

5 May 2016

The Commissioner
Fair Work Commission
GPO Box 1994
MELBOURNE VIC 3001

Dear Sir/Madam

Application for approval of Enterprise Agreement

We are pleased to submit an application for approval of an enterprise agreement made by Early Learning Association Australia (ELAA) representing 405 employers under a single interest authorisation provided by the Fair Work Commission in 2013 (and further extended in 2014 and 2015) and early childhood education and care employees of those employers. This agreement is the *Victorian Early Childhood Teachers and Educators Agreement (VECTEA)*.

VECTEA was made on 22 April 2016 between ELAA and the Australian Education Union Victoria and United Voice Victoria representing the employees covered by the agreement.

We note that negotiations between the parties to VECTEA were conducted simultaneously with negotiations between the relevant unions and the Municipal Association of Victoria (MAV) representing local government authorities that employ early childhood education and care staff. The agreement between the unions and MAV – the *Early Education Employees Agreement 2016 (PR 57924)* - was certified by the Fair Work Commission on 19 April 2016 and is substantially similar to VECTEA with regard to terms and conditions.

From the time the employer and employee representatives agreed to bargain to develop VECTEA in October 2012 - to the date the agreement was made on 22 April 2016 – structural changes have continued to occur in the Victorian early childhood education and care sector. These have included services closing down or moving from the independent, parent volunteer-run service sector to the Victorian not-for-profit cluster management network, wherein services continue to provide the same programs, but the NFP entity becomes the employer.

As a result of these structural changes in the sector, the number of employers becoming party to VECTEA is less than the number of employers who provided ELAA with their bargaining authority at the commencement of the process. Further details of these changes are provided below:

Total number of services listed in the single interest authorisation who participated in the bargaining process initially	492
Number of services that have made the agreement	405
Number of services that withdrew from the agreement	7
Number of services that have ceased to exist (as described above)	46
Number of services that participated in the bargaining process but did not meet the pre-approval steps for the making of the agreement	34

Hence, we submit that only the 405 employers who have made the agreement should be included in the group of single-interest employers making VECTEA. We note also that ELAA took the additional step of having the 405 employers on whose behalf this application is being made confirm their intention to be bound by VECTEA by signing a declaration and providing it to ELAA along with the ballots completed by eligible employees.

If you require further information in relation to any matters set out in the enclosed application or this cover letter, please do not hesitate to contact ELAA directly on 03 9489 3500.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Shane Lucas', with a stylized flourish at the end.

Shane Lucas
Chief Executive Officer