

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the QBuild Office Staff Certified Agreement 2019 [2020] QIRC 160*

PARTIES: **State of Queensland (Department of Housing and Public Works)**
(Applicant)

v

Together Queensland, Industrial Union of Employees
(First Respondent)

and

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

CASE NO: CB/2020/72

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 4 September 2020

MEMBER: Hartigan IC

HEARD AT: On the papers

ORDER: **1. The *QBuild Office Staff 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* (Qld), s 189, s 193, s 198, s 199, s 200, s 201, s 216, s 227,

s 228, s 952R, s 952S, s 952T, s 952U, s 952V,
s 952W, s 952X, s 952Y

Reasons for Decision

- [1] The State of Queensland (Department of Housing and Public Works) ("the Department") has applied to certify the *QBuild Office Staff Certified Agreement 2019* ("the certified agreement"), pursuant to s 189¹ of the *Industrial Relations Act 2016* (Qld) ("the Act").
- [2] Pursuant to s 952S(2) of the Act, the application must be decided without a hearing. I have considered the material filed in support of the application, including the affidavits of Ms Liza Carroll, Director-General of the Department, each filed on 28 August 2020.
- [3] 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.
- [4] The parties bound by this certified agreement² are:
- persons employed in QBuild, a business unit of the Department and for whom their classifications and wage rates are prescribed in the certified agreement, excluding employees referred to in clause 1.3(2) of the certified agreement;
 - the Department;
 - Together Queensland, Industrial Union of Employees ("Together"); and
 - Professionals Australia.
- [5] I am satisfied that the certified agreement is in writing and a majority of the negotiating parties, being the Department and Together, have agreed on the terms of the certified agreement.³
- [6] In certifying the agreement, I am satisfied that each relevant requirement pursuant to Chapter 4, part 5, division 2, subdivision 2, as modified by Chapter 15A, of the Act has been discharged. I further note that s 952Y of the Act operates so that the provisions of Chapter 4, part 5, division 2, subdivision 3 do not apply.⁴

¹ As modified by s 952R of the Act.

² See cl 1.3(3) of the agreement.

³ *Industrial Relations Act 2016* (Qld) ss 952W(2)-(3).

⁴ Including ss 204-209 of the Act, "Refusal to grant applications".

- [7] The certified agreement operates from the day it was certified, namely 4 September 2020.⁵ Although the nominal expiry date of the certified agreement is 31 May 2023, the agreement continues to operate until it is terminated pursuant to ss 227 or 228 of the Act.
- [8] The application to certify the *QBuild Office Staff Certified Agreement 2019* is granted.
- [9] I make the following order:

- 1. The *QBuild Office Staff Certified Agreement 2019* is certified.**

⁵ *Industrial Relations Act 2016* (Qld) s 216(1).