

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *Re: Variation of the Brisbane City Council Operational and Trade Employees Award - State 2016 [2017] QIRC 019*

PARTIES: Brisbane City Council

Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland

Construction, Forestry, Mining and Energy Industrial Union of Employees, Queensland

Electrical Trades Union of Employees Queensland

Plumbers and Gasfitters Employees Union of Queensland, Union of Employees

The Australian Workers' Union of Employees, Queensland

Transport Workers' Union of Australia, Union of Employees (Queensland Branch)

United Voice, Industrial Union of Employees, Queensland

CASE NO: MA/2017/3

PROCEEDING: Variation of a modern award

DELIVERED ON: 6 March 2017

HEARING DATE: 1 March 2017

HEARD AT: Brisbane

MEMBERS: Deputy President O'Connor  
Deputy President Swan  
Industrial Commissioner Thompson

ORDERS: **1. The Brisbane City Council Operational and Trade Employees Award - State 2016 be varied in the terms set out in the attached Determination; and**

## 2. The Determination operate on and from 1 March 2017.

CATCHWORDS: INDUSTRIAL LAW - AWARD MODERNISATION - VARIATION OF A MODERN AWARD - Application for Determination varying a modern award - Section 140GA(2) and 140GC(2) of the *Industrial Relations Act 1999* - *Brisbane City Council Operational and Trade Employees Award - State 2016* varied.

CASES: *Industrial Relations Act 1999*, Chapter 5A, Part 3, Division 2, ss 140GA(2), 140GC(2).  
*Industrial Relations Act 2016*, s 996.

APPEARANCES: D. Groessler for Brisbane City Council.

K. Inglis for the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland, and for the Electrical Trades Union of Employees Queensland.

A. Borg for the Construction, Forestry, Mining and Energy Industrial Union of Employees, Queensland.

B. Watson for The Australian Workers' Union of Employees, Queensland.

### Reasons for Decision

[1] A referral to vary the *Brisbane City Council Operational and Trade Employees Award - State 2016* (the Award) by the making of a Determination varying the Award in accordance with sections 140GA(2)(a) and 140GC(2)(b)(i) of the *Industrial Relations Act 1999* (the Act) was provided by Deputy President Bloomfield, as head of the Commission's Award Modernisation Project, for the following purposes:

- (i) to create a minimum safety net of employment conditions, in keeping with the modern award objectives at section 140D of the Act, that is fair and relevant in accordance with sections 140G(2)(a) and 140D of the Act; and
- (ii) to remove ambiguity and uncertainty and/or correct an error, in accordance with section 140GC(1) of the Act.

[2] The referral for the making of a Determination to vary the Modern Award is supported by Brisbane City Council, Automotive, Metals, Engineering, Printing and Kindred

Industries Industrial Union of Employees, Queensland, Construction, Forestry, Mining and Energy Industrial Union of Employees, Queensland, Electrical Trades Union of Employees Queensland, Plumbers and Gasfitters Employees Union of Queensland, Union of Employees, The Australian Workers' Union of Employees, Queensland, Transport Workers' Union of Australia, Union of Employees (Queensland Branch) and United Voice, Industrial Union of Employees, Queensland.

- [3] The making of the Determination to vary the Award is also supported by all of the relevant parties.
- [4] In the circumstances, the Full Bench is satisfied that it is appropriate for the Determination to be approved.
- [5] The Determination varying the Award will operate on and from 1 March 2017.
- [6] The Commission issues the following Orders:
  - 1. the *Brisbane City Council Operational and Trade Employees Award - State 2016* be varied in the terms set out in the attached Determination; and
  - 2. the Determination operate on and from 1 March 2017.