

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Department of Education State School Teachers' Certified Agreement 2019*
[2019] QIRC 179

PARTIES: **State of Queensland (Department of Education)**

and

Queensland Teachers Union of Employees

and

Together Queensland, Industrial Union of Employees

CASE NO: CB/2019/101

PROCEEDING: Certification of an agreement

DELIVERED ON: 19 November 2019

HEARING DATE: 19 November 2019

HEARD AT: Brisbane

MEMBER: O'Connor VP

ORDER: **1. The *Department of Education State School Teachers' Certified Agreement 2019* is certified.**

CATCHWORDS: INDUSTRIAL LAW – application for certification of an agreement – requirements for certification – agreement certified

LEGISLATION: *Industrial Relations Act 2016*, s 171, s 189, s 191, s 216, s 227, s 228

Industrial Relations (Tribunals) Rules 2011 r 93.

APPEARANCES: Mrs E Breen for the Department of Education

Ms K Ruttiman for the Queensland Teachers Union
of Employees

Mr K McKay for Together Queensland, Industrial
Union of Employees

Reasons for Decision

- [1] The State of Queensland (Department of Education) has made an application to certify the *Department of Education State School Teachers' Certified Agreement 2019* pursuant to section 189 of the *Industrial Relations Act 2016*. This Agreement replaces the *Department of Education and Training State School Teachers' Certified Agreement 2016*.
- [2] As required by s 189(3) of the Act, the application was made within 21 days of the date on which the agreement was made.
- [3] This Agreement will apply to:
- the Director-General, Department of Education as Chief Executive Officer of the Department of Education (the Department);
 - employees engaged under the *Teaching in State Education Award – State 2016* (Award), including those located at the Queensland College of Teachers and the Office of the Queensland Studies Authority;
 - Queensland Teachers' Union of Employees (QTU); and
 - Together Queensland, Industrial Union of Employees.
- [4] Accompanying the application for certification is an affidavit of Mrs Erica Breen (Director, Enterprise Bargaining) whereby she deposes that the Department undertook the following steps to ensure that each relevant employee had access to the proposed agreement at least 14 days prior to the vote:
- A copy of the proposed agreement was made available for download from the internal website on 23 August 2019 with a copy of the hyperlink was sent via email to each relevant employee by 20 August 2019.
 - A hyperlink to the internal website was advertised on the "One Portal" homepage.
- [5] Mrs Breen further deposes that the employer conducted a total of 22 presentations to affected employees in various locations across Queensland and a pre-recorded version of the employer's presentation was made available on the internal website.
- [6] Attached to Mrs Breen's affidavit is a copy of the official ballot results for the proposed

agreement with 21,500 total votes and 88.6% voting "YES" and 11.4% voting "NO". Whilst only 36.4% of affected employees responded to the ballot it is clear from those employees that did vote that there was an overwhelming majority who favored the new agreement.

- [7] In the period between providing the proposed agreement to employees and the filing of the application for certification the Department became aware of a number of typographical errors in the proposed agreement. At the hearing of the application for certification I was informed that all parties consented to amending the proposed agreement. I am satisfied that the amendments sought are formal or clerical in nature and the agreement may be amended pursuant to s 171(8)(a) of the IR Act.
- [8] The agreement operates from the day it was certified, namely 19 November 2019.¹ The nominal expiry date of the agreement is 30 June 2022 however, the agreement continues to operate until it is terminated under s 227 or s 228 of the Act.
- [9] The application to certify the *Department of Education State School Teachers' Certified Agreement 2019* is granted.
- [10] I make the following order:

1. The *Department of Education State School Teachers' Certified Agreement 2019* is certified.

¹ Ibid s 216(1).