

**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 Rita Totino**

I, Rita Totino of 303 Mona Vale Road, Terrey Hills NSW 2084, 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 [27] years.

**Australian Childcare Alliance**

2. I am a member of the ACA Executive Committee. I attend monthly meetings to review and discuss sector and organisation issues to provide members with the best possible support and service.

**Lodged by:** Nigel Ward

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## 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
Peacock Street Long Day Care Pty Ltd	Peacock Street Long Day Care	27 Peacock Street, Seaforth NSW, 2092	25	3	2years to 6years	<b>Director:</b> Denyse McAlister <b>Educational Leader:</b> Rita Totino -Teacher <b>Room Leaders:</b> <b>2-3 Room-</b> Natalie Kale - Educator <b>3-4 Room –</b> Cathy Middleton Educator currently studying ECT qualification <b>4-5 Room –</b> Denyse McAlister – Educator
Peacock Street Long Day Care Pty Ltd	Bindook Cottage	11 Bindook Crescent, Terrey Hills NSW, 2084	21	2	12months to 6years	<b>Director:</b> Cassandra Green <b>Educational Leader:</b> Rita Totino- Teacher <b>Room Leaders:</b> 12mths -3years Natalina Caruso – <b>Educator</b> Ella Totino - Educator <b>Room Leader:</b> 3-5year Room Jess Mawhinney – Provisional Classification Teacher <b>Teacher:</b> Cassandra Green
Peacock Street Long Day Care Pty Ltd	Peek-A-Boo Cottage	1B Magarra Place, Seaforth NSW, 2092	20	2	Birth to 2 years ONLY	<b>Director:</b> Jasmine Mullineaux <b>Educational Leader:</b> Rita Totino- Teacher <b>Room Leaders:</b> Barbara Hodges <b>Teachers:</b> Jasmine Mullineaux Rita Totino <b>Assistant Educators:</b> Brianna Comarmond

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 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. All three of my services philosophy is to provide a service that is a home away from home while providing individualised high-quality care and educational development programs in a safe and engaging environment for young children in preparation for entering the school system.
7. Our daily charge rates for the childcare centres in Table 1 are based on several components, which include - the licenced number of children per day,
  - Number of educators and their qualifications
  - the nature of the service to provide a home -away from home,
  - quality of our service offering and
  - the demographics of the market we operate in.
  - operating cost per service

All of these components vary for each of my services.

8. The centres 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 workforce participation) that determines the number of hours of subsidised care a child receives each fortnight.
10. The Childcare Subsidy is paid directly to our centres 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 Preschool 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.


1. The centres referred to in Table 1 above fit this definition because they:

- (a) operate in the ECEC sector;
- (b) are long day care centres 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) are funded as a long day care centres by the Commonwealth government through the Child Care Subsidy.

2. In the centres referred to in Table 1, the employees typically perform the Work set out in **Annexure A**.

3. I, along with the other Australian Child Care Alliance members, have participated in a series of meetings and communications sessions concerning being named in this application. I am aware that the application is seeking an authorisation to allow my company and others to negotiate for an enterprise agreement.

4. With this knowledge, I have agreed to participate in this application and support the making of the authorisation to allow negotiations to occur.
5. Mr Nigel Ward and Mr Paul Mondo have been appointed as our bargaining representatives with other employers who are members of the Australian Child Care Alliance, subject to the application.

Rita Totino .....  .....

Date..... 20/07/2023 .....

## 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>Subject to their delegated authority, this covers compliance with regulatory standards, staff management, liaising with families, management, and the centre's day-to-day operations.</p> <p>Our Directors are NOT responsible for the financial management, childcare subsidy or processing of family fees. These remain the responsibility of the Approved Provider.</p>	<p>Our educational leader provides curriculum direction to educators. Works with teachers/educators and supports them in developing and implementing the educational program and the cycle of planning and assessment.</p> <p>Is a mentor to our educators and trainees to achieve professional growth by researching and referring courses and webinars to achieve the professional development needs of educators and teachers.</p>	<p>Our room leaders are either teachers or educators who, through their experience and/or competency, can hold these positions. They are responsible for the children, the fellow educators and the running of the Room while still undertaking the role of an educator.</p> <p>The room leader oversees the educational program in their Room, including planning and setting up activities and observing and assessing children's learning against the EYLF.</p>	<p>Our qualified teachers work alongside our educators, delivering educational programs in the centre. Our teachers focused on delivering three- and four-year-old preschool programs and ensuring our school leavers are ready to transition to school.</p> <p>The teachers are very experienced and, therefore, provide a key role in applying a depth of pedagogical competence in our services.</p>	<p>Our qualified educators, alongside our teachers, prepare, implement and evaluate our educational programs for the children within the rooms they operate in.</p> <p>Our experienced educators provide additional working knowledge that enhances our home-away-from-home philosophy.</p>	<p>Our trainee assistant educators are an essential part of our team. They play a support role working with and under the educator and room leader. In some services, assistants can be used as break cover or relief staff and work across multiple rooms daily.</p>	<p>This does not apply to my services.</p> <p>Our services do not provide food as the families provide the food and therefore we don't have a cook.</p>