

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 Juliette Pantaleo

I, Juliette Pantaleo of 89 Jardine Drive NSW 2170 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 4 years.

Australian Childcare Alliance

2. I am a member of the Australian Childcare Alliance.

Lodged by: Nigel Ward	Telephone: (02) 9458 7286
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About my Centre

3. The details for the centre 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
Organic Seedlings Education Pty Ltd	Organic Seedlings Education	89 Jardine Drive NSW 2170	45	1 with multiple breakout spaces all age groups share the same space	2-5years	Our two owner directors hold multiple leadership roles as well as working as ECTs (Early Childhood Teachers) 8 total employees) Director/Educational Leaders/ECT: 2 (They also act as room leader) Additional ECT: 1 Educators: 2 Assistant Educators: 0 Cooks: 2 Administration Manager: 1

4. I am not aware whether any of the employees in Table 1 are members of a trade union.
5. The centre in Table 1 does 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 centre 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 is 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 centre in Table 1 is regulated by the Education and Care Services National Law Act 2010

(**National Law**) and Education and Care Services National Regulations 2011 (**National Regulations**). The centre is 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 centre referred to in Table 1 above fits this definition because it:

- (a) operates in the ECEC sector;
- (b) is a long day care centre regulated under the National Quality Framework;
- (c) employs educators under the *Children Services Award 2010*;
- (d) employs teachers under the *Educational Services (Teachers) Award 2020*;
- (e) employs a cook; and
- (f) is funded as a long day care centre 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 of 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.

Juliette Pantaleo 

Date.....24.07.2023.....

Annexure A

Director	Educational Leader	Room Leader (ECT)	Early Childhood Teachers	Educators	Cook
<p>The Directors are responsible for the overall management of the centre.</p> <p>With the support of their Administration Manager this covers compliance with regulatory standards, staff management, liaising with families, managing childcare subsidy and the operational financial management of the centre.</p>	<p>The primary role of the education leaders is to lead the development and implementation of educational programs in the centre. This involves design, implementation and review with broad ranging consultation and engagement with employees and parents.</p> <p>We have one educational leader who is responsible for overall Pedagogy and practice as well as training of all trainees, new staff, casuals. They design and lead staff meetings and assessing the professional development needs of educators and teachers to implement the professional learning plans for the whole staff.</p> <p>The other educational leader is the Leader of inclusion Support. They are responsible for managing the inclusion of all children and supporting staff in developing and implementing including practices for children with additional need. They design and lead professional development in this area. They are also hold a Food Supervisor Certificate so designs all menus in collaboration with cooks and is the mentor for both part-time cooks.</p>	<p>The room leader is a teacher or educator who through their experience and/or competency is the most senior person in the room and plays a leading role with the other staff in the room while still undertaking the role of an educator.</p> <p>The room leader is responsible for overseeing the educational program including planning and setting up activities as well as observing and assessing children's learning against the EYLF</p>	<p>Our teachers are tertiary qualified teachers (also NESAs accredited) work alongside our educators leading and delivering the educational programs in the centre. While our ECTs deliver the program across all age groups they are particularly focussed on delivering three and four year old kindergarten programs including focussing on children transitioning to school.</p> <p>The teachers play a key role in applying a depth of pedagogical competence and including theory in their practice in the centre. We focus on the Reggio Emilia Approach within our service.</p>	<p>Our educators assist in the preparation, implementation and evaluation of our educational programs for the children within the rooms that they operate in. This will differ depending on the age of the children in the room.</p> <p>They will work with our children individually and must ensure the welfare and safety of the children they work with.</p> <p>They ensure the environment is free from hazards and is kept clean and safe daily as per the guidelines.</p>	<p>Our cooks prepare three meals a day and are responsible for the planning of the meals along with the sourcing of ingredients and supplies for this. This is done in collaboration with the Director/Educational Leader who usually does all of the ordering.</p> <p>Our cooks, with the support of the Director/Educational Leader, play an important role in preparing food that meets the cultural and health needs of our children. They are also responsible for maintaining hygiene, cleanliness and food safety including ensuring meals meet dietary and medical requirements of children. We are subject to regular Local council inspections which the cook must ensure regulations and checklists are kept accordingly.</p>