

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Torres Strait Island Regional Council Certified Agreement 2021*
[2021] QIRC 304

PARTIES: **Torres Strait Island Regional Council**

AND

The Australian Workers' Union of Employees, Queensland

Queensland Services, Industrial Union of Employees

CASE NO: CB/2021/30

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 1 September 2021

HEARING DATE: 1 September 2021

MEMBER: McLennan IC

HEARD AT: Brisbane

ORDER: ***The Torres Strait Island Regional Council Certified Agreement 2021 is certified***

CATCHWORDS: INDUSTRIAL LAW - COLLECTIVE BARGAINING - application for certification of agreement - requirements for certification - agreement certified

LEGISLATION: *Industrial Relations Act 2016* (Qld) s 189, s 227, s 228

APPEARANCES: Ms T Burrell and Ms P Sam for Torres Strait Island Regional Council

Mr S Boman for Queensland Services,
Industrial Union of Employees

Mr D Marr for the Australian Workers' Union
of Employees, Queensland

Reasons for Decision

- [1] On 3 August 2021, Torres Strait Island Regional Council ('the Applicant'), pursuant to s 189 of the *Industrial Relations Act 2016* ('the Act'), made an application to certify the *Torres Strait Island Regional Council Certified Agreement 2021* ('the agreement').
- [2] The named parties to the agreement are set out at cl 1.3. In addition to the Applicant the following employee organisations are listed as parties to the agreement:
 - Australian Workers' Union of Employees, Queensland; and
 - Queensland Services, Industrial Union of Employees.
- [3] The agreement is signed by all the above-mentioned parties.
- [4] The agreement applies to Torres Strait Island Regional Council and all its employees employed under:
 - *Queensland Local Government Industry (Stream A) Award – State 2017*
 - *Queensland Local Government Industry (Stream B) Award – State 2017*
 - *Queensland Local Government Industry (Stream C) Award – State 2017*
- [5] The agreement does not apply to the Senior Officer positions as defined in div 2, s 1, cl 4.2 of the *Queensland Local Government Industry (Stream A) Award – State 2017* who are employed pursuant to a written contract of employment, in the terms provided at cls 1.2.2.1 and 1.2.2.2 of the agreement.
- [6] Having regard to the submissions made by the parties who appeared today and to the Affidavit of Mr David Baldwin, Acting Chief Executive Officer of Torres Strait Island Regional Council, filed on 3 August 2021:
 - 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.

[7] The application to certify the *Torres Strait Island Regional Council Certified Agreement 2021* is granted.

[8] The *Torres Strait Island Regional Council Certified Agreement 2021* operates from the day it is certified, namely 1 September 2021.

[9] Although the nominal expiry date of the *Torres Strait Island Regional Council Certified Agreement 2021* is three years after the certification of the agreement, it continues to operate until it is terminated under s 227 or s 228 of the Act.

[10] I make the following order:

- 1. The *Torres Strait Island Regional Council Certified Agreement 2021* is certified.**