



Industrial Relations Commission
of New South Wales

CITATION: Sydney Cricket and Sports Ground Trust (Maintenance Staff)
Enterprise Award 2008 [2009] NSWIRComm 196

PARTIES: APPLICANT
Sydney Cricket and Sports Ground Trust

RESPONDENTS
Construction, Forestry, Mining and Energy Union (New South
Wales Branch)
Electrical Trades Union of Australia, New South Wales Branch
New South Wales Plumbers and Gasfitters Employees' Union

FILE NUMBER: IRC 1722 of 2009

CORAM: Sams DP

CATCHWORDS: AWARD - Application for approval of enterprise award - extensive
negotiations - maintenance employees - stand alone award operates
to exclusion of parent awards - 12% wage increase over life of
Award - significant retrospectivity - dispute proceedings to be
discontinued.

Held; compliance with the Act and Wage Fixing Principles -
consent of parties - industrial merit - retrospectivity approved -
Award made.

LEGISLATION CITED: Industrial Relations Act 1996

CASES CITED: State Wage Case 2009 [2009] NSWIRComm 120

DATES OF HEARING: 16 November 2009

DATE OF JUDGMENT 17 November 2009

EXTEMPORE 16 November 2009
JUDGMENT DATE:

LEGAL APPLICANT
REPRESENTATIVES: Mr D Makins

Australian Federation of Employers and Industries

RESPONDENT

Mr S Butler

Construction, Forestry, Mining and Energy Union (New South
Wales Branch)

Electrical Trades Union of Australia, New South Wales Branch

New South Wales Plumbers and Gasfitters Employees' Union

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

CORAM: SAMS DP

17 November, 2009

Matter No IRC 1722 of 2009

Sydney Cricket and Sports Ground Trust (Maintenance Staff) Enterprise Award 2008

Application by Sydney Cricket and Sports Ground Trust for approval of Enterprise Award

DECISION

[2009] NSWIRComm 196

- 1 This is an application, pursuant to s 10 of the *Industrial Relations Act* 1996 ('the Act'), filed by the Australian Federation of Employers and Industries, on behalf of the Sydney Cricket and Sports Ground Trust ('the applicant') for the approval of an Enterprise Award covering its maintenance employees employed at the Sydney Cricket and Sports Ground.
- 2 The applicant set out the grounds and reasons for the Commission's approval of the new Award as follows:
 1. The parties to the award have negotiated a new award in the terms outlined in Schedule A.
 2. The proposed Award is by consent of the parties to this Award.
 3. The proposed Award rescinds and replaces the Sydney Cricket and Sports Ground Trust (Maintenance Staff) Enterprise Award 2005 (358 IG 645) made on 16 January 2006, and which expired on 9 October 2008.
 4. The proposed Award does not involve a reduction in earnings of employees.

5. The proposed Award is not contrary to the public interest.

6. The proposed Award will promote harmonious industrial relations at the Sydney Cricket and Sports Ground Trust.

7. The proposed Award is consistent with the Enterprise Arrangements Principles contained in the State Wage Case - July 2009 decision and the provisions of the Industrial Relations Act 1996 (NSW).

8. Any such other grounds and reasons as the Commission deems appropriate.

3 The Union parties to the Award are:

(a) Construction, Forestry, Mining and Energy Union (New South Wales Branch)

(b) New South Wales Plumbers and Gasfitters Employees' Union

(c) Electrical Trades Union of Australia, New South Wales Branch

4 The application was listed for hearing before the Commission on 16 November 2009, with Mr D *Makins* appearing for the applicant and Mr S *Butler* appearing for the three Union parties.

5 Mr *Makins* submitted that the Award comes before the Commission following extensive negotiations between the parties, including dispute proceedings (IRC 2201 of 2008) lodged by the Electrical Trades Union in 2008, which had been before me and, more lately, before *Cambridge C*. Those proceedings will now be sought to be discontinued.

6 Mr *Makins* said that the new Award is a sixth generation Award and is intended to operate as a stand alone industrial instrument to the exclusion of the parent awards, being the Electricians (State) Award, Building Employees' (Mixed Enterprises) State Award, General Construction and

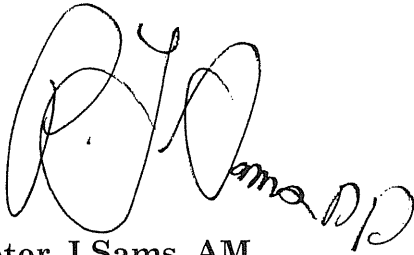
Maintenance (Civil and Mechanical Engineering) State Award and the Plumbers and Gasfitters (State) Award.

- 7 The Award provides for a 4% wage increase commencing on 9 October 2008 and two further 4% increases on 9 October 2009 and 9 October 2010. The negotiations have resulted in some employee related cost savings and other changes to operate to the exclusion of the parent awards.
- 8 Mr *Makins* submitted that the application and proposed Award meets all the legislative requirements under the Act, is consistent with the Commission's State Wage Fixing Principles (see *State Wage Case 2009* [2009] NSWIRComm 120) and includes all the relevant test case standards of the Commission. As will be seen, the proposed new Award has a significant degree of retrospectivity applying to it. This is permissible by virtue of the provisions in s 15(4) of the Act.
- 9 Mr *Butler* supported Mr *Makins'* submissions and added that the terms and conditions of the new Award were endorsed by a meeting of members on 11 October 2009, and subsequently endorsed by the Unions' Executives.
- 10 On 16 November 2009, the Commission issued the following *extempore* decision:

Having heard the submissions of the parties and reviewing the documentation that has been filed, I am satisfied that all of the requirements of the Act and the Commission's Wage Fixing Principles are satisfied, both in terms of the accompanying documentation and in the Award proper which is proposed to be made between the parties as a stand alone Award to operate to the exclusion of the parent Awards relevant to the three unions who are parties to the Award. Consequently I shall make the Award in the terms outlined in the schedule attached to the application. The Award is to be known as the Sydney Cricket and Sports Ground Trust (Maintenance Staff) Enterprise Award 2008. The Award is made by consent and has an operative date of the 9 October 2008 and that retrospectivity is permissible under the relevant provisions of the Award which will

expire on the 9 October 2011. I also note the advice from Mr Butler that earlier proceedings in Matter 2201 of 2008 currently before Commissioner Cambridge are to be discontinued as the terms of the Award now settle that dispute.

I congratulate the parties on being able to reach the agreement they have and settle on the terms of the Award which I endorse as having industrial merit and which are entirely consistent with all of the requirements of both the Act and the Commission's Wage Fixing Principles. The matter is concluded on that basis. The Award will be effective from the date earlier advised.

A handwritten signature in black ink, appearing to read 'Peter J Sams, AM'. The signature is stylized and cursive, with the letters 'P', 'J', 'S', 'A', 'M', and 'S' being prominent. The signature is written over a faint, illegible background.

Peter J Sams, AM
Deputy President