

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Lockyer Valley Regional Council Certified Agreement – Officers 2021*
[2021] QIRC 420

PARTIES: **Lockyer Valley Regional Council**

AND

Queensland Services, Industrial Union of Employees

United Voice, Industrial Union of Employees, Queensland

Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees

The Australian Workers' Union of Employees, Queensland

CASE NO: CB/2021/59

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 9 December 2021

HEARING DATE: 9 December 2021

MEMBER: McLennan IC

HEARD AT: Brisbane

ORDER: ***The Lockyer Valley Regional Council Certified Agreement – Officers 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 193, s 195, s 169, s 171, s 172, s 227, s 228,
s 246, s 250, s 251

APPEARANCES:

Mr C Drew, Mr D McPherson and Ms K
Natalier for Lockyer Valley Regional Council

Mr D Cutler and Ms S Wilson for Queensland
Services, Industrial Union of Employees

Mr D Peverill for United Voice, Industrial
Union of Employees, Queensland

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

Reasons for Decision

- [1] On 22 November 2021, Lockyer Valley Regional Council ('the Applicant'), pursuant to s 189 of the *Industrial Relations Act 2016* ('the Act'), made an application to certify the *Lockyer Valley Regional Council Certified Agreement – Officers 2021* ('the agreement').
- [2] The named parties to the agreement are set out at cl 7. In addition to the Applicant the following employee organisations are listed as parties to the agreement:
 - Queensland Services, Industrial Union of Employees;
 - United Voice, Industrial Union of Employees, Queensland;
 - Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees; and
 - The Australian Workers' Union of Employees, Queensland.
- [3] The agreement is signed by all the above-mentioned parties.
- [4] The agreement applies to Lockyer Valley Regional Council and its employees in professional, technical or administrative roles ('officers') employed under:
 - *Queensland Local Government Industry (Stream A) 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*.
- [6] Section 193 of the *Industrial Relations Act 2016* (Qld) sets out the requirements for the Commission's decision when deciding an application for certification of an agreement. The Commission must grant such application if each requirement under sub-div 2 is satisfied. Section 195 requires that the Commission must be satisfied that the things required by ss 169, 171 and 172 were done. In this case, the precise timeframes set out under s 169(4) for Council to give the notice of intention to the other proposed parties to the negotiations was more than six months. In the course of the Hearing of this matter, Council made an oral application that I exercise powers under s 539(e) to "correct, amend or waive an error defect or irregularity in the proceedings, whether substantive or formal". The Unions represented at the Hearing of this matter consented to Council's oral application. There being no dissent to this course, I have determined to exercise the powers under s 539(e).
- [7] Section 250(2)(a) of the *Industrial Relations Act 2016* (Qld) provides that an application for the certification of an Agreement must be accompanied by an Affidavit that (amongst other requirements) "contains the wage related information for the employees who are or will be covered by the proposed bargaining instrument". The "wage related information" is defined at s 246. The two Affidavits of Mr Ian Church sworn on 16 November 2021 and 9 December 2021 did not address the matters prescribed at s 246(b), (c) and (d). To address that issue, I proposed to exercise powers under s 251(2), (3) to order that Council provide a further Affidavit by 4 pm on 10 December 2021 addressing those matters omitted. There being no dissent to this course, I have determined to exercise the powers under s 251(2), (3).
- [8] Having regard to the submissions made by the parties who appeared today, to the Affidavits of Mr Ian Church, Chief Executive Officer of Lockyer Valley Regional Council sworn on 16 November and 9 December 2021 and to the matters outlined at paragraphs [6] and [7] above:
- I can be 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.
- [9] The application to certify the *Lockyer Valley Regional Council Certified Agreement – Officers 2021* is granted.
- [10] The *Lockyer Valley Regional Council Certified Agreement – Officers 2021* operates from the day it is certified, namely 9 December 2021.

[11] Although the nominal expiry date of the *Lockyer Valley Regional Council Certified Agreement – Officers 2021* is two years from the certification of the agreement, it continues to operate until it is terminated under ss 227 or 228 of the Act.

[12] I make the following order:

The *Lockyer Valley Regional Council Certified Agreement – Officers 2021* is certified.