

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *Re: In the matter of an Application to vary the Civil Construction, Operations and Maintenance General Award - State 2016 QIRC 129*

PARTIES: State of Queensland (Office of Industrial Relations)

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

The Australian Workers' Union of Employees, Queensland

Together Queensland, Industrial Union of Employees

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

CASE NO: MA/2016/24

PROCEEDING: Variation of a modern award

DELIVERED ON: 5 December 2016

HEARING DATE: 5 December 2016

HEARD AT: Brisbane

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

ORDERS:

- 1. The Civil Construction, Operations and Maintenance General Award - State 2016 be varied in the terms set out in the attached Determination; and**
- 2. The Determination operate on and from 5 December 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* - *Civil Construction,*

Operations and Maintenance General Award - State 2016 varied.

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

APPEARANCES: Ms K. Langdon for the State of Queensland (Office of Industrial Relations).

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

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

Reasons for Decision

- [1] An Application to vary the *Civil Construction, Operations and Maintenance General 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) has been initiated 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 Application for the making of a Determination to vary the Modern Award is supported by the State of Queensland (Office of Industrial Relations) and The Australian Workers' Union of Employees, Queensland, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland, Together Queensland, Industrial Union of Employees, and the Transport Workers' Union of Australia, Union of Employees (Queensland Branch).
- [3] The making of the Determination to vary the Award is supported by all of the relevant parties.
- [4] In the circumstances, the Full Bench is satisfied that it is appropriate for the Application for the making of the Determination to be approved.
- [5] The Determination varying the Award will operate on and from 5 December 2016.
- [6] The Commission issues the following Orders:

1. the *Civil Construction, Operations and Maintenance General Award - State 2016* be varied in the terms set out in the attached Determination; and
2. the Determination operate on and from 5 December 2016.