



SOUTH  
AUSTRALIAN  
EMPLOYMENT  
TRIBUNAL

# FIELD SERVICES STAFF ENTERPRISE AGREEMENT (NO 9) 2018

File No. 3150 of 2018

**This Agreement shall come into force on and from 30 June 2018 and have a life extending for a period of 36 months therefrom.**

SAET HEREBY APPROVES THIS ENTERPRISE AGREEMENT PURSUANT TO SECTION 79 OF THE FAIR WORK ACT 1994.



DATED 13 AUGUST 2018.

A handwritten signature in dark ink, appearing to read 'P. McMahon', written over a horizontal line.

COMMISSIONER MCMAHON

# APPLICATION FOR ENTERPRISE AGREEMENT



Case Number

(SAET use only)

3150/2018

## About this form

SAET 12 JUL'18 3:21

- This is the approved form for lodging an enterprise agreement for approval by SAET in accordance with the South Australian Fair Work Act 1994.
- This application should be lodged within 21 days after the agreement has been signed.
- Submitting an incomplete form (including any relevant supporting documents) may result in delays.
- A copy of this application is to be provided by the applicant to all other parties bound by the agreement (or their representatives).

## TITLE OF PROPOSED AGREEMENT

City of Holdfast Bay Field Services Enterprise Agreement (No. 9) 2018

## PERSON LODGING THE APPLICATION

For corporations/organisations, include a contact person name.

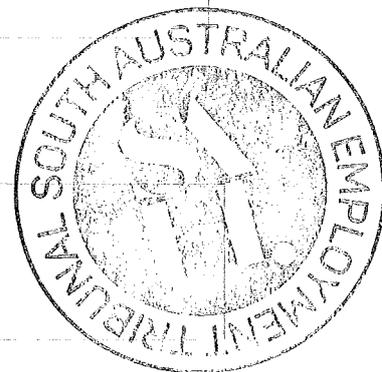
Organisation	City of Holdfast Bay		
First name	Sharon	Last name	Somerville
Email	ssomerville@holdfast.sa.gov.au		
Telephone	8229 9912	Mobile	
Address	Street 1	24 Jetty Road	
	Street 2		
	Suburb	Brighton	State SA
	Postcode	5048	Country Australia

## PART 1: ABOUT THE ENTERPRISE(S)

(i) Name(s) of Business(es) or Workplace(s) covered by this Agreement:

The City of Holdfast Bay Field Services Staff

(ii) Address(es) at which the Businesses are carried out:

 20-24 Jetty Road, Brighton  
 16 Seaforth Avenue, Somerton Park  
 1 Moseley Square, Glenelg  
 Wilton House, Wilton Avenue, Somerton Park  
 2 Colley Terrace, Glenelg


(iii) Type of Industry (or industries) covered by Businesses or Workplaces:

Local Government
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## PART 2: ABOUT THE EMPLOYER PARTIES TO THE AGREEMENT

(Note: If more than one, attach a separate sheet listing all employers and detailing the information sought below)

(i) Full name of employer:

The Corporation of the City of Holdfast Bay
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(ii) Full Address:

Address	Street 1	24 Jetty Road		
	Street 2			
	Suburb	Brighton	State	SA
	Postcode	5048	Country	Australia

(iii) Contact Person:

*(someone with authority to speak about the agreement on behalf of the employer)*

Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input checked="" type="checkbox"/> Ms <input type="checkbox"/> Other (specify):			
First name	Sharon	Last name	Somerville	
Email	<a href="mailto:ssomerville@holdfast.sa.gov.au">ssomerville@holdfast.sa.gov.au</a>			
Telephone	(08) 8229 9912	Mobile		
Address	Street 1	24 Jetty Road		
	Street 2			
	Suburb	Brighton	State	SA
	Postcode	5048	Country	Australia
Role title	Manager People & Culture			
Classification	Manager			

## PART 3: ABOUT THE EMPLOYEE PARTIES TO THE AGREEMENT

(i) Describe the group of employees to be covered by the Agreement? (i.e. by business, location, and/or occupational groupings and/or section etc.)

Employees of the City of Holdfast Bay located at the depot based at 16 Seaforth Avenue, Somerton Park and Community Wellbeing located at Wilton House, Wilton Avenue, Somerton Park, that are covered by the Local Government Employees Award.
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(ii) State the number of employees covered by the agreement at the time of signing:

Total	50
Males	50

Females	0
Have first language other than English	N/A

(iii) Do any of the employees suffer from an intellectual disability that prevented them from having a proper understanding of the negotiations?

No     Yes, please specify the measures to provide representation for such employees:

(iv) Name Employee Representative(s) (other than Registered Associations) Contact Person(s)

First name	Dene	Last name	Pearse
Email	<a href="mailto:dpearse@holdfast.sa.gov.au">dpearse@holdfast.sa.gov.au</a>		
Telephone	8229 9833	Mobile	0402 915 249

First name	Heath	Last name	Bastian
Email	<a href="mailto:hbastian@holdfast.sa.gov.au">hbastian@holdfast.sa.gov.au</a>		
Telephone	8229 9948	Mobile	

First name	Bill	Last name	Blyth
Email	<a href="mailto:bblyth@holdfast.sa.gov.au">bblyth@holdfast.sa.gov.au</a>		
Telephone	8229 9833	Mobile	0409 009 463

#### PART 4: INVOLVEMENT OF REGISTERED EMPLOYEE ASSOCIATIONS (IF ANY)

(i) Were any of the employees represented by a Registered Employee Association during the course of negotiations?

No     Yes

(ii) If yes, please state the name and contact person(s) of the association(s):

Association	The Australian Workers Union (AWU)		
First name	Gary	Last name	Henderson
Email	<a href="mailto:ghenderson@awusa.asn.au">ghenderson@awusa.asn.au</a>		
Telephone	8360 1900	Mobile	0418 500 512

(iii) Is this Agreement formally entered into on behalf of employee(s) by an association(s)?

No     Yes

(iv) If yes, please indicate if the agreement is pursuant to

(a) section 75(2)(a) of the Act the association(s) is entering into the Agreement on behalf of member(s)

Or

(b) section 75(2)(b) of the Act the association(s) is entering into the Agreement on behalf of a group of employees (whether members or not)

Nominate the manner in which a majority of employees constituting the group conferred such authority on the association(s):

Membership

Written authorities

Other (specify):

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Evidence of this may be required in accordance with Section 79(1)(c).

## PART 5: EMPLOYEE APPROVAL AND SIGNING OF THE AGREEMENT

(i) Describe how the employees were informed of the contents of the Agreement, the terms of any Award or existing Enterprise Agreement modified by the Agreement, and the intention to apply for approval.

- An Action Summary containing the full log of claims from all parties was made available to all staff via email; representatives; noticeboards and electronic records system.
- An updated Action Summary from all bargaining meetings was made available to all staff via representatives; noticeboards and electronic records system within 7 days of each meeting.
- An information session on the proposed Career Classification Structure was held with all staff by management on 31/5/18.
- The AWU held meetings with the staff as required, including a final meeting on 19/6/18 prior to the voting period.
- A copy of the proposed Enterprise Agreement and a copy of the Award were available to staff via the intranet.

(ii) Have a majority of employees approved the Agreement?

No  Yes

(iii) Nominate how employees approved the Agreement.

(a) BALLOT, if so: describe the result:

Number of valid votes for:

40

Number of valid votes against:

3

Outline the measures undertaken to ensure that all employees were given a reasonable opportunity to participate in the Ballot.

- 86% response rate, The vote was open from Monday 25 June and closed at 4 pm on Monday, 2 July 2018.
- Each employee received a pack of information containing a copy of the Enterprise Agreement, voting slip, envelope and covering letter explaining the process and vote count.

- Staff on leave were forwarded their packs via courier to their home address. All other staff personally received their packs and signed to acknowledge receipt.
- A reminder to vote was forwarded to all staff on Friday, 29 June 2018.
- The vote was counted by the AWU Worksite Representative (Dene Pearse) and the Manager People & Culture (Sharon Somerville) on Tuesday, 3 July 2018.

Or

- (b) OTHER MEANS - (e.g. general meetings, individual endorsement) - if so describe the result:

Percentage (%) supporting approvals:

Outline the method adopted and percentage of employees supporting approval

(iv) Are there any employees covered by the Agreement who have not signed the Agreement and are not represented by a Registered Association or agent?

- No  Yes

(iv) If yes, please describe:

## PART 6: COMPLIANCE OF EMPLOYER WITH THE REQUIREMENTS OF SECTION 76 OF THE ACT

(i) [S.76(1)] Did the employer give employees to be bound by the Agreement 14 days notice of intention to begin negotiations for :an Enterprise Agreement?

- Yes  No

If **yes**, state briefly how this notice was provided:

*(Note: Section 76(1) provides that this notice is not required if the agreement is negotiated to settle an industrial dispute or SAET grants an exemption from this requirement.)*

- Schedule 1 – Notice of Intention to Negotiate EA under the FWA 1994 was signed by the Chief Executive Officer on 31 October 2017.
- A copy of Schedule 1 was provided to the AWU.
- A copy was forwarded to the SBCU representing the employees via email and was available in the electronic records system for all staff.
- A copy was posted on noticeboards at the Depot.

If **no**, state grounds for seeking an exemption:

(ii) [S.76(2)] Has the employer informed the employees of their right to appoint a representative (including an agent of the employee's choice or a Registered Association of employees) in the negotiation, and proceedings for approval before beginning the negotiations?

Yes  No

If **yes**, state briefly how this information was given:

Included in Schedule 1 – Notice of Intention to Negotiate EA under the FWA 19914.

(iii) [S.76(3)] If the employer was aware that an employee was a member of a Registered Association, did they take reasonable steps to notify the association of the intended negotiations before beginning the negotiations?

Yes  No  Not applicable

If **yes**, state briefly how this notification was made:

Email forwarded to AWU and SBCU Representatives on 1 November 2018 which included signed copy of Schedule 1.

First negotiation meeting date/time agreed for 11 December 2017.

(iv) [S.76(4)] Has the employer ensured that employees to be covered by the Agreement who are subject to an Award have reasonable access to the Award?

Yes  No  Not applicable

If **yes**, state briefly how this action was achieved:

A copy of the Award is made available to staff on the intranet and the People & Culture Team could forward hard copies as requested.

## PART 7: ABOUT THE AGREEMENT

(i) Does the Agreement contain any conditions of employment including remuneration that are **inferior** to the minimum standards set out in the Act or established by SAET?

(Note: The Act sets out minimum standards relating to remuneration, sick leave, carers leave, annual leave, bereavement leave and parental leave and gives SAET power to vary those standards.)

Yes - The application can only be approved in the circumstances outlined in Section 79(5)

No

(ii) Is the Agreement **package inferior** to the **package** of remuneration and conditions in any applicable Award?

Yes - The application can only be approved in the circumstances outlined in Section 79(5)

No

(iii) What is the term of the Agreement?

3 years

(Note: Section 83(1) of the Act sets a three year maximum on the term of the agreement.)

(iv) Does the Agreement vary or replace an earlier Enterprise Agreement?

- No  
 Yes, please specify:

The agreement number:	5315 of 2015
When it expires	30 June 2018

(v) What Awards, or Certified Agreements (including those made pursuant to the Commonwealth *Workplace Relations Act 1996*) currently apply to the work covered by the proposed Agreement?

(set out names of awards or agreements in full)

Local Government Employees Award City of Holdfast Bay Field/Depot Staff Enterprise Agreement (No. 8) 2015
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WHICH CLAUSE(S) OF THE AGREEMENT	CLAUSE NO.
Makes provision for the renegotiation of the Agreement at the end of its term?	5
Identifies the business(s) for which it is made?	2
Identifies the group of employees to which it relates?	2
Sets out procedures for the prevention and settlement of industrial disputes?	58

(vi) Does the Agreement provide that sick leave is available to an employee if the leave becomes necessary because of the sickness of a family member?

(Note under Section 77(1)(e) of the Act an Enterprise Agreement must provide that such leave is available or specifically excludes the provision of sick leave to such circumstances)

- No  
 Yes, please specify clause number:

40

(vii) Does the Agreement provide for consultation between the employer and the employees bound by the Agreement about changes to the organisation and performance of work?

(Note under Section 79(1)(d) of the Act an Enterprise Agreement must make provision for such consultation unless the parties agree that such a provision is not appropriate.)

- No  
 Yes, please specify clause number:

6, 7, 44, 45, 46, 59, 60

(viii) Is an order being sought by any party to the Agreement for the suppression of public disclosure of the Agreement or part of the Agreement?

(Note: Section 80(4))

- No

Yes

(ix) Is it intended that the Agreement will cover aspects of the employment of the persons working under it to the exclusion of provisions of any existing Awards or Agreements?

*(Note under Section 81(3) of the Act an Enterprise Agreement will operate to the exclusion of an Award only to the extent of inconsistency with the Award)*

No

Yes

## PART 8: INFORMATION TO ASSIST THE POTENTIAL HEARING OF THE APPLICATION

Pursuant to Section 79(11) of the Act, SAET may approve an Enterprise Agreement without proceeding to a formal hearing based upon the information in this form. If a hearing is required, are there any considerations that would assist SAET to list the matter at a convenient time and location (such as preferred days or time etc.)?

If **yes**, please specify:

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## PART 9: SIGNATURE OF APPLICATION BY OR ON BEHALF OF THE EMPLOYER(S)

I (We) declare that all of the facts in this application are true and accurate to the best of my (our) knowledge and belief:

Name	Justin Lynch	Signature	
Witness			
Date	10.7.18		

Name	Howard Lacy	Signature	
Witness			
Date	10.7.18.		

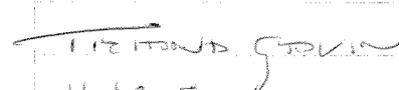
Name	Sharon Somerville	Signature	
Witness			
Date	9/7/18		

### PART 10: SIGNATURE OF APPLICATION BY/ON BEHALF OF EMPLOYEE(S)

I (We) declare that all of the facts in this application are true and accurate to the best of my (our) knowledge and belief:

Name	<del>Gary Henderson</del> PETER LAMPS	Signature	
Witness	Gary Henderson		
Date	9-7-2018		

Name	Dene Pearse	Signature	
Witness			
Date	10/7/18		

Name	Bill Blyth	Signature	
Witness			
Date	11-9-18		

### LODGING YOUR COMPLETED FORM

I declare that all of the facts in this application are true and accurate to the best of my knowledge and belief:

Name of person lodging	Sharon Somerville
Signature	
Date	10/7/18

Please lodge this form, together with any accompanying documents, with the South Australian Employment Tribunal:

Email: [saet@sa.gov.au](mailto:saet@sa.gov.au)

Post: PO Box 3636, Rundle Mall, SA, 5000

In person: Level 6, Riverside Centre, North Terrace, Adelaide, 5000

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS

