

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Somerset Regional Council - Field Staff Certified Agreement 2020* [2021] QIRC 432

PARTIES: **Somerset Regional Council**

and

The Australian Workers' Union of Employees, Queensland

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

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

Transport Workers' Union of Australia, Union of Employees (Queensland Branch)

CASE NO: CB/2021/63

PROCEEDING: Certification of an agreement

DELIVERED ON: 21 December 2021

HEARING DATE: 21 December 2021

MEMBER: Pidgeon IC

HEARD AT: Brisbane

ORDER: **1. *The Somerset Regional Council - Field Staff Certified Agreement 2020* is certified.**

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

LEGISLATION: *Industrial Relations Act* 2016, s 189, s 193, s 195, s 196, s 197, s 198, s 199, s 200, s 201, s 204,

s 205, s 206, s 207, s 208, s 209, s 216, s 227,
s 228.

APPEARANCES:

Ms Todd of the LGAQ

Mr McQuillan of the AWU

Reasons for Decision

- [1] The Somerset Regional Council has made an application to certify an agreement pursuant to s 189 of the *Industrial Relations Act 2016* (the Act). As required by s 189(3) of the Act, the application was made within 21 days of the date on which the agreement was made. The agreement is between the Somerset Regional Council and the following employee organisations:
- The Australian Workers' Union of Employees, Queensland;
 - The Construction, Forestry, Mining & Energy, Industrial Union of Employees;
 - Automotive, Metals, Engineering, Printing and Kindred Industrial Union of Employees, Queensland; and
 - Transport Workers' Union of Australia, Union of Employees (Queensland Branch)
- [2] The agreement has been signed by all parties to the agreement,¹ and the agreement was approved by a valid majority of relevant employees in a properly conducted ballot.²
- [3] The agreement replaces the pre-existing agreement, *Somerset Regional Council - Field Staff Certified Agreement 2020*.
- [4] In certifying the agreement, the Commission has regard to the submissions of the parties and the affidavit of Andrew Johnson, Chief Executive Officer signed 26 November 2021. The Commission determines that:³
- Each relevant requirement under subdivision 2 of Division 2 of Part 5 of the Act has been satisfied;⁴ and

¹ *Industrial Relations Act 2016*, s 196(1).

² Affidavit of Andrew Johnson, Chief Executive Officer signed 26 November 2021.

³ *Industrial Relations Act 2016*, ss 193(1)(a)-(b).

⁴ *Ibid* ss 195, 196, 197, 198, 199, 200(1)(b), 201(b).

- there was nothing in the agreement which would require the Commission to refuse to grant the application under subdivision 3 of Division 2 of Part 5 of the Act.⁵

[5] The agreement operates from the day it was certified, namely 21 December 2021.⁶ Although the nominal expiry date of the agreement is 30 June 2023, the agreement continues to operate until it is terminated under s 227 or s 228 of the Act.

[6] The application to certify the *Somerset Regional Council - Field Staff Certified Agreement 2020* is granted.

[7] I make the following order:

1. **That the *Somerset Regional Council - Field Staff Certified Agreement 2020* is certified.**

⁵ Ibid ss 204, 205, 206, 207, 208, 209.

⁶ Ibid s 216(a).