



DECISION

Fair Work Act 2009

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

Whittlesea City Council trading as City of Whittlesea (AG2026/1331)

COMMISSIONER ALLISON

MELBOURNE, 21 AUGUST 2026

Application for approval of the Whittlesea City Council Enterprise Agreement No. 11 (2026) – was the agreement genuinely agreed – did the Council take all reasonable steps to ensure the terms of the agreement and the effect of those terms were explained – application dismissed. Application for approval of the Whittlesea City Council Enterprise Agreement No. 11 (2026)

[1] Whittlesea City Council trading as City of Whittlesea (**the Council**) made an application, pursuant to s.185 of the *Fair Work Act 2009* (**the Act**), for approval of a single-enterprise agreement known as the *Whittlesea City Council Enterprise Agreement No 11 (2026)* (**the Agreement**). The Victorian Branch of the Australian Nursing and Midwifery Federation (**ANMF**), the Australian Municipal, Administrative, Clerical and Services Union (**ASU**) and Professionals Australia opposed the application on the grounds that the Agreement was not genuinely agreed to by employees. In particular, the Unions argue that the terms of the Agreement, and the effect of those terms, were not properly explained to maternal and child health employees (**MCH employees**).

[2] A hearing in this matter was held on Thursday 20 August 2026. On Friday 21 August 2026, I made an *ex tempore* decision dismissing the Council's application. Below is a brief summary of the reasons for decision, the full decision is recorded in transcript.

[3] Having considered all the submissions and evidence before me, I am not satisfied that all reasonable steps were taken by the Council to explain the terms of the Agreement (and their effect) to MCH employees as required under s.180(5) of the Act. In coming to this conclusion, I have had regard to the following:

- Some of the changes to Schedule 4 of the Agreement are not insignificant and impact to various degrees on employees' entitlements under the current Agreement. These changes warranted explanation of their effect to MCH employees in accordance with s.180(5), particularly given MCH employees had no representative present during the negotiations.
- Council's communication regarding the changes to Schedule 4 prior to the access period were inadequate given the nature of the changes. It would have been prudent and

reasonable for the Council to provide greater notice about the meetings, and to provide the proposed changes in writing before the access period.

- The written documents provided on 6 May 2026 set out the changes in the track changes document, but did not explain the effect of the changes. In addition, the summary of changes did not identify any change in Schedule 4.
- The meetings during the access period did not address the changes to Schedule 4. In addition, the PowerPoint presented in the meetings provided a message that there were no changes that impacted on employment conditions. In relation to Schedule 4, this statement is not accurate. The statement highlights that Council did not consider the changes in Schedule 4 needed to be identified or explained.
- The meeting of 13 May 2026, a day before voting commenced, did not adequately explain the effects of the changes to Schedule 4, and did not allow proper time for questions by MCH employees.

[4] I have found that the Council did not take all reasonable steps to ensure that the changes to Schedule 4, and the effects of those changes were explained to MCH employees. I therefore am not satisfied that Agreement was genuinely agreed to.

[5] For the reasons given above and in transcript, I am not satisfied that the Agreement was genuinely agreed to as required by s.186(2)(a). I therefore dismiss the application.



COMMISSIONER

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