

IN THE FAIR WORK COMMISSION

Registry: Perth

Action No: B2023/703

**RE: APPLICATION BY INDEPENDENT EDUCATION UNION (130N)**

Application pursuant to section 248 of the *Fair Work Act 2009* for a Single Interest Employer Bargaining Authorisation

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**PROPOSED STATEMENT OF AGREED FACTS**

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1. Each of the entities named in Annexure A:
  - 1.1. is a corporation, registered under the *Corporations Act 2001* (Cth);
  - 1.2. is principally engaged in the provision of primary and / or secondary education in a school setting;
  - 1.3. operates in the state of Western Australia;
  - 1.4. operates schools that are registered under the *School Education Act 1999* (WA);
  - 1.5. is the employer of one or more employees that are employees:
    - 1.5.1. covered by the *Educational Services (Schools) General Staff Award (the Award)* being a modern award made by the Fair Work Commission; and
    - 1.5.2. to whom that Award applies;
  - 1.6. engages in Roman Catholic religious instruction;
  - 1.7. receives funding from the Government of the Commonwealth of Australia for the purpose of delivering education;
  - 1.8. receives funding from the Government of the State of Western Australia for the purpose of delivering education;
  - 1.9. employs one or more persons who are:
    - 1.9.1. principally employed to provide, or to assist in providing, educational instruction or who are employed in any other capacity; and
    - 1.9.2. are not employed as teachers.

- 1.10. proposes to be represented in any bargaining with the Applicant in respect of the proposed agreement by CEWA;
  - 1.11. is presently engaged in bargaining with the Applicant in relation to conditions for employees engaged as teachers pursuant to a single interest bargaining authorisation which is presently in force, issued on application by the entities named in Annexure A (B2021/227, PR728298 as varied by B2023/101, PR751277); and
  - 1.12. is not engaged in bargaining for an agreement in respect of any of the employees who would be covered by the proposed agreement.
2. Each of the entities named in Annexure A employs one or more persons who are:
  - 2.1. a member of the Applicant; and
  - 2.2. represented by the Applicant.
3. The parties are unaware of any enterprise agreement within the meaning of the *Fair Work Act 2009* (or its predecessor) which applies to or covers any of the entities named in Annexure A which would cover the employees to which the proposed agreement would apply;
4. Each of the entities named in Annexure A employs:
  - 4.1. with the exception of Loreto Nedlands, more than 50 employees; and
  - 4.2. in the case of Loreto Nedlands:
    - 4.3. Loreto Nedlands has more than 20 employees;
    - 4.4. Loreto Nedlands is an associated entity of Loreto Ministries Limited (LML);
    - 4.5. LML appoints the corporate directors of Loreto Nedlands;
    - 4.6. LML is the sole owner of Loreto Nedlands; and
    - 4.7. LML has more than 50 employees;
5. In respect of the employees who would be covered by the proposed agreement, each of the entities named in Annexure A afford conditions that are not less favourable than those provided by former state agreements imposing identical employment obligations;
6. None of the employees who would be covered by the proposed agreement are engaged in relation to general building and construction work;
7. No application has been made pursuant to s. 248 by any of the employers named in Annexure A for a single interest employer authorisation in respect of the employment to which the proposed agreement would apply.

  
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Signed on behalf of the IEU

REBELLA COLLOP

Name

BRANCH SECRETARY

Title

1/8/2023

Date

  
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Signed on behalf of CEWA (as representative for each of the entities named in Annexure A)

MICHAEL JENSEN

Name

LAWYER

Title

1/8/23

Date

### Annexure A – Western Australian Catholic Education Employers

	Entity	ABN/ACN	Address	Contact Person
1	Catholic Education Western Australia Ltd	ABN 47 634 504 135	PO Box 198 LEEDERVILLE WA 6903  e-mail: [REDACTED]	Dr Debra Sayce Executive Director
2	Mercy Education Limited	ACN 154 531 870	720 Heidelberg Road ALPHINGTON VIC 3078  e-mail: [REDACTED]	Mr Christopher Houlihan Chief Executive
3	Servite College Council Inc	ABN 69 356 899 381	PO Box 263 Tuart Hill WA 6939  e-mail: [REDACTED]	Ms Silvana Vicoli Principal
4	Norbertine Canons Inc	ABN 29 781 711 208	St Norbert College QUEENS PARK WA 6107  e-mail: [REDACTED]	Ms Sharon Rainford Principal
5	Mazenod College Limited	ABN 53 128 213 267	55 Gladys Rd LESMURDIE WA 6076  e-mail: [REDACTED]	Mr Simon Harvey Principal
6	John XXIII College Inc	ABN 65 415 939 827	PO Box 226 CLAREMONT WA 6910  e-mail: [REDACTED]	Mr Daniel Mahon Principal
7	EREA Colleges Ltd	ABN 71 659 944 831	PO Box 33185 Domain LPO MELBOURNE VIC 3004  e-mail: [REDACTED]	Mr Chris Woolley Chief Executive Officer
8	EREA Flexible Schools Ltd	ABN: 52 659 978 846	PO Box 2 Virginia BC QLD 4014  e-mail: [REDACTED]	Mr Matt Hawkins Chief Executive Officer
9	Marist Schools Australia Limited	ABN 76 654 014 794	PO Box 1247 Mascot NSW 1460  e-mail: [REDACTED]	Dr Frank Malloy National Director
10	Loreto Nedlands Limited	ABN 42 317 652 643	69 Webster Street NEDLANDS WA 6009  e-mail: [REDACTED]	Ms Rika Audres Principal