

Division 2—Employers and employees may make enterprise agreements

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Enterprise agreements may be made about permitted matters

- (1) An agreement (an **enterprise agreement**) that is about one or more of the following matters (the **permitted matters**) may be made in accordance with this Part:
- (a) matters pertaining to the relationship between an employer that will be covered by the agreement and that employer's employees who will be covered by the agreement;
 - (b) matters pertaining to the relationship between the employer or employers, and the employee organisation or employee organisations, that will be covered by the agreement;
 - (c) deductions from wages for any purpose authorised by an employee who will be covered by the agreement;
 - (d) how the agreement will operate.

Note 1: For when an enterprise agreement **covers** an employer, employee or employee organisation, see section 53.

Note 2: An employee organisation that was a bargaining representative for a proposed enterprise agreement that is not a greenfields agreement will be covered by the agreement if the organisation notifies the FWC under section 183 that it wants to be covered.

Single-enterprise agreements

- (2) An employer, or 2 or more employers that are single interest employers, may make an enterprise agreement (a **single-enterprise agreement**):
- (a) with the employees who are employed at the time the agreement is made and who will be covered by the agreement; or
 - (b) with one or more relevant employee organisations if:

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- (i) the agreement relates to a genuine new enterprise that the employer or employers are establishing or propose to establish; and
- (ii) the employer or employers have not employed any of the persons who will be necessary for the normal conduct of that enterprise and will be covered by the agreement.

Note: The expression genuine new enterprise includes a genuine new business, activity, project or undertaking (see the definition of *enterprise* in section 12).

Multi-enterprise agreements

- (3) Two or more employers that are not all single interest employers may make an enterprise agreement (a ***multi-enterprise agreement***):
 - (a) with the employees who are employed at the time the agreement is made and who will be covered by the agreement; or
 - (b) with one or more relevant employee organisations if:
 - (i) the agreement relates to a genuine new enterprise that the employers are establishing or propose to establish; and
 - (ii) the employers have not employed any of the persons who will be necessary for the normal conduct of that enterprise and will be covered by the agreement.

Note: The expression genuine new enterprise includes a genuine new business, activity, project or undertaking (see the definition of *enterprise* in section 12).

Greenfields agreements

- (4) A single-enterprise agreement made as referred to in paragraph (2)(b), or a multi-enterprise agreement made as referred to in paragraph (3)(b), is a ***greenfields agreement***.

Single interest employers

- (5) Two or more employers are ***single interest employers*** if:

- (a) the employers are engaged in a joint venture or common enterprise; or
- (b) the employers are related bodies corporate; or
- (c) the employers are specified in a single interest employer authorisation that is in operation in relation to the proposed enterprise agreement concerned.

Requirement that there be at least 2 employees

- (6) An enterprise agreement cannot be made with a single employee.