



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

The Trustee for Oz Education Lawson Square Unit Trust T/A Oz Education Redfern and Others

(B2026/505, B2026/509, B2026/510, B2026/511, B2026/513, B2026/514)

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

DEPUTY PRESIDENT HAMPTON

ADELAIDE, 20 MAY 2026

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

[1] This matter concerns 6 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 12 other decisions with many additional variations 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)³ and no concerns with the application have been raised by the Australian Education Union (AEU) or the Independent Education Union of Australia (IEU).⁴

[6] To the extent that the applications as originally made contained minor errors, omissions, or service deficiencies, I have waived the irregularities.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,⁵ 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 2025.⁶

[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 unanimous or a majority vote, via a proper ballot or vote of employees. I am ultimately satisfied that proper processes were utilised in each case.

[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.⁷ The FW Act also provides some examples of the kinds of employees whose circumstances and needs are to be taken into account.⁸

[12] The material provided with each of the applications supports a finding that these requirements have been met. The measures generally undertaken included the provision of comprehensive and accurate written explanations of the effect of the variation and access to relevant documents (including the ECEC Agreement, the relevant safety net modern award(s) and information about the Early Childhood Education and Care Worker Retention Payment (EWRP)). In most cases materials were provided via email, and in some instances, physical materials with relevant translations available.

[13] The variation in each case has been made under the relevant terms of the FW Act.⁹

The making of the applications – s.216AA

[14] The applications were made within 14 days after the relevant variation was 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)*. That is, an identified employee representative, who would be covered by the ECEC Agreement if the variation is approved, or an organisation acting as a bargaining representative, has signed the variations consistent with regulation 2.10B of the Regulations.

[17] 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

[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).¹⁰ The requirement to approve the variation does not apply if there are serious public interest grounds for not doing so. I will return to this aspect.

[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 (in practice to 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.¹¹

[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.¹²

[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,¹³ 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

[31] There are no serious public interest considerations arising from any of these applications that would prevent the approval of the variations under s.216AB(1) of the FW Act.

[32] 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.

[33] 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

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

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

[36] 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 (20 May 2026).

[37] In conclusion, I observe that with these approved variations, the ECEC Agreement now covers some 536 employers and approximately 46,000 employees.



DEPUTY PRESIDENT

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ANNEXURE A

Applicants and Matter Numbers

Matter Number	Business name	Trading name
B2026/505	The Trustee for Oz Education Lawson Square Unit Trust	Oz Education Redfern
B2026/509	Aspire Early Education & Kindergarten Craigieburn Pty Ltd	Aspire Craigieburn Childcare Centre
B2026/510	Aspire Early Education & Kindergarten Googong Pty Ltd	Aspire Googong Childcare Centre
B2026/511	Aspire Early Education & Kindergarten Huntly Pty Ltd	Aspire Huntly Childcare Centre
B2026/513	Aspire Early Education & Kindergarten Mickleham Pty Ltd	Aspire Mickleham Childcare Centre
B2026/514	Cuddles Childcare Lockridge Pty Ltd	Cuddles Early Learning Centre Beechboro

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
The Trustee for Oz Education Lawson Square Unit Trust	Oz Education Redfern	Ground Floor, 104 Eveleigh St. Redfern NSW 2016	92 938 965 279

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)

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

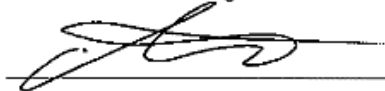
Pursuant to section 216A of the *Fair Work Act 2009* (Cth), do you approve the proposed variation of the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* by inserting into Part G of the Agreement the following:

Business name	Centre name and address	ABN/ACN
ASPIRE EARLY EDUCATION & KINDERGARTEN CRAIGIEBURN PTY LTD	Aspire Craigieburn Childcare Centre, 2 Portobello Drive, Craigieburn, VIC, 3064	ABN: 60686441421 ACN: 686441421

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

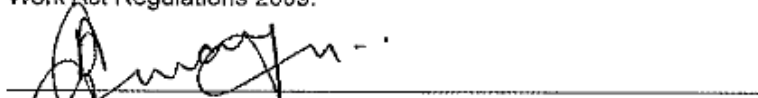
Job Title

L9/627 CHAPEL ST SOUTH YARRA VIC 3141 AU.

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

Amrita Kaur

Full Name

Centre Manager

Job Title

2 Portobello Drive, Craigieburn, VIC, 3064

Address (including State and Postcode)

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

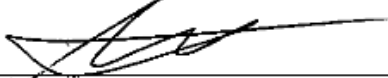
Pursuant to section 216A of the *Fair Work Act 2009* (Cth), do you approve the proposed variation of the *Early Childhood Education and Care Multi-Employer Agreement 2024-2026* by inserting into Part G of the Agreement the following:

Business name	Centre name and address	ABN/ACN
ASPIRE EARLY EDUCATION & KINDERGARTEN GOOGONG PTY LTD	Aspire Googong Childcare Centre, 113 Glenrock Drive, Googong, NSW, 2620	ABN: 59671551607 ACN: 671551607

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 3141 AU

Address (including State and Postcode)

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

Ebonyy Truong

Full Name

Service Director

Job Title

87 Barr-Smith Avenue Bonthyon, ACT 2905

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 HUNTLY PTY LTD	Aspire Huntly Childcare Centre, 160 Waratah Rd, Huntly, VIC, 3551	ABN: 49668623498 ACN: 668623498

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 3141 AU.

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

Kimberley Hopper

Job Title

Centre Manager

Address: 160 Waratah Rd, Huntly, VIC, 3551

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 MICKLEHAM PTY LTD	Aspire Mickleham Childcare Centre, 3 Aubergine Road, Mickleham, VIC, 3084	ABN: 36676797550 ACN: 676797550

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

L9/627 CHAPEL ST SOUTH YARRA VIC 3141 AU

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.

K. Gibbs

Signature

KERRY GIBBS

Full Name

CENTRE MANAGER

Job Title

3 Avbergene Road, Mickleham Vic 3064
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
CUDDLES CHILDCARE LOCKRIDGE PTY LTD	Cuddles Early Learning Centre Beechboro, 181 Benara Rd, Beechboro, WA, 6063	ABN: 33683466239

Signatures

Employer Representative

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

Signature

JOSEPH GERARD CLIFF CARVER

Full Name

COMPANY DIRECTOR

Job Title

PO Box 310 Belford W.A. 6122

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

Kuja Oldfield

Full Name

Centre manager

Job Title

22 Coomberdale Road, Midvale 6056 WA

Address (including State and Postcode)

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

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

³ Including where the UWU has signed the variation on behalf of the employees to be covered.

⁴ All 3 organisations are covered by the ECEC Agreement and are default bargaining representatives.

⁵ Section 216A(5) of the FW Act.

⁶ [\[2025\] FWC 1179](#).

⁷ Section 216AAA(1) of the FW Act.

⁸ Section 216AAA(2) of the FW Act.

⁹ Section 216A(4) of the FW Act.

¹⁰ See *March 2025 variations decision* at [35], [36].

¹¹ See the *January 2025 variations decision* at [46] to [56].

¹² See *March 2025 variations decision* at [44] to [55].

¹³ [\[2023\] FWCFB 176](#) at [60].