

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *Re: In the matter of an Application to vary the Brisbane City Council Operational and Trade Employees Award - State 2016 [2016] QIRC 120*

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 NOS: MAP/2016/13 and MA/2016/38

PROCEEDING: Variation of a modern award

DELIVERED ON: 11 November 2016

HEARING DATE: 11 November 2016

HEARD AT: Brisbane

MEMBERS: Deputy President Swan
Industrial Commissioner Fisher
Industrial Commissioner Black

ORDER:

- 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 11 November 2016.**

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)

APPEARANCES: Mr D. Groessler, for Brisbane City Council.
Mr T McKernan of the The Australian Workers' Union of Employees, Queensland.
Ms K. Allen of the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland and on behalf of the Transport Workers' Union of Australia, Union of Employees (Queensland Branch).
Mr A. Borg of the Construction, Forestry, Mining and Energy Industrial Union of Employees, Queensland.
Ms K. Inglis of the Electrical Trades Union of Employees Queensland.

Reasons for Decision

- [1] On 7 October 2016 this Full Bench approved the making of the *Brisbane City Council Operational and Trade Employees Award - State 2016* (the Award) notwithstanding that four clauses in that Award were still the subject of discussions between the parties. In approving the Award the Full Bench noted that the parties anticipated resolving the outstanding issues within a matter of weeks with the assistance of Deputy President Bloomfield, as head of the Commission's Award Modernisation Team.
- [2] Subsequently, as a result of the parties agreeing the terms of the four clauses omitted from the original Award, Deputy President Bloomfield initiated an Application to vary the Award on his own motion, pursuant to the provisions of ss 140G(3)(a) and 140GC(2)(a) of the *Industrial Relations Act 1999* (the Act), by the making of a Determination to that effect.
- [3] Given the circumstances where the parties have now agreed on the terms of the four clauses omitted from the original Award and support the Application for the making of a Determination to vary the Award, the Full Bench is satisfied that it is appropriate for the Determination to be made in the terms sought.

[4] The Determination varying the Award will operate on and from 11 November 2016.

[5] The Full Bench 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 11 November 2016.