

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *Application to amend QBuild Office Staff Certified Agreement 2019 [2022] QIRC 467*

PARTIES: **State of Queensland (Department of Energy and Public Works)**
(Applicant)

v

Together Queensland, Industrial Union of Employees
(First Respondent)

and

The Association of Professional Engineers, Scientists and Managers Australia, Queensland Branch, Union of Employees
(Second Respondent)

CASE NO: CB/2022/128

PROCEEDING: Application to amend bargaining instrument

DELIVERED ON: 1 December 2022

MEMBER: Pidgeon IC

HEARD AT: On the papers

ORDER: ***The QBuild Office Staff Certified Agreement 2019 is certified as amended and will operate on and from 1 December 2022.***

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – Application for amendment of an agreement – Requirements for amendment – Agreement amended

LEGISLATION:

Industrial Relations Act 2016 (Qld) ss 193, 195, 196, 197, 198, 199, 200, 204, 205, 206, 207, 208, 209, 223, 225, 227, 228

Reasons for Decision

- [1] The State of Queensland (Department of Energy and Public Works) has made an application to amend the *QBuild Office Staff Certified Agreement 2019* ('the agreement') pursuant to ss 223 and 225 of the *Industrial Relations Act 2016* (Qld) ('the IR Act').
- [2] The agreement was certified by Industrial Commissioner Hartigan on 4 September 2020.
- [3] On 16 November 2022, the Applicant filed a *Form 49 - Application to amend bargaining instrument*. The amended agreement has been signed by all parties to the agreement and the agreement was approved by a valid majority of relevant employees in a properly conducted ballot.¹
- [4] In certifying the agreement, the Commission considers two affidavits of Mr Paul Martyn, Director-General of the Department of Energy and Public Works, both sworn on 1 November 2022. The Commission determines that:²
- Each relevant requirement under subdivision 2 of Division 2 of Part 5 of the Act has been satisfied;³ and
 - 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.⁴
- [5] The amended agreement operates from the day it was certified, namely 1 December 2022.⁵ Although the nominal expiry date of the agreement is 31 August 2023, the agreement continues to operate until it is terminated under s 227 or s 228 of the Act.
- [6] The application to amend the *QBuild Office Staff Certified Agreement 2019* is granted.
- [7] I make the following order:

The QBuild Office Staff Certified Agreement 2019 is certified as amended and will operate on and from 1 December 2022.

¹ *Industrial Relations Act 2016* (Qld) s 196(1); Affidavit of Paul Martyn sworn 1 November 2022.

² *Industrial Relations Act 2016* (Qld) ss 193(1)(a)-(b).

³ *Ibid* s 196(1) ss 195, 196, 197, 198, 199, 200(1)(b), 201(b).

⁴ *Ibid* ss 204, 205, 206, 207, 208, 209.

⁵ *Ibid* s 216(a).