

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Burke Shire Council Certified Agreement 2022 [2022] QIRC 338*

PARTIES: **Burke Shire Council**

AND

The Australian Workers' Union of Employees, Queensland

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

Plumbers & Gasfitters Employees' Union Queensland, Union of Employees

Queensland Services, Industrial Union of Employees

CASE NO: CB/2022/66

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 29 August 2022

HEARING DATE: 29 August 2022

MEMBER: McLennan IC

HEARD AT: Brisbane

ORDER: **1. The *Burke Shire Council Certified Agreement 2022* 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 227, s 228

APPEARANCES: Mr D McKinlay and Ms C Nelson for Burke
Shire Council

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

Mr J Maguire for Queensland Services,
Industrial Union of Employees

Reasons for Decision

- [1] On 5 August 2022, Burke Shire Council ('the Applicant'), pursuant to s 189 of the *Industrial Relations Act 2016* ('the Act'), made an application to certify the *Burke Shire Council Certified Agreement 2022* ('the agreement').
- [2] The named parties to the agreement are set out at cl 1.5. In addition to the Applicant the following employee organisations are listed as parties to the agreement:
- The Australian Workers' Union of Employees, Queensland;
 - Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
 - Plumbers & Gasfitters Employees' Union Queensland, Union of Employees; and
 - Queensland Services, Industrial Union of Employees.
- [3] The agreement is signed by all the above-mentioned parties.
- [4] The agreement applies to Burke Shire Council and its staff employed under:
- *Queensland Local Government Industry (Stream A) Award – State 2017*
 - *Queensland Local Government Industry (Stream B) Award – State 2017*
 - *Queensland Local Government Industry (Stream C) 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*, in the circumstances described in cl 1.4.2 of the agreement.
- [6] Section 193 of the *Industrial Relations Act 2016 (Qld)* sets out the requirements for

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. The two Affidavits of Mr Daniel McKinlay sworn on 5 August 2022 and 18 August 2022 addressed the matters prescribed.

- [7] Section 250(2) 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. Section 250(2) further provides that steps taken by the parties to provide for equal remuneration for work of equal or comparable value must be stated. The two Affidavits of Mr Daniel McKinlay sworn on 5 August 2022 and 18 August 2022 addressed the matters prescribed.
- [8] Having regard to the submissions made by the parties who appeared today, to the Affidavits of Mr Daniel McKinlay sworn on 5 August 2022 and 18 August 2022 and to the matters outlined 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 *Burke Shire Council Certified Agreement 2022* is granted.
- [10] The *Burke Shire Council Certified Agreement 2022* is certified today, 29 August 2022.
- [11] Although the nominal expiry date of the *Burke Shire Council Certified Agreement 2022* is 30 August 2025, it continues to operate until it is terminated under s 227 or 228 of the Act.
- [12] I make the following order:
1. **The *Burke Shire Council Certified Agreement 2022* is certified.**