

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Southern Downs Regional Council Certified Agreement 2021 – Operational Employees [2022] QIRC 063*

PARTIES: **Southern Downs Regional Council**

AND

The Australian Workers' Union of Employees, Queensland

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

Transport Workers Union of Australia, Union of Employees

CASE NO: CB/2021/67

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 25 February 2022

HEARING DATE: 25 February 2022

MEMBER: Dwyer IC

HEARD AT: Brisbane

ORDER: **1. The Southern Downs Regional Council Certified Agreement 2021 – Operational Employees 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, ch 4, pt 5, div 2, sub-divs 2 and 3, s 227 and s 228

APPEARANCES: Ms S Wishart and Ms B March for the Southern Downs Regional Council

Mr P Dunbar for the Construction, Forestry, Maritime, Mining & Energy, Industrial Union of Employees, Queensland

Mr G Taylor for the Australian Workers' Union of Employees, Queensland

Reasons for Decision

- [1] On 23 December 2021, Southern Downs Regional Council ('the Applicant'), pursuant to s 189 of the *Industrial Relations Act 2016 (Qld)* ('the Act'), made an application to certify the *Southern Downs Regional Council Certified Agreement 2021 – Operational Employees* ('the agreement').
- [2] The named parties to the agreement are set out at Clause 1.4. In addition to the Applicant, the following employee organisations are listed as parties to the agreement:
 - The Australian Workers' Union of Employees, Queensland;
 - The Construction, Forestry, Maritime, Mining & Energy, Industrial Union of Employees, Queensland; and
 - Transport Workers Union of Australia, Union of Employees.
- [3] The agreement is signed by all the above-mentioned parties. Consequently, I am satisfied that upon certification, pursuant to s 189(2) of the Act, the agreement will cover all parties.
- [4] The agreement applies to Southern Downs Regional Council and all its employees employed under:
 - *Queensland Local Government Industry (Stream B) Award – State 2017*;
 - *Queensland Local Government Industry (Stream C) Award – State 2017*; and
 - *Training Wage Award – State 2012*.

- [5] Having regard to the submissions made by the parties who appeared at the hearing of the matter on 25 February 2022, and the affidavit of Ms Brook March, Manager of Human Resources of Southern Downs Regional Council filed on 23 December 2021, I am satisfied that:
- each relevant requirement in Ch 4, Pt 5, Sub-Div.2 of the Act has been satisfied; and
 - there is nothing in the agreement which would require the Commission to refuse to grant the application pursuant to Ch 4, Pt 5, Sub-Div.3 of the Act.
- [6] Accordingly, the application to certify the *Southern Downs Regional Council Certified Agreement 2021 – Operational Employees* is granted.
- [7] The *Southern Downs Regional Council Certified Agreement 2021 – Operational Employees* operates from the date it was certified, namely 25 February 2022.
- [8] Although the nominal expiry date of the *Southern Downs Regional Council Certified Agreement 2021 – Operational Employees* is 25 February 2025, the agreement will continue to operate until it is terminated under s 227 or 228 of the Act.
- [9] I make the following order:
- 1. The *Southern Downs Regional Council Certified Agreement 2021 – Operational Employees* is certified.**