

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Bundaberg Regional Council
Certified Agreement 2021 [2022] QIRC 007*

PARTIES: **Bundaberg Regional Council**

AND

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

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

**The Plumbers & Gasfitters Employees' Union of
Queensland, Union of Employees**

**Electrical Trades Union, Queensland and
Northern Territory**

**Construction, Forestry, Mining and Energy,
Industrial Union of Employees (CFMEU)
Queensland & Northern Territory Branch**

**Queensland Services, Industrial Union of
Employees**

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

CASE NO: CB/2021/65

PROCEEDING: Application for certification of an Agreement

DELIVERED ON: 13 January 2022

HEARING DATE: 13 January 2022

MEMBER: Knight IC

HEARD AT: Brisbane

ORDERS:	The <i>Bundaberg Regional Council Certified Agreement 2021</i> is certified.
CATCHWORDS:	INDUSTRIAL LAW – QUEENSLAND – AGREEMENTS – application for certification of a certified agreement – requirements for certification – agreement certified
LEGISLATION:	<i>Industrial Relations Act 2016</i> (Qld) ch 4
APPEARANCES:	<p>Ms M Martin off the Local Government Association of Queensland for the Bundaberg Regional Council</p> <p>Mr D Marr of the Australian Workers' Union of Employees, Queensland</p> <p>Mr J Donaghy and Ms J Wiggan of Queensland Services, Industrial Union of Employees</p> <p>Ms A Jack of the Association of Professional Engineers, Scientists and Managers Australia, Queensland Branch, Union of Employees</p>

Reasons for Decision

- [1] On 13 December 2021, the Bundaberg Regional Council ('the Council') made an application pursuant to s 189 of the *Industrial Relations Act 2016* (Qld) ('the IR Act') to certify the *Bundaberg Regional Council Certified Agreement 2021* ('the agreement').
- [2] The named parties to the agreement are the Council and the following employee organisations:
 - The Australian Workers' Union of Employees, Queensland ('AWU');
 - Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland ('AMWU');
 - The Plumbers & Gasfitters Employees' Union of Queensland, Union of Employees ('PGEU');
 - Electrical Trades Union, Queensland and Northern Territory ('ETU');
 - The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ('CFMEUQ');
 - Queensland Services, Industrial Union of Employees ('QSU'); and

- The Association of Professional Engineers, Scientists and Managers Australia, Queensland Branch, Union of Employees ('Professionals Australia').
- [3] The agreement is signed by all the above-mentioned parties, except for the ETU.
- [4] On 15 December 2021, the ETU wrote to the Commission and confirmed:
- The ETU agrees to the terms of the Agreement but does not intend to sign the Agreement, however, wishes to be a party to and covered by the agreement.¹
- [5] In the same correspondence, the ETU sought leave to be excused from appearing which was granted on the basis the ETU consented to the present application and would submit to any order or certification made in its absence. The AMWU,² PGEU³ and CFMEUQ⁴ also sought and obtained leave to be excused on the same basis.
- [6] The AWU, QSU and Professionals Australia appeared today and consented to the present application.
- [7] 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.
- [8] However, the agreement does not apply to any employee appointed to the position of Chief Executive Officer or senior officers pursuant to a written common law contract of employment as per s 4.2 of the Queensland Local Government Industry (Stream A) Award – State 2017 Division 2 Section 1.
- [9] Having regard to the submissions made by the parties who appeared at the hearing today, as well as the affidavit of Mr Stephen Johnston, Chief Executive Officer of the Council, filed on 13 December 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.

¹ Letter from the ETU signed by State Secretary Peter Ong and dated 15 December 2021.

² Letter from the AMWU signed by State Secretary Rohan Webb and dated 20 December 2021.

³ Correspondence from the PGEU received 13 January 2022.

⁴ Correspondence from the CFMEUQ received 13 January 2022.

- [10] The application to certify the agreement is granted. The agreement operates from the day it is certified, being today's date, 13 January 2022.
- [11] Although the nominal expiry date of the agreement is 13 January 2025, it continues to operate until it is terminated under either s 227 or s 228 of the IR Act.
- [12] I make the following order:

The *Bundaberg Regional Council Certified Agreement 2021* is certified