



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

Step Ahead Child Care Centre Pty Ltd and Others

(B2025/1820, B2025/1822, B2025/1824, B2025/1825, B2025/1826)

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

DEPUTY PRESIDENT HAMPTON

ADELAIDE, 19 DECEMBER 2025

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

[1] This matter concerns 5 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. In all of the circumstances I have dealt with these matters without holding a hearing.

[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), and no concerns with the application have been raised by the Australian Education Union (AEU).³

[6] To the extent that the applications as originally made contained minor errors or omissions, I have waived the irregularities. 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.

[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] 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.

[15] 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.

[16] The applications 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

[17] 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

[18] 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).

[19] 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).

[20] 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.

[21] 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

[22] 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?

[23] 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).

[24] 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

[25] 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

[26] 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

[27] 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.

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

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

Other considerations – s.216AE

[30] 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.

[31] 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

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

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

[34] 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 (19 December 2025).

[35] In conclusion, I observe that with these approved variations, the ECEC Agreement now covers some 522 employers and approximately 45,900 employees.

The image shows a handwritten signature in black ink on the left, which appears to be 'P. H.'. To the right of the signature is the official seal of the Fair Work Commission. The seal is circular with the text 'THE SEAL OF THE FAIR WORK COMMISSION' around the perimeter. In the center of the seal is the Australian Coat of Arms, featuring a kangaroo and an emu flanking a shield, with the motto 'AUSTRALIA' below it.

DEPUTY PRESIDENT

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ANNEXURE A

Applicants and Matter Numbers

Matter Number	Business name	Trading name
B2025/1820	Step Ahead Child Care Centre Pty Ltd	Step Ahead Child Care Centre Step Ahead Two Child Care Centre Step Ahead 3 Child Care Centre
B2025/1822	Aspire Early Education and Kindergarten Lucas Pty Ltd	Aspire Early Education and Kindergarten Lucas, Ballarat
B2025/1824	Aspire Early Learning & Kindergarten Tarneit Place Pty Ltd	Aspire Early Education & Kindergarten Tarneit Place
B2025/1825	Aspire Early Education & Kindergarten Riverfield, Clyde North Pty Ltd	Aspire Early Education and Kindergarten Riverfield
B2025/1826	Aspire Early Education & Kindergarten Everley, Sunbury Pty Ltd	Aspire Early Education & Kindergarten Everley Sunbury

ANNEXURE B

Variations

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

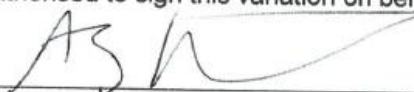
Pursuant to section 216A of the *Fair Work Act 2009* (Cth), the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* be varied by inserting into Part G of the Agreement the following:

Business name	Centre name and address	ABN/ACN
STEP AHEAD CHILD CARE CENTRE PTY LTD	STEP AHEAD CHILD CARE CENTRE 2 Matthew Avenue HECKENBERG NSW 2168	33106691936
	STEP AHEAD TWO CHILD CARE CENTRE 49 South Liverpool Rd HECKENBERG NSW 2168	
	STEP AHEAD 3 CHILD CARE CENTRE 90 Cartwright Ave MILLER NSW 2168	

Signatures

Employer Representative

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



Signature

AZZAM KRAYEM

Full Name

MANAGER / Director

Title


2 MATTHEW AVE

Address (including State and Postcode)

HECKENBERG NSW 2168

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

Salam Omran

Full Name

Diploma Educator

Title

16 Tooma place Heckenberg NSW 2168
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
Aspire Early Education and Kindergarten Lucas Pty Ltd	Aspire Early Education and Kindergarten Lucas, Ballarat 7 Hollioake Drive, Lucas Australia VIC 3350	ABN: 53668623452

Signatures

Employer Representative

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



Signature

DILEK SENTURK

Full Name

HEAD OF PEOPLE & TALENT

Job Title

69/627 CHAPEL ST SOUTH YARRA VIC 3141

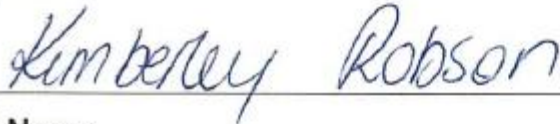
Address (including State and Postcode)

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.



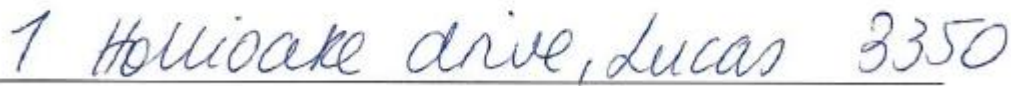
Signature



Full Name



Job Title



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
ASPIRE EARLY EDUCATION & KINDERGARTEN TARNEIT PLACE PTY LTD	ASPIRE EARLY EDUCATION & KINDERGARTEN TARNEIT PLACE 4 TRAVANCORE ST TARNEIT VIC 3029	ABN: 61 680 535 326

Signatures

Employer Representative

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



Signature

AILEK SENTURK

Full Name

HEAD OF PEOPLE & TALENT

Job Title

19/627 CHAPEL ST SOUTH YARRA VIC 3141

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.

Liza Pendlebury

Signature

Liza Pendlebury

Full Name

Centre Manager

Job Title

4 Travancore Street, Tarneit, Victoria 3029

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
ASPIRE EARLY EDUCATION & KINDERGARTEN RIVERFIELD, CLYDE NORTH PTY LTD	Aspire Early Education and Kindergarten Riverfield 55 Riverland Road, Clyde VIC 3978 Australia	ABN: 29673733698

Signatures

Employer Representative

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



Signature

DILEK SENTURK

Full Name

HEAD OF PEOPLE & TALENT

Job Title

19/627 CHAPEL ST SOUTH YARRA VIC 3171

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
ASPIRE EARLY EDUCATION & KINDERGARTEN EVERLEY, SUNBURY PTY LTD	ASPIRE EARLY EDUCATION & KINDERGARTEN EVERLEY SUNBURY 2 MitoS St, Sunbury VIC 3429	ABN: 18 671 557 930

Signatures

Employer Representative

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



Signature

DILUK SENTURK

Full Name

HEAD OF PEOPLE & TALENT

Job Title

19/627 CHAPEL ST SOUTH YARRA VIC 3141

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
ASPIRE EARLY EDUCATION & KINDERGARTEN EVERLEY, SUNBURY PTY LTD	ASPIRE EARLY EDUCATION & KINDERGARTEN EVERLEY SUNBURY 2 Mitos St, Sunbury VIC 3429	ABN: 18 671 557 930

Signatures

Employer Representative

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

K Long

Signature

KIRSTY LONG

Full Name

CENTRE MANAGER

Job Title

2 MITOS STREET, SUNBURY 3429

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 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 [\[2023\] FWC FB 176](#) at [60].