

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Livingstone Shire Council Officers Certified Agreement 2021* [2022] QIRC 109

PARTIES: **Livingstone Shire Council**

AND

Queensland Services, Industrial Union of Employees

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

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

The Electrical Trades Union of Employees Queensland

CASE NO.: CB/2022/16

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 25 March 2022

HEARING DATE: 25 March 2022

HEARD AT: Brisbane

MEMBER: Power IC

ORDER: ***The Livingstone Shire Council Officers Certified Agreement 2021 is certified.***

CATCHWORDS: INDUSTRIAL LAW - QUEENSLAND - AGREEMENTS - Application for certification of an agreement - requirements for certification - Agreement certified

LEGISLATION: *Industrial Relations Act 2016* (Qld), ss 189, 196, 227 and 228

APPEARANCES: Ms N. Todd of the Local Government Association of Queensland for the Livingstone Shire Council.

Ms J. Wiggan for the Queensland Services,
Industrial Union of Employees.

Mr K. Scherf for the Automotive, Metals,
Engineering, Printing and Kindred Industries
Industrial union of Employees, Queensland.

Ms M. Cerrato for the Electrical Trades Union of
Employees Queensland.

Reasons for Decision

- [1] On 21 February 2022, the Livingstone Shire Council ('the Applicant'), pursuant to s 189 of the *Industrial Relations Act 2016* (Qld) ('the Act'), made an application to certify the *Livingstone Shire Council Officers Certified Agreement 2021* ('the agreement').
- [2] The named parties to the agreement are the Applicant and the following employee organisations:
 - (a) Queensland Services, Industrial Union of Employees ('QSU'); and
 - (b) The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees ('APESMA').
- [3] The agreement is signed by all the above-mentioned parties.
- [4] By correspondence to the Industrial Registry dated 2 March 2022 and 3 March 2022, the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland ('AMWU') and The Electrical Trades Union of Employees Queensland ('ETU'), respectively, confirmed that it had members who will be covered by the agreement and sought to be a party to the agreement. The Commission requested parties indicate via email if there were any objections to the AMWU and the ETU being joined as parties. Both the representatives for the Applicant and the QSU confirmed via email that they had no objections to the AMWU and the ETU being parties to the agreement. The Applicant and QSU confirmed at the hearing that there were no objections to the AMWU and the ETU being made parties to the agreement.
- [5] Accordingly, pursuant to s 196(2) of the Act, I am satisfied that:
 - (a) although the proposed bargaining instrument has not been signed by the AMWU and the ETU, the APESMA, the AMWU, the ETU, the QSU and the Applicant have agreed on the terms of the instrument, and, as a consequence, all parties are taken to have agreed on the terms of the instrument; and
 - (b) the Applicant's application under ch 4 pt 5 of the Act was made within a reasonable time after the instrument was approved by a valid majority of the relevant employees at the time in a properly conducted ballot.

- [6] The agreement covers:
- (a) the Livingstone Shire Council;
 - (b) its employees referred to in clause 1.3 of the agreement; and
 - (c) the employee organisations referred to in [2] and [5] of these reasons.
- [7] Having regard to the submissions made by the parties who appeared today and to the affidavit of Mr Cale Dendle, Chief Executive Officer of the Applicant, filed on 21 February 2022:
- (a) I am satisfied of each relevant requirement in ch 4 pt 5 div 2 sub-div 2 of the Act; and
 - (b) 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.
- [8] The application to certify the *Livingstone Shire Council Officers Certified Agreement 2021* is granted.
- [9] The *Livingstone Shire Council Officers Certified Agreement 2021* operates from the day it is certified, namely, 25 March 2022.
- [10] Although the nominal expiry date of the *Livingstone Shire Council Officers Certified Agreement 2021* is 30 September 2025, it continues to operate until it is terminated under ss 227 or 228 of the Act.
- [11] I make the following order:

The *Livingstone Shire Council Officers Certified Agreement 2021* is certified.