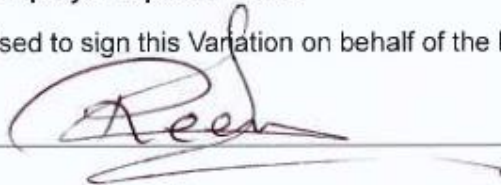
That pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied to add the employer listed below as an employer covered by the agreement:

Business name	Trading name	Address	ABN/ACN
Modbury Community Children's Centre Incorporated	Modbury Community Children's Centre	118A Smart Road, Modbury SA 5092	ABN: 58419002728

Signatures

Employer/Employer representative

I am authorised to sign this Variation on behalf of the Employer listed in the Variation



Signature

Reem Francis

Full Name

Centre Director

Title/Authority to Sign

118A Smart Road, Modbury. SA 5092

Address (including State and Postcode)

United Workers Union

On behalf of employees



Signature

Larissa Harrison

Full Name

Director, United Workers Union

Title/Authority to Sign

101 Henley Beach Road, MILE END SA 5031

Address (including State and Postcode)

Proposed Variation of the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026*

Pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied by inserting into Part G of the Agreement the following:

Business name	Centre name and address	ABN/ACN
Jumbunna Children's Centre Ltd	Jumbunna Children's Centre at 81 Osborne Street, Nowra, NSW 2541	ABN 64955031984

Signatures

Employer Representative

I am authorised to sign this variation on behalf of the Employer listed in the variation



Signature

Jaimi Merritt

Full Name

Committee Chairperson


Title

81 Osborne Street, Nowra, NSW 2541

Address (including State and Postcode)

Employee Representative

I am an affected employee and I am acting as the representative to sign the variation in accordance with Regulation 2.10B of the Fair Work Act Regulations 2009.


Signature

Alison Grills

Full Name

Director/Teacher

Title

81 Osborne Street, Nowra, NSW 2541

Address (including State and Postcode)

Proposed Variation of the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026*

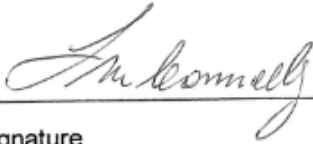
Pursuant to section 216A of the *Fair Work Act 2009* (Cth), do you approve the proposed variation of the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* by inserting into Part G of the Agreement the following:

Business name	Centre name and address	ABN/ACN
Tarshaun Pty Ltd	<p>Clovel Childcare & Early Learning Centre Ryde at 1 Densitone Road Eastwood, NSW, 2122</p> <p>Clovel Childcare & Early Learning Centre Greystanes at 63-67 Brighton Street, Greystanes, NSW, 2145</p> <p>Clovel Day Nursery at 69 Lisgar Street, Merrylands, NSW, 2160</p> <p>Clovel Cottage Nursery at 69 Lisgar Street, Merrylands, NSW, 2160</p>	16001667616

Signatures

Employer Representative

I am authorised to sign this variation on behalf of the Employer listed in the variation



Signature

LYNETTE CONNOLLY

Full Name

DIRECTOR


Title

42 MONS ST LIDCOMBE NSW 2141

Address (including State and Postcode)

Employee Representative

I am an affected employee and am acting as the representative to sign the variation in accordance with Regulation 2.10B of the Fair Work Act Regulations 2009.



Signature

Lusiana Kunagale Tabuanivalu

Full Name

Educator

Title

6/7 BIRMINGHAM RD, SOUTH PENRITH, 2750

Address (including State and Postcode)

Proposed Variation of the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026*

Pursuant to section 216A of the *Fair Work Act 2009* (Cth), do you approve the proposed variation of the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* by inserting into Part G of the Agreement the following:

Business name	Centre name and address	ABN/ACN
Clovel ELC KS Blacktown Pty Ltd	Clovel Childcare & Early Learning Centre South Penrith at 3 Birmingham Road, South Penrith NSW, 2750 Clovel Childcare & Early Learning Centre Blacktown at 32 Kent Street, Blacktown, NSW 2148 Clovel Childcare & Early Learning Centre Liverpool at 65 Speed Street, Liverpool, NSW, 2170	38119640176

Signatures

Employer Representative

I am authorised to sign this variation on behalf of the Employer listed in the variation

Twillett

Signature

Theresa Willett

Full Name

MANAGEMENT TEAM MEMBER

Title

4 VINCENT AVE EMU PLAINS NSW 2750

Address (including State and Postcode)

Employee Representative

I am an affected employee and am acting as the representative to sign the variation in accordance with Regulation 2.10B of the Fair Work Act Regulations 2009.

Knudsen

Signature

Kristy Knudsen

Full Name

Nominated Supervisor

Title

033 2-10 Walker street Werrington NSW 2747

Address (including State and Postcode)

Proposed variation

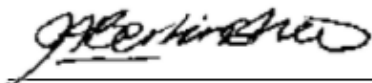
That pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied to add the employer listed below as an employer covered by the agreement:

Business name	Trading name	Address	ABN/ACN
Seaford District Community Children's Centre Inc	Seaford District Community Children's Centre Inc	600 Grand Boulevard Seaford SA 5169	ABN 85 891 607 577

Signatures

Employer/Employer representative

I am authorised to sign this Variation on behalf of the Employer listed in the Variation



Signature

Jodie Anne Berkinshaw

Full Name

Director - Seaford District Community Children's Centre

Title/Authority to Sign

600 GRAND BOULEVARD

SEAFORD SA 5169

Address (including State and Postcode)

United Workers Union

On behalf of employees



Signature

Larissa Harrison

Full Name

Director, UUU

Title/Authority to Sign

101 Henley Beach Road, Mile End SA 5031

Address (including State and Postcode)

¹ [\[2024\] FWCFB 455](#) with reasons delivered on 17 December 2024 – [\[2024\] FWCFB 461](#).

² [PR766609](#) see *Application by United Workers' Union, Australian Education Union and Independent Education Union of Australia* [\[2023\] FWCFB 176](#).

³ [\[2024\] FWCFB 461](#) at [2].

⁴ *Ibid* at [28].

⁵ Section 216A(5) of the FW Act.

⁶ Section 216A(1) and s.12 of the FW Act.

⁷ Section 216A(3) of the FW Act.

⁸ Section 216AAA(1) of the FW Act.

⁹ Section 216AAA(2) of the FW Act.

¹⁰ Section 216A(4) of the FW Act.

¹¹ Rule 22 and Schedule 1.

¹² [PR783349](#).

¹³ [PR783350](#).

¹⁴ Sections 216A and 216AAA of the FW Act.

¹⁵ Section 216A(5) of the FW Act.

¹⁶ B2025/121 – application by The Trustee for Fereday Family Trust No 2.

¹⁷ Including ss.188(2A), (3) and (4) and 188B(3)(a) and (b) of the FW Act.

¹⁸ *Shop, Distributive and Allied Employees Association v Allen Family Pty Ltd t/a Subway Clare, Subway Findon, Subway Broken Hill, Subway Kadina, Subway Port Adelaide, Subway Port Pirie* [\[2024\] FWCFB 48](#) at [76].

¹⁹ *Australian Municipal, Administrative, Clerical and Services Union v Central Goldfields Shires Council, Ararat Rural City Council* [\[2024\] FWCFB 444](#) at [69] to [80].

²⁰ *Ibid* at [69].

²¹ *Ibid* at [70].

²² *Ibid* at [71].

²³ *Ibid* at [72].

²⁴ Section 216AB(1)).

²⁵ [\[2023\] FWCFB 176](#) at [60].