

**IN THE FAIR WORK COMMISSION**

**Matter No.: B2023/538**

**Re Application by: Application by UWU, AEU and IEUA re Early Childhood Education and Care Sector for a Supported Bargaining Authorisation**

**STATEMENT OF Ann Marie Chemello**

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

**Background**

1. I have operated in the Early Childhood Education and Care Sector (ECEC) as an owner of long day care centres for 28 years.

**Australian Childcare Alliance**

2. I am the President of ACAWA and National Secretary of Australian Childcare Alliance

## About my Centres

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

Table 1

Employer	Centre Name	Centre Address	Number of licensed placements in the centre	Number of rooms in the centre	Age profile of children in centre	Employee Numbers
Midi Property Investment Pty Ltd	Coolamon School of Early Learning and Warriapendi Early Learning	136 Coolamon Bld Ellenbrook WA and 28a Redcliffe Ave Balga WA	133	6	0 to 5 years Room 1 0-2 Room 2 0-2 Room 3 2 years Room 4 2 and 3 years olds Room 5 and 6 -3 to 5 years	Director: 2 Educational Leader: 1 Room Leaders: 6 Teachers: 1 Educators: 16 Assistant Educators: 8 Cooks: 2
S and A Chemello Pty Ltd	Malvern Springs Early Learning and Ellenbrook School of Early Learning	3 Wyara Link Ellenbrook and 396 Banrock Blvd Ellenbrook	92	4	0-5 years Room 1 – 0-2 Room 2 – 2 Room 3 – 2 and 3 years Room 4 3-5	Director: 1 Educational Leader: 1 Room Leaders: 4 Teachers: 1 Educators: 9 Assistant Educators: 5 Cooks: 2
P and A Chemello Nominees Pty Ltd	Kingsway Afterschool Care	157 Kingsway Darch WA	39	1	4-12 years	Director: 1 Educational Leader: 0 Room Leaders: 1 Teachers: 0 Educators: 0 Assistant Educators: 2 Cooks0

4. I am not aware whether any of the employees in Table 1 are members of a trade union.
5. The centres in Table 1 do not operate with an enterprise agreement. We pay a combination of award wages and over award wages to attract staff. We have not previously been attracted to pursuing an enterprise agreement as it would not have been funded by the Commonwealth. The attraction of pursuing an enterprise agreement through the supported bargaining stream is that I understand the Commonwealth will participate in the process and will fund the outcome.
6. Our objective is to provide high quality care and personal and educational development in a safe and engaging environment for young children in preparation for them to enter the school system (**our service offering**).
7. The charge rates for the childcare centres in Table 1 are based on the nature and quality of our service offering and the demographics of the market we operate in.
8. The centre in Table 1 are funded through the Commonwealth Childcare Subsidy.
9. The Childcare Subsidy is based upon:

- (a) household income that will determine the percentage of the subsidy our families are eligible for; and
  - (b) an activity test (according to the workforce participation) that determines the number of hours of subsidised care a child receives in each fortnight.
10. The Childcare Subsidy is paid directly to our centre to offset a family's fees. The family then pays any gap fee to the centre.
11. The centres in Table 1 are regulated by the Education and Care Services National Law Act 2010 (**National Law**) and Education and Care Services National Regulations 2011 (**National Regulations**). The centres are also subject to State regulatory authorities and the Australian Children's Education and Quality Care Authority (**ACECQA**).
12. I have been provided with a copy of the application in this matter and understand that the application is proposed to cover employers and employees covered by the following description:
- 1. This application seeks that the Fair Work Commission make a supported bargaining authorisation in respect of a proposed agreement to cover:
    - a. the employers outlined in Schedule 1; and
    - b. the employees of the employers outlined in Schedule 1 who perform the following types of work in the early education and care (**ECEC**) sector:
      - a. Work covered by the *Childrens Services Award 2010* occurring in a long day care setting, but not including the following types of work or work performed in the following settings:
        - i. Adjunct care;
        - ii. A stand alone preschool or a kindergarten;
        - iii. Occasional care;
        - iv. Out of school hours care;
        - v. Vacation care;
        - vi. Mobile centres;
        - vii. Early childhood intervention programs; and
        - viii. Work covered by an enterprise agreement that has not reached its nominal expiry date, including:
          - 1. *Bermagui Pre-School Co-Operative Society Ltd. Teachers' Agreement 2020* (AE509492)
          - 2. *Gowrie Victoria Early Childhood Teachers Enterprise Agreement 2022*
          - 3. *Victorian Early Childhood Teachers and Educators Agreement 2020*
          - 4. *Victorian Early Educators Agreement 2020*
          - 5. *Victorian Early Childhood Agreement 2021*
      - b. Work covered by the *Educational Services (Teachers) Award 2020* in a long day care setting, but not including the types of work or work performed in the settings outlined in 1(a)(i) – (viii) above; and
      - c. Work performed in the ECEC sector in a long day care setting including that of a qualified chef or cook.
13. The centres referred to in Table 1 above fits this definition because they:
- (a) operate in the ECEC sector;
  - (b) are a long day care centres and OSHC services regulated under the National Quality Framework;
  - (c) employ educators under the *Children Services Award 2010*;
  - (d) employ teachers under the *Educational Services (Teachers) Award 2020*;

- (e) employ a cook; and
  - (f) are funded as a long day care centres by the Commonwealth government through the Child Care Subsidy.
14. In the centres referred to in Table 1 the employees typically perform the work set out in **Annexure A**.
  15. I along with the other members of the Australian Child Care Alliance have participated in a series meetings and communications sessions concerning being named in this application and I am aware that the application is seeking an authorisation to allow my company and others to negotiate for an enterprise agreement.
  16. In this knowledge I have agreed to participate in this application and support the making of the authorisation to allow negotiations to occur.
  17. Mr Nigel Ward and Mr Paul Mondo have been appointed as our bargaining representative with other employers who are members of the Australian Child Care Alliance subject to the application.

Ann Marie Chemello .....  .....

Date..... 27/7/2023 .....

## Annexure A

Director	Educational Leader	Room Leader	Teachers	Educators	Assistant Educator	Cook
<p>The Director is responsible for the overall management of the centre. The responsibilities of which may vary from centre to centre.</p> <p>The Director is responsible for compliance of all authorities connected to the service.</p>	<p>The Educational leader is responsible to ensuring the service maintains developing and expanding the curriculum. They lead the development and implementation of the educational programme</p>	<p>Our room leaders are the educators with the most experience and knowledge. They have skills to be able to lead the team.</p> <p>The room leader is responsible for overseeing the educational program in their room including planning and setting up activities as well as observing and assessing children's learning.</p>	<p>Our teachers work along side either the room leader or the educators in the room. They contribute to keeping the pedagogical competence</p>	<p>Our educators are involved in the planning cycle. They contribute ideas and assist the team in delivering the educational programme. They supervise all children in their care ensuring their safety and welfare are maintained.</p>	<p>Our assistant educators work and support all teams within the service. They are guided by our room leaders to achieve an understanding and play an active part in the children's learning</p>	<p>Our cooks work part time and are involved in the preparation of three meals a day and a responsible for the planning of the meals along with the sourcing of ingredients and supplies for this.</p> <p>Our cooks take into consideration all fascists of all children that attend our service</p>