

## QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Central Highlands Regional Council Certified Agreement 2021-2024 [2021] QIRC 329*

PARTIES: **Central Highlands Regional Council**

AND

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

**Queensland Services, Industrial Union of Employees**

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

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

CASE NO: CB/2021/42

PROCEEDING: Application for certification of an Agreement

DELIVERED ON: 23 September 2021

HEARING DATE: 23 September 2021

MEMBER: Knight IC

HEARD AT: Brisbane

ORDER: ***The Central Highlands Regional Council Certified Agreement 2021-2024 is certified.***

CATCHWORDS: INDUSTRIAL LAW – QUEENSLAND – AGREEMENTS – application for certification of a certified agreement – requirements for certification – agreement certified

LEGISLATION: *Industrial Relations Act 2016 (Qld) ch 4*

## APPEARANCES:

Ms M Webster of the Central Highlands Regional Council

Mr D Marr of The Australian Workers' Union of Employees, Queensland

Mr S Bowman of the Queensland Services, Industrial Union of Employees

### Reasons for Decision

- [1] On 13 September 2021, the Central Highlands Regional Council ('the Council') made an application pursuant to s 189 of the *Industrial Relations Act 2016* (Qld) ('the IR Act') to certify the *Central Highlands Regional Council Certified Agreement 2021-2024* ('the agreement').
- [2] The named parties to the agreement are the Council and the following employee organisations:
  - The Australian Workers' Union of Employees, Queensland ('the AWU');
  - Queensland Services, Industrial Union of Employees ('QSU');
  - The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ('the CFMEUQ'); and
  - Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland ('the AMWU').
- [3] The agreement is signed by all the above-mentioned parties. The AWU and QSU appeared today and consented to the present application. On 16 and 17 September 2021 respectively, the AMWU and CFMEUQ sought and obtained leave to be excused from appearing on the basis those organisations also consent to the application.
- [4] The agreement applies to all employees of the Council who are covered by the following awards:
  - (a) Queensland Local Government Industry (Stream A) Award – State 2017;
  - (b) Queensland Local Government Industry (Stream B) Award – State 2017;
  - (c) Queensland Local Government Industry (Stream C) Award – State 2017; and
  - (d) Training Wage Award – State 2012.
- [5] However, the agreement does not apply where the:
  - (a) employment contract states that the agreement shall not apply to the terms and conditions applicable to the employee; and

- (b) terms and conditions of the employment contract do not result, on balance, in a reduction of the overall terms and conditions of employment applicable to the employee under the agreement, and do not displace and are not otherwise inconsistent with the Queensland Employment Standards.
- [6] Having regard to the submissions made by the parties who appeared at the hearing today, as well as the affidavit of Mr Jason Hoolihan, Acting General Manager Infrastructure and Utilities of the Council, filed on 13 September 2021:
- I am satisfied of each relevant requirement in ch 4, pt 5, div 2, sub-div 2 of the IR 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 IR Act.
- [7] The application to certify the agreement is granted. The agreement operates from the day it is certified, being today's date, 23 September 2021.
- [8] Although the nominal expiry date of the agreement is 30 June 2024, it continues to operate until it is terminated under either s 227 or s 228 of the IR Act.
- [9] I make the following order:

***The Central Highlands Regional Council Certified Agreement 2021-2024 is certified.***