

## QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the State Government Entities Certified Agreement 2019 [2020] QIRC 088*

PARTIES: **State of Queensland**

and

**Together Queensland, Industrial Union of Employees**

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

**Australian Institute of Marine and Power Engineers' Union of Employees, Queensland District**

**The Australian Workers' Union of Employees, Queensland**

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

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

**The Electrical Trades Union of Employees Queensland**

**Australian Maritime Officers Union Queensland Union of Employees**

**Plumbers & Gasfitters Employees' Union Queensland, Union of Employees**

**Queensland Nurses and Midwives' Union of Employees**

**Shop, Distributive and Allied Employees Association (Queensland Branch) Union of Employees**

**Transport Workers' Union of Australia, Union of Employees (Queensland Branch)**

**United Voice, Industrial Union of Employees,  
Queensland**

CASE NO: CB/2020/19

PROCEEDING: Certification of an agreement

DELIVERED ON: 9 June 2020 (written reasons 16 May 2020)

HEARING DATE: 9 June 2020

HEARD AT: Brisbane

MEMBER: O'Connor VP

ORDER: **1. The *State Government Entities 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

APPEARANCES:

Ms L Gribbin for the State of Queensland

Mr M Thomas of Together Queensland, Industrial Union of Employees

Mr B Watson of The Australian Workers' Union of Employees, Queensland

Ms K Flynn of The Electrical Trades Union of Employees Queensland

Mr K Scherf of the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland and Plumbers & Gasfitters Employees' Union Queensland, Union of Employees

Mr S Ong of United Voice, Industrial Union of Employees, Queensland

## Reasons for Decision

- [1] This is an application to certify the *State Government Entities Certified Agreement 2019* pursuant to section 189 of the *Industrial Relations Act 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 State of Queensland;
  - Employees employed in the entities specified in Appendix 1 [of the agreement], for whom rates of pay, conditions of employment and entitlements are provided for in this Agreement; and
  - The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees; Australian Institute of Marine and Power Engineers' Union of Employees, Queensland District; The Australian Workers' Union of Employees, Queensland; Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland; The Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland; The Electrical Trades Union of Employees Queensland; Australian Maritime Officers Union Queensland, Union of Employees; Plumbers and Gasfitters Employees' Union Queensland, Union of Employees; Queensland Nurses' and Midwives Union of Employees; Shop, Distributive and Allied Employees Association (Queensland Branch) Union of Employees; Together Queensland, Industrial Union of Employees; Transport Workers' Union of Australia, Union of Employees (Queensland Branch); and United Voice, Industrial Union of Employees, Queensland.
- [4] Mr Alex Scott, the Secretary of the Together Union, deposes to the following in compliance with s 171 of the Act:
- In the week commencing 9 March 2020 individual departments sent an email to all employees advising them of the proposed agreement.
  - Information regarding the agreement, including the key terms and a copy of the agreement was made available on the Forgov website.
  - An electronic ballot commenced on 24 March 2020 and closed on 3 April 2020.
  - A valid majority of the employees approved the agreement, specifically a total of 15,283 employees or 46.1% (out of approximately 33,159 eligible employees) voted on the agreement. Of those employees who voted on the proposed Core Agreement, 97% voted in support.

- The employer took all reasonable steps to ensure that at least 14 days before the ballot all relevant employees were given ready access to the proposed agreement.
- The employer took reasonable steps to ensure the terms of the agreement and all employees were given the opportunity to ask questions about the agreement at any time before the ballot.

[5] Accompanying the application for certification is an affidavit of Ms Lauren Gribbin (Director, Industrial Relations Public Sector, Office of Industrial Relations) which contained information on the following topics:

- the total number of employees to be covered by the proposed Agreement;
- the number of female and male employees covered by the proposed agreement;
- the average weekly earnings of employees under the proposed agreement;
- steps taken to provide for equal remuneration for work of equal or comparable value under the proposed agreement; and
- provisions to ensure equality of employment opportunity for male and female employees;

[6] Ms Gribben provided the Commission with an additional affidavit which detailed a number of amendments to be made to the proposed agreement. The amendments were predominantly clerical errors that had been identified and the amendments were made with consent and in accordance with s 171(8)(a) and (b) of the IR Act.

[7] In certifying the agreement, the Commission recognises that: each relevant requirement under subdivision 2 of Division 2 of Part 5 of the Act has been satisfied; and, that there was 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.

[8] The agreement operates from the day it was certified, namely 9 June 2020.<sup>1</sup> The nominal expiry date of the agreement is 31 August 2023 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 *State Government Entities Certified Agreement 2019* is granted.

[10] I make the following order:

---

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

- 1. The *State Government Entities Certified Agreement 2019* is certified.**