

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Department of Education Cleaners' Certified Agreement 2018* [2019] QIRC 093

PARTIES: **State of Queensland (Department of Education)**
and
United Voice, Industrial Union of Employees, Queensland

CASE NO: CB/2019/38

PROCEEDING: Certification of an agreement

DELIVERED ON: 11 June 2019

HEARING DATE: 11 June 2019

HEARD AT: Brisbane

MEMBER: Vice President O'Connor

ORDER: **1. *The Department of Education Cleaners' Certified Agreement 2018* is certified.**

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

LEGISLATION: *Industrial Relations Act* 2016, s 189, s 196, s 201, s216, s 227, s 228

APPEARANCES: Ms M Creighton from the Department of Education
Mr D Peverill from United Voice, Industrial Union of Employees, Queensland

Reasons for Decision

- [1] The Department of Education has made an application to certify an agreement pursuant to section 189 of the *Industrial Relations Act* 2016. 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. The agreement is between the Department and the following employee organisations:
- United Voice, Industrial Union of Employees, Queensland
- [2] The Department advised the Commission that it sought leave to make two amendments to the proposed agreement. The first is to replace page 25 of the proposed agreement which includes section 7.6 titled "Industrial relations education leave". The Department submits that this section currently exists at section 7.2 of the *Department of Education and Training (Education) Cleaners' Certified Agreement 2015*. It is said that it was the intention of the parties to carry forward this provision into the new agreement, however, it was omitted because of a clerical error during drafting of the new agreement. The second amendment is to replace page 2 of the agreement with a new page 2 which includes section 1.3 titled "arrangement".
- [3] The parties agree to the proposed amendment and I am satisfied that the amendment can be made because it may be characterised as a clerical amendment pursuant to section 171(8)(a) of the Act.
- [4] The agreement is to apply to the Department and all of its employees for whom classifications and rates of pay are prescribed in the agreement.
- [5] I note that the agreement is signed by all of the listed parties.¹ Having regard to the material filed in support of the application including the affidavit of Marie Creighton sworn 14 May 2019 which outlines the steps taken to ensure compliance with the requirements of the Act, I am satisfied that this application should be granted.
- [6] The agreement operates from the day it was certified, namely 11 June 2019.² The nominal expiry date of the agreement is 31 August 2021; however, the agreement continues to operate until it is terminated under s 227 or s 228 of the Act.
- [7] The application to certify the *Department of Education Cleaners' Certified Agreement 2018* is granted.
- [8] I make the following order:

¹ *Industrial Relations Act* 2016, s 196(1)(b).

² *Ibid* s 216(1).

- 1. The *Department of Education Cleaners' Certified Agreement 2018* is certified.**