



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

Oz Education Guildford Pty Ltd T/A Oz Education Guildford and Others

(B2025/1238, B2025/1257, B2025/1258, B2025/1259, B2025/1296, B2025/1300, B2025/1323, B2025/1325, B2025/1355)

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

DEPUTY PRESIDENT HAMPTON

ADELAIDE, 2 SEPTEMBER 2025

Applications for variation of the Early Childhood Education and Care Multi-Employer Agreement 2024-2026

[1] This matter concerns 9 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 details of each application, the relevant employers (**applicant employers**) and associated matter numbers are set out at Annexure A to this decision.

[2] The applications have been made under s.216AA of the *Fair Work Act 2009 (FW Act)*.

[3] The applicant employers are all engaged in the early childhood education and care (ECEC) sector. A similar batch of s.216AA applications concerning the ECEC Agreement was determined by the Commission as presently constituted in January 2025 with the decision¹ (*January 2025 variations decision*) approving some 33 variations. Further, a secondary decision² (*March 2025 variations decision*) was published on 18 March 2025 approving 136 variations. A series of other decisions have now followed.

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

[5] Each applicant employer has brought the application on the basis that a variation has been agreed with their relevant employees to include them in the coverage of the ECEC Agreement. The applications are supported by the United Workers' Union (UWU) and the Independent Education Union of Australia (IEU), either of which have also countersigned some of the variations, and no concerns with any of the applications have been raised by the Australian Education Union.³

[6] To the extent that the applications as originally made contained minor errors or omissions, I have waived the irregularities.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. In some limited cases, I have also sought clarifying or confirming documentation or information to assist with the assessment of the relevant approval requirements.

[7] Under the FW Act, the variations have no effect unless approved by the Commission,⁴ and these applications seek that approval. In all of the circumstances I have dealt with these matters without holding a hearing.

[8] The scheme of the FW Act, and its provisions relevant to these matters, were all comprehensively set out and discussed in the *January 2025 variations decision* and the *March 2025 variations decision*. I need not repeat that here; however, what follows should be read in conjunction with these earlier decisions. See also the *National Practice Leader's Statement* concerning applications of this kind I issued on 30 April 2025.⁵

[9] Having considered the applications, I have determined to approve each of the variations that are now set out in this decision. That approval and my reasons for doing so, including briefly confirming my satisfaction with the various relevant statutory requirements and considerations, are set out below.

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

[10] 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 ultimately satisfied that proper processes were utilised.

[11] 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.⁶ The FW Act also provides some examples of the kinds of employees whose circumstances and needs are to be taken into account.⁷

[12] 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 relevant safety net modern awards and information about the Early Childhood Education and Care Worker Retention Payment (EWRP)), in most cases both in hard copy and via electronic links.

[13] The variation in each case has been made under the relevant terms of the FW Act.⁸

The making of the applications – s.216AA

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

[15] Section 216AA(2)(b) requires that the application be accompanied by “a copy of the agreement as proposed to be varied.”. The applicant employers have ultimately 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.

[16] The variations have been signed as required by the FW Act and *Fair Work Regulations 2009 (Regulations)*. As stated earlier, in some 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.

[17] The applications (as amended where required) are all validly made. This meets the requirements of s.216AA of the FW Act.

The other approval requirements – s.216AB

Consistency with the supported bargaining authorisation requirements

[18] 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 certain other considerations from s.243(1)(b).⁹

[19] 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).

[20] 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).

[21] The evidence before the Commission is consistent with the notion that the circumstances of the applicant employers and their affected employees are harmonious 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, I was readily satisfied that s.216AB(1)(a) had been met in each case.

[22] I also note that each of the applicant employers has confirmed to the Commission that they have already applied for, or will do so within a stated period, the EWRP grant funding from the Commonwealth Government.¹⁰

[23] 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?

[24] 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).

[25] 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. In applying these requirements, I have adopted an approach that is consistent with that taken in the earlier decisions of the Commission.¹¹

[26] In all of these matters, I have found that the variation in each case has been genuinely agreed. Accordingly, I am also satisfied that the requirements of s.216AB(1)(c) of the FW Act have been met.

General building and construction work

[27] 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. The variations include only employees of a kind who are already covered by the ECEC Agreement and its facilitating authorisation,¹² and the variations may be approved.

Any existing single interest authorisation

[28] 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.

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

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

Other considerations – s.216AE

[31] 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.

[32] 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 finding as contemplated by s.216AE in these matters.

Conclusions and approvals

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

[34] The variations are approved and attached to this decision as Annexure B.

[35] The Commission has a discretion under s.216AF of the FW Act to determine the date of effect of the variations. In the absence of contrary proposals, the variations in this matter will operate from today (2 September 2025).

[36] In conclusion, I observe that with these approved variations, the ECEC Agreement now covers some 494 employers and approximately 45,500 employees.

The image shows a handwritten signature in black ink on the left, and to its right is the official circular seal of The Fair Work Commission, Australia. The seal features the text 'THE SEAL OF THE FAIR WORK COMMISSION' around the perimeter and 'AUSTRALIA' at the bottom, with a central emblem depicting a kangaroo and a emu.

DEPUTY PRESIDENT

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ANNEXURE A

Applicants and Matter Numbers

Matter Number	Business name	Trading name
B2025/1238	Oz Education Guildford Pty Ltd	Oz Education Guildford
B2025/1257	The Trustee for IIE Unit Trust	Connie's Childcare Centre (Mt Druitt)
B2025/1258	The Trustee for The Bacon Services Trust	Edward Street Early Learning Centre
B2025/1259	The Trustee for Rt Partner Trust & The Trustee for Rt Partner 6 Trust	My Stepping Stones Elc Partnership
B2025/1296	Airport West Child Care Centre Co-Operative Ltd	Airport West Early Learning Cooperative
B2025/1300	Najjam Pty Ltd	Garderie Early Learning Centre
B2025/1323	Murray Bridge Child Care Centre Inc	Murray Bridge Community Children's Centre
B2025/1325	Oz Education Footscray Pty Ltd	Oz Education Footscray
B2025/1355	The Grey Ward Childrens Centre	The Grey Ward Childrens Centre Incorporated

ANNEXURE B

Variations



Oz Education Early Learning Centres
 Quad 2, 6 Parkview Ave. Olympic Park NSW 2127
www.ozeducation.com.au

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
OZ EDUCATION GUILDFORD PTY LTD	Oz Education Guildford	61 O'Neill St. Guildford NSW 2161	54 676 085 171

Signatures

Employer/ Employer representative

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

 Signature

 Sunny Lee

 Full Name

 HR Manager

 Title/Authority to Sign

 Ground Floor, Quad 2, 6 Parkview Drive. SOP NSW 2127

 Address (including State and Postcode)



Oz Education Early Learning Centres
Quad 2, 6 Parkview Ave. Olympic Park NSW 2127
www.ozeducation.com.au

United Workers Union

On behalf of employees

A handwritten signature in blue ink, appearing to read "L Harrison", written over a horizontal line.

Signature

Larissa Harrison

Full Name

Director, UWU

Title/Authority to Sign

101 Henley Beach, 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 IIE Unit Trust	Connie's Childcare Centre (Mt Druitt) 36 Lisbon Street Mt Druitt NSW 2770	29 946 875 214

Signatures

Employer Representative

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



Signature

ROSCILLE DEMABILDO

Full Name

CEO / DIRECTOR

Title

22 GUMDALE AVENUE

Address (including State and Postcode)

ST JOHNS PARK , NSW 2176

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.

Alissa J. B. Conception

Signature

ALISSA JO B. CONCEPTION

Full Name

Assistant Director

Title

23 Tullahoma Street, Mount Griffith, NSW, 2770

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 to add the employer listed below as an employer covered by the agreement:

Business Name	Trading name	Address	ABN/ACN
The Trustee for The Bacon Services Trust	Edward Street Early Learning Centre	33-35 Edward Street Botany NSW 2019	79 587 268 998

Signatures

Employer/Employer representative

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



Signature

Full Name

Anissa Fleming

Title/Authority to Sign

Educational /ECT

Address (including State and Postcode) 39 Rhodes Street Hillsdale 2036

Independent Education Union

On behalf of employees:



Signature

Carol Matthews

Full Name

Secretary, IEU NSW/ACT Branch

Title/Authority to Sign

488-501 Wattle Street, Ultimo NSW 2007

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 RT PARTNER TRUST & THE TRUSTEE FOR RT PARTNER 6 TRUST	My Stepping Stones Elc Partnership 75 Moore St Leichhardt NSW 2040	93 849 351 744

Signatures

Employer Representative

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

Signature



Full Name

Roman Tobias

Title

Director/Authorised Partnership Representative

Address (including State and Postcode)

326 Catherine St Lilyfield NSW 2040

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

Caterina Carrozza

Title

Centre Director

Address (including State and Postcode)

16 Yasmar Ave Haberfield NSW 2045

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
AIRPORT WEST CHILD CARE CENTRE CO-OPERATIVE LTD	Airport West Early Learning Cooperative 4-6 Clydesdale Road Airport West VIC 3042	15 305 627 143

Signatures

Employer Representative

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



Signature

MELISSA GALEA

Full Name

PRESIDENT, COMMITTEE OF MANAGEMENT

Title

4 CLYDESDALE RD, AIRPORT WEST (VIC) 3042

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.

MA
Signature

Mara Aspros.
Full Name

Assistant Director.
Title

4 Clydesdale Road, Airport west, victoria 3042
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
NAJJAM PTY LTD	GARDERIE EARLY LEARNING CENTRE 94 Guildford Road Guildford NSW 2161	41 650 550 208

Signatures

Employer Representative

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



Signature

Joseph Hickey

Full Name

Director

Title

94 Guildford Rd Guildford

Address (including State and Postcode)

2161, 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.

J. Campbell
Signature

Jessica Campbell
Full Name

Centre Manager
Title

94 Guildford road, Guildford 2161, NSW
Address (including State and Postcode)

DOCUMENT 1: Proposed variation**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
Murray Bridge Child Care Centre Inc	Murray Bridge Community Children's Centre	28 West Terrace, Murray Bridge, South Australia 5253	82223240669

Signatures**Employer/Employer representative**

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


 Signature

Reema Verma

Full Name

Director

Title/Authority to Sign

28 West Terrace, Murray Bridge, SA 5253

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)



Oz Education Early Learning Centres
 Quad 2, 6 Parkview Ave. Olympic Park NSW 2127
www.ozeducation.com.au

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
OZ EDUCATION FOOTSCRAY PTY LTD	Oz Education Footscray	8 Empire St. Footscray VIC 3011	74 677 301 870

Signatures

Employer/ Employer representative

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

Signature

Sunny Lee

Full Name

HR Manager

Title/Authority to Sign

Ground Floor, Quad 2, 6 Parkview Drive. SOP NSW 2127

Address (including State and Postcode)



Oz Education Early Learning Centres
Quad 2, 6 Parkview Ave. Olympic Park NSW 2127
www.ozeducation.com.au

United Workers Union

On behalf of employees

A handwritten signature in blue ink, appearing to read "L Harrison", written over a light blue horizontal line.

Signature

Larissa Harrison

Full Name

Director, UWU

Title/Authority to Sign

101 Henley Beach, MILE END SA 5031

Address (including State and Postcode)

DOCUMENT 1: Proposed variation

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 GREY WARD CHILDRENS CENTRE	THE GREY WARD CHILDRENS CENTRE INCORPORATED	253 Wright Street, Adelaide, SA, 5000	66 649 233 908

Signatures

Employer/Employer representative

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



Signature

Alex Ferrone

Full Name

Acting Director

Title/Authority to Sign

254 Wright Street, Adelaide, SA, 5000

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)

¹ [\[2025\] FWCA 282](#), issued on 28 January 2025.

² [\[2025\] FWCA 523](#), issued on 18 March 2025.

³ These three organisations are covered by the ECEC Agreement and are default bargaining representatives.

⁴ Section 216A(5) of the FW Act.

⁵ [\[2025\] FWC 1179](#).

⁶ Section 216AAA(1) of the FW Act.

⁷ Section 216AAA(2) of the FW Act.

⁸ Section 216A(4) of the FW Act.

⁹ See *March 2025 variations decision* at [35], [36].

¹⁰ See the *January 2025 variations decision* at [46] to [56].

¹¹ See *March 2025 variations decision* at [44] to [55].

¹² [\[2023\] FWCFB 176](#) at [60].