

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Transport and Main Roads Operational Employees' Certified Agreement 2016 [2017] QIRC 053*

PARTIES: Department of Transport and Main Roads
and
Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland
and
Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland
and
The Australian Workers' Union of Employees, Queensland
and
The Electrical Trades Union of Employees Queensland
and
Together Queensland, Industrial Union of Employees
and
Transport Workers' Union of Australia, Union of Employees (Queensland Branch)

CASE NO: CB/2017/13

PROCEEDING: Certification of an Agreement

DELIVERED ON: 2 June 2017

HEARING DATE: 19 May 2017

HEARD AT: Brisbane

MEMBER: Deputy President Bloomfield

ORDER:	The Application to certify the <i>Transport and Main Roads Operational Employees' Certified Agreement 2016</i> is granted.
CATCHWORDS:	Industrial Law – Application for Certification of an Agreement – Requirements for Certification.
CASES:	<i>Industrial Relations Act 2016</i> , s 189, s 193, s 195, s 196, s 197, s 198, s 199, s 200, s 201, s 204, s 205, s 206, s 207, s 208, s 209, s 216, s 227, s 228.
APPEARANCES:	Mr J. Eakin and Ms J. Rodgers of the Department of Transport and Main Roads. Mr D. Goldman of Together Queensland, Industrial Union of Employees. Ms N. Sivakumar for The Australian Workers' Union of Employees, Queensland.

Decision

- [1] An Application to the Commission to certify an Agreement, pursuant to s 189 of the *Industrial Relations Act 2016* (the Act), has been made by the Director-General, Department of Transport and Main Roads (TMR). The Agreement is to apply to operational employees of TMR covered by the *Civil Construction, Operations and Maintenance General Award – State 2016* or the *Building, Engineering and Maintenance Services Employees (Queensland Government) Award – State 2016*. The Application has been made within 21 days of the date on which the Agreement was made (see s 189(3) of the Act).
- [2] The Agreement is between TMR and the undermentioned employee organisations:
- Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland;
 - Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
 - The Australian Workers' Union of Employees, Queensland;
 - The Electrical Trades Union of Employees Queensland;
 - Together Queensland, Industrial Union of Employees; and
 - Transport Workers' Union of Australia, Union of Employees (Queensland Branch),
- and has been signed by, or for all of, the parties.
- [3] In proceedings on Friday 19 May 2017 the Commission as presently constituted certified the Agreement subject to the parties addressing a number of typographical and

other wordsmithing changes – none of which affected the meaning and/or content of the Agreement. These matters have now been settled.

- [4] In certifying the Agreement, the Commission recorded (see s 193(1)(a) and (b) of the Act):
- each relevant requirement under subdivision 2 of Division 2 of Part 5 of the Act is satisfied for the Application (see ss 195, 196, 197, 198, 199, 200(1)(b) and 201(b)); and
 - there is nothing in the Agreement which would require the Commission to refuse to grant the Application under subdivision 3 of Division 2 of Part 5 of the Act (see ss 204, 205, 206, 207, 208 and 209).
- [5] The Commission also noted that the wage increases recorded at clause 5.1(a) of the Agreement will be applied administratively by TMR from 1 September 2016.
- [6] In accordance with s 216(a) of the Act the Agreement starts operating on the day it is certified, viz 19 May 2017. Although the nominal expiry date of the Agreement is 31 August 2019, the Agreement will continue to operate until it is terminated under s 227 or s 228 of the Act.
- [7] The Application to certify the *Transport and Main Roads Operational Employees' Certified Agreement 2016* is granted.