

**WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION**

Application No. AG 8 of 2018

**APPLICATION FOR A NEW AGREEMENT TITLED**  
**“SHIRE OF MURRAY (OUTSIDE WORKFORCE) ENTERPRISE BARGAINING AGREEMENT**  
**2018”**

NOTICE is given that an application has been made to the Commission by the *Western Australian Municipal, Road Boards, Parks and Racecourse Employees Union of Workers, Perth* under the *Industrial Relations Act 1979* for the registration of the above Agreement.

As far as relevant, those parts of the proposed Agreement which relate to area of operation and scope are published hereunder.

**4 Definitions**

- ...
- (a) **“Award”** means the relevant Award that the officer or employee is employed under.
- ...
- (c) **“Officer or Employee”** means an officer or an employee of the Shire employed under this Agreement.
- ...
- ...

**5 Incidence and Parties Bound**

- (a) This Agreement will commence operation on 1 July 2018 for a period of three years and the nominal expiry date will be 30 June 2021.
- This Agreement shall continue to operate beyond the nominal expiry date and apply to employees beyond the nominal expiry date until a replacement enterprise agreement is made or this Agreement is terminated in accordance with the Industrial Relations Act 1979.
- (b) In the event of a Boundary Change or Amalgamation, Clause 11(4) of the Local Government Act 1995 which states “A contract of employment ... is not to be terminated or varied as a result (wholly or partly) of an order under section 2.1 so as to make it less favourable to that person unless – compensation acceptable to the person is made; or a period of at least 2 years has elapsed since the order had effect” is to apply for the life of the Agreement.
- (c) This agreement shall be read and interpreted wholly in conjunction with the Municipal Employees (Western Australia) Interim Award 2011, Metal Trades (General) Award and the Building Trades Award 1968 as they stand at the date of registration of this Agreement, and/or it’s [sic] successors, and where there is any inconsistency between the terms and conditions of this Agreement, and the terms and conditions of the Award, the terms and conditions of this Agreement shall prevail over the Award.
- (d) This Agreement shall apply in the state of Western Australia to approximately 35 employees.

- (e) The parties to this Agreement shall be the Shire of Murray (“the Shire”) and the Western Australian Municipal, Road Boards, Parks and Racecourse Employees Union of Workers Perth (“the Union”) and those staff who are members of, or are eligible to be members of the Union and whose terms and conditions are under the:
- Municipal Employees (Western Australia) Interim Award 2011.
  - Metal Trades (General) Award.
  - Building Trades Award 1968.
- (f) The salaries prescribed by this Agreement shall not apply to officers whose salaries are negotiated annually with the Shire and who are employed by the Shire under maximum term contracts, and those officers designated by Council as Senior Employees under Section 5.73 of the Local Government Act 1995, provided that employees who have negotiated salaries as over Award payments shall still be covered by the salary scales prescribed by this Agreement.
- (g) The parties to this Agreement acknowledge that this Agreement can be varied by consent of all parties, and subject to approval by the Western Australian Industrial Relations Commission (“the Commission”) at any time during its operation.

A copy of the proposed Agreement may be inspected at my office at 111 St. Georges Terrace, Perth.

S. BASTIAN  
REGISTRAR

17 May 2018