

DECISION

Fair Work Act 2009

s.185 - Application for approval of a single-enterprise agreement

Image Linemarking Pty Ltd

(AG2024/572)

IMAGE LINEMARKING PTY LTD ENTERPRISE AGREEMENT 2024-2028

Building, metal and civil construction industries

COMMISSIONER PERICA

MELBOURNE, 28 MARCH 2024

Image Linemarking Pty Ltd Enterprise Agreement 2023-2027

[1] An application has been made for approval of an enterprise agreement known as the *Image Linemarking Pty Ltd Enterprise Agreement 2023-2027* (the Agreement). The application is made under section 185 of the *Fair Work Act 2009* (the Act). The Agreement is a single enterprise agreement.

[2] The *Fair Work Legislation Amendment (Secure Jobs Better Pay) Act 2022* (Cth) (the Amending Act) made a number of changes to enterprise agreement approval processes in Part 2-4 of the Act, that commenced operation on 6 June 2023.

[3] Under the transitional amendments made by Part 14 of Schedule 1 to the Amending Act, the genuine agreement requirements for agreement approval applications apply where the notification time for the agreement was on or after 6 June 2023. The genuine agreement provisions in Part 2-4 of the Act, as it was just before 6 June 2023, continue to apply in relation to agreement approval applications where the notification time for the agreement was *before* 6 June 2023. The notification time for this Agreement was 11 January 2024. It follows the Amending Act genuine agreement provisions apply.

[4] Under the transitional arrangements, by Part 16 of Schedule 1 of the Amending Act, amendments made to the better off overall test requirements for agreement approval applications apply where the agreement was made on or after 6 June 2023. This Agreement was made on 19 February 2024. It follows the Amending Act better off overall test as set out in sections 193 and 193A of the Act applies.

[5] The Agreement is approved today 28 March 2024. It will operate from 4 April 2024 as required by section 54 of the Act. The nominal expiry date is 28 March 2028.

COMMISSIONER

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