

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Moreton Bay Regional Council Certified Agreement 2019 EBA4 [2019] QIRC 161*

PARTIES: **Moreton Bay Regional Council**

AND

The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees

Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland

The Australian Workers' Union of Employees, Queensland

Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

Queensland Nurses and Midwives' Union of Employees

Queensland Services, Industrial Union of Employees

CASE NO: CB/2019/96

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 28 October 2019

HEARING DATE: 28 October 2019

HEARD AT: Brisbane

MEMBER: Merrell DP

ORDER: **1. *The Moreton Bay Regional Council Certified Agreement 2019 EBA4 is certified.***

CATCHWORDS:	INDUSTRIAL LAW – COLLECTIVE BARGAINING – Application for certification of an agreement – requirements for certification – Agreement certified
LEGISLATION:	<i>Industrial Relations Act 2016</i> , s 189, s 227 and s 228
APPEARANCES:	<p>Ms S. Mitanis of Local Government Association Queensland for Moreton Bay Regional Council.</p> <p>Mr A. Santelises for The Australian Workers' Union of Employees, Queensland</p> <p>Mr C. Murray for the Queensland Nurses and Midwives' Union of Employees</p> <p>Ms M. Robertson for Queensland Services, Industrial Union of Employees</p>

Reasons for Decision

- [1] On 26 September 2019, Moreton Bay Regional Council ('the Applicant') pursuant to s 189 of the *Industrial Relations Act 2016* ('the Act'), made application to certify the *Moreton Bay Regional Council Certified Agreement 2019 EBA4* ('the agreement').
- [2] By cl 1.4 of the agreement, the named parties are the Applicant and the following employee organisations:
- The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees;
 - Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland;
 - The Australian Workers' Union of Employees, Queensland;
 - Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
 - Queensland Nurses and Midwives' Union of Employees; and
 - Queensland Services, Industrial Union of Employees.
- [3] The agreement is signed by all the above-mentioned parties.
- [4] The agreement covers:
- the Applicant; and

- the Applicant's employees for whom classifications are contained in the *Queensland Local Government Industry (Stream A) Award-State 2017*, the *Queensland Local Government Industry (Stream B) Award-State 2017* and the *Queensland Local Government Industry (Stream C) Award-State 2017* except for a senior officer as defined in div 2, s 1, cl 4.2(c) of the *Queensland Local Government Industry (Stream A) Award-State 2017*; and
- the employee organisations referred to in paragraphs [2] and [4] of these reasons.

[5] Having regard to the submissions made by the parties who appeared today and to the affidavit of Mr Anthony Martini, Acting Chief Executive Officer of the Applicant, filed on 26 September 2019:

- I am satisfied of each relevant requirement in ch 4, pt 5, div 2, sub-div 2 of the Act; and
- there is nothing in the agreement which would require me to refuse to grant the application pursuant to ch 4, pt 5, div 2, sub-div 3 of the Act.

[6] The application to certify the *Moreton Bay Regional Council Certified Agreement 2019 EBA4* is granted.

[7] The *Moreton Bay Regional Council Certified Agreement 2019 EBA4* operates from the day it is certified, namely 28 October 2019.

[8] Although the nominal expiry date of the *Moreton Bay Regional Council Certified Agreement 2019 EBA4* is 30 June 2022, it continues to operate until it is terminated under s 227 or s 228 of the Act.

[9] I make the following order:

- 1. The *Moreton Bay Regional Council Certified Agreement 2019 EBA4* is certified.**