

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Transport and Main Roads Enterprise Bargaining Certified Agreement 2019 [2020] QIRC 156*

PARTIES: **State of Queensland (Department of Transport and Main Roads)**
(Applicant)

v

Together Queensland, Industrial Union of Employees
(First Respondent)

&

The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees
(Second Respondent)

&

Australian Institute of Marine and Power Engineers' Union of Employees, Queensland District
(Third Respondent)

&

United Voice, Industrial Union of Employees, Queensland
(Fourth Respondent)

CASE NO: CB/2020/66

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 3 September 2020

MEMBER: Knight IC

HEARD AT: On the papers

ORDER: **1. The *Transport and Main Roads Enterprise Bargaining Certified Agreement 2019* is certified.**

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

LEGISLATION: *Industrial Relations Act 2016*

Reasons for Decision

- [1] The State of Queensland (Department of Transport and Main Roads) ("the Applicant") has applied to certify the *Transport and Main Roads Enterprise Bargaining Certified Agreement 2019* ("the certified agreement"), pursuant to s 189¹ of the *Industrial Relations Act 2016* ("the Act").
- [2] Pursuant to s 952S(2) of the Act, the application must be decided without a hearing.
- [3] I have had regard to the material filed in support of the application, including the affidavits of Mr Neil Scales, Director-General, Department of Transport and Main Roads, each affirmed on 26 August 2020.
- [4] As required by s 189(3) of the Act, the application was made within 21 days of the date on which the certified agreement was signed.
- [5] The parties bound by this certified agreement are:
- State of Queensland (Department of Transport and Main Roads);
 - Together Queensland, Industrial Union of Employees;
 - The Association of Professional Engineers, Scientists and Managers of Australia, Queensland Branch, Union of Employees;
 - Australian Institute of Marine and Power Engineers' Union of Employees, Queensland District; and
 - United Voice, Industrial Union of Employees, Queensland.

¹ As modified by s 952R of the Act.

- [6] The certified agreement applies to the State of Queensland, and employees of the Department of Transport and Main Roads covered by awards listed at cl 1.5 of the certified agreement.²
- [7] While s 952W of the Act excludes the application of s 196 of the Act, I note that the agreement has been signed for and by all parties to the agreement.
- [8] In certifying the agreement, I am satisfied that each relevant requirement pursuant to ch 4, pt 5, div 2, sub-div 2 (as modified by ch 15A) of the Act has been discharged.
- [9] I note that s 952Y of the Act operates so that the provisions of ch 4, pt 5, div 2, sub-div 3 do not apply.
- [7] The certified agreement operates from the day it is certified, namely 3 September 2020.³
- [8] Although the nominal expiry date of the certified agreement is 30 June 2022, it continues to operate until it is terminated.⁴
- [9] I make the following order:

1. *The Transport and Main Roads Enterprise Bargaining Certified Agreement 2019 is certified.*

² cl 1.3.

³ s 216(1) of the Act.

⁴ ss 227 and 228 of the Act.