



SOUTH  
AUSTRALIAN  
EMPLOYMENT  
TRIBUNAL

# **DISTRICT COUNCIL OF KAROONDA EAST MURRAY ASU ENTERPRISE AGREEMENT NO.10 OF 2018**

**File No. 3395 of 2018**

**This Agreement shall come into force on and  
from 3 October 2018 and have a life extending for  
a period of 3 years therefrom.**

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



DATED 03 OCTOBER 2018.

COMMISSIONER MCMAHON

# APPLICATION FOR ENTERPRISE AGREEMENT



SOUTH  
AUSTRALIAN  
EMPLOYMENT  
TRIBUNAL

**Case Number**

(SAET use only)

## About this form

- 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

District Council of Karoonda East Murray ASU Enterprise Agreement No. 10 of 2018

## PERSON LODGING THE APPLICATION

For corporations/organisations, include a contact person name.

Organisation	KelledyJones Lawyers		
First name	Christopher	Last name	Morey
Email	<a href="mailto:cmorey@kelledyjones.com.au">cmorey@kelledyjones.com.au</a>		
Telephone	9113 7111	Mobile	
Address	Street 1	Level 6, 19 Gilles Street	
	Street 2		
	Suburb	Adelaide	State SA
	Postcode	5116	Country Australia

## PART 1: ABOUT THE ENTERPRISE(S)

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

District Council of Karoonda East Murray (administration staff)

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

11 Railway Terrace, Karoonda, SA 5307

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

Local Government

## 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:

District Council of Karoonda East Murray

(ii) Full Address:

Address	Street 1	11 Railway Terrace		
	Street 2			
	Suburb	Karoonda	State	SA
	Postcode	5307	Country	Australia

(iii) Contact Person:

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

Title	<input checked="" type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (specify):			
First name	Matthew		Last name	Morgan
Email	matthew.m@dckem.sa.gov.au			
Telephone	8578 1004		Mobile	
Address	Street 1	11 Railway Terrace		
	Street 2			
	Suburb	Karoonda	State	SA
	Postcode	5307	Country	Australia
Role title	Chief Executive Officer			
Classification	N/A			

## 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.)

All administration staff employed pursuant to the South Australian Municipal Salaried Officers Award and classified under the General Officers Stream.

(ii) State the number of employees covered by the agreement at the time of signing:

Total	Three (3)
Males	Zero (0)
Females	Three (3)
Have first language other than English	Zero (0)

(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	Tammy	Last name	O'Malley
Email	<a href="mailto:tammy.o@dckem.sa.gov.au">tammy.o@dckem.sa.gov.au</a>		
Telephone	8578 1004	Mobile	

First name	Sarah	Last name	Boughen
Email	<a href="mailto:sarah.b@dckem.sa.gov.au">sarah.b@dckem.sa.gov.au</a>		
Telephone	8578 1004	Mobile	

First name	Marie	Last name	Hoare
Email	<a href="mailto:marie.h@dckem.sa.gov.au">marie.h@dckem.sa.gov.au</a>		
Telephone	8578 1004	Mobile	

## 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	
First name	Last name
Email	
Telephone	Mobile

(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):

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.

All three employees were involved in all negotiation meetings, were provided with a copy of the Enterprise Agreement, the terms of which were explained to them during the course of the meetings, were advised during the final meeting that the Employer intended to apply for approval for the finalised Agreement, and signed the Agreement to allow for application for approval.

(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:

Number of valid votes against:

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

Or

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

Percentage (%) supporting approvals: 100

Outline the method adopted and percentage of employees supporting approval

All three employees attended all negotiation meetings, and at the end of the final meeting on 4 July 2018, all three employees verbally voted in favour of the Enterprise Agreement. All three employees also subsequently individually signed the finalised Enterprise Agreement.

(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.)*

All employees were handed a written copy of the notice.

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:

All employees were handed a written notice which included this information.

(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:

By email attaching a copy of the written notice of intention to begin negotiations, to the Gail Dean, Support Officer of the Australian Services Union - SA & NT Branch, receipt of which was acknowledged by the ASU.

(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:

Printed copies of the Award were available at the Employer's office, as well as employees being provided access to online resources to access the Award.

## 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? Three (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: 464 of 2016

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)

South Australian Municipal Salaried Officers Award

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?	4
Identifies the group of employees to which it relates?	4
Sets out procedures for the prevention and settlement of industrial disputes?	12

- (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: 15

- (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: 7

- (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

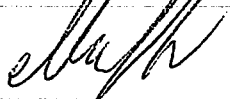
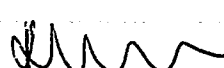
## PART 8: INFORMATION TO ASSIST THE POTENTIAL HEARING OF THE APPLICATION

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:



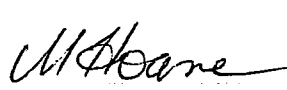
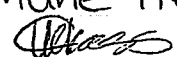
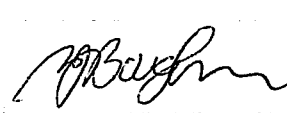

## PART 9: SIGNATURE OF APPLICATION BY OR ON BEHALF OF THE EMPLOYER(S)

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	Matthew Morgan	Signature	
Witness		(KATRINA FROMM)	
Date	23/7/18		
Name		Signature	
Witness			
Date			
Name		Signature	
Witness			
Date			

## 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	Tammy O'Malley	Signature	
Witness		(Tamikha Ross)	
Date	25/7/18		
Name	Marie Hoare	Signature	
Witness		(Tamikha Ross)	
Date	25/7/18		
Name	Sarah Boughen	Signature	
Witness		(Tamikha Ross)	
Date	25/7/18		

## 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

*Christopher David Morey*

Signature



Date

*25 July 2018*

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

