

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the QBuild Field Staff Certified Agreement 2019 [2020] QIRC 162*

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

v

Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland
(First Respondent)

and

Plumbers & Gasfitters Employees' Union Queensland, Union of Employees
(Second Respondent)

and

The Australian Workers' Union of Employees, Queensland
(Third Respondent)

and

The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland
(Fourth Respondent)

and

The Electrical Trades Union of Employees Queensland
(Fifth Respondent)

and

**Together Queensland, Industrial Union of
Employees**
(Sixth Respondent)

CASE NO: CB/2020/74

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 4 September 2020

MEMBER: Hartigan IC

HEARD AT: On the papers

ORDER: **1. The *QBuild Field 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 Field 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.

¹ As modified by s 952R of the Act.

- [4] The parties bound by this certified agreement² are:
- (a) the Department;
 - (b) persons employed in QBuild, a business unit of the Department, who are designated as field staff, including apprentices, who are covered by the *Building, Engineering and Maintenance Services Employees (Queensland Government) Award – State 2016* (BEMS Award), and whose rates of pay are in accordance with the certified agreement and for whom their classifications and wage rates are prescribed herein;
 - (c) the following unions:
 - (i) Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland;
 - (ii) Plumbers & Gasfitters Employees' Union Queensland, Union of Employees;
 - (iii) The Australian Workers' Union of Employees, Queensland;
 - (iv) The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
 - (v) The Electrical Trades Union of Employees Queensland; and
 - (vi) Together Queensland, Industrial Union of Employees.
- [5] Whilst s 952W of the Act excludes the application of s 196 of the Act, I note that the certified agreement has been signed for and by all parties to 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
- [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 August 2022, the certified agreement continues to operate until it is terminated pursuant to ss 227 or 228 of the Act.

² See cl 1.3(3) of the agreement.

³ *Industrial Relations Act 2016* (Qld) ss 952W(2)-(4).

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

⁵ *Ibid* s 216(1).

[8] The application to certify the *QBuild Field Staff Certified Agreement 2019* is granted.

[9] I make the following order:

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