

## QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Rockhampton Regional Council Child Care Employees Certified Agreement 2018* [2020] QIRC 015

PARTIES: **Rockhampton Regional Council**  
(Applicant)

v

**The Australian Workers' Union of Employees, Queensland**  
(Respondent)

CASE NO: CB/2019/128

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 31 January 2020

HEARING DATE: 31 January 2020

MEMBER: Hartigan IC

HEARD AT: Brisbane

ORDER: **1. The Rockhampton Regional Council Child Care Employees Certified Agreement 2018 is certified.**

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – Application for certification of an agreement – Requirements for certification – Agreement certified

LEGISLATION: *Industrial Relations Act 2016* (Qld), 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:

Ms N. Todd for the Rockhampton Regional Council

Ms S. Young for The Australian Workers' Union of Employees, Queensland

### Reasons for Decision

- [1] The Rockhampton Regional Council ("Council") has made an application to certify an agreement pursuant to s 189 of the *Industrial Relations Act 2016* ("the Act").
- [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 signed.
- [3] The parties bound by this agreement are the Council, The Australian Workers' Union of Employees, Queensland ("AWU") and the Employees, employed at the Rockhampton Regional Council City Child Care Centre engaged in the delivery of children's services or early childhood education, including teachers as requested by the Employer, who are members of the AWU or are eligible to become so and for whom a classification contained in this agreement and Division 2 Section 2 of the Queensland Local Government Industry (Stream A) Award – State 2017 applies ("the Employees").
- [4] The agreement has been signed for and by all parties to the agreement.<sup>1</sup>
- [5] In proceedings on 31 January 2020, the Commission, as presently constituted, certified the agreement.
- [6] In certifying the agreement, the Commission recognises that:<sup>2</sup>
  - (a) each relevant requirement pursuant to Subdivision 2 of Division 2 of Part 5 of the Act has been satisfied;<sup>3</sup> and
  - (b) that there were no matters in the agreement which would require the Commission to refuse to grant the application pursuant to Subdivision 3 of Division 2 of Part 5 of the Act.<sup>4</sup>
- [7] The agreement operates from the day it was certified, namely 31 January 2020.<sup>5</sup> Although the nominal expiry date of the agreement is 1 July 2022, the agreement continues to operate until it is terminated pursuant to ss 227 or 228 of the Act.

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<sup>1</sup> *Industrial Relations Act 2016* (Qld) s 196(1).

<sup>2</sup> Ibid ss 193(1)(a)-(b).

<sup>3</sup> Ibid ss 195, 196, 197, 198, 199, 200(1)(b), 201(b).

<sup>4</sup> Ibid ss 204, 205, 206, 207, 208, 209.

<sup>5</sup> Ibid s 216(1).

[8] The application to certify the *Rockhampton Regional Council Child Care Employees Certified Agreement 2018* is granted.

[9] I make the following order:

- 1. The *Rockhampton Regional Council Child Care Employees Certified Agreement 2018* is certified.**