

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Livingstone Shire Council Operational Certified Agreement 2021 [2022] QIRC 107*

PARTIES: **Livingstone Shire Council**

AND

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

The Australian Workers' Union of Employees, Queensland

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

The Electrical Trades Union of Employees Queensland

Plumbers & Gasfitters Employees' Union Queensland, Union of Employees

Transport Workers' Union of Australia, Union of Employees (Queensland Branch)

CASE NO.: CB/2022/18

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 25 March 2022

HEARING DATE: 25 March 2022

HEARD AT: Brisbane

MEMBER: Merrell DP

ORDER: ***The Livingstone Shire Council Operational 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*, s 189, ch 4, pt 5, div 2, sub-divs 2 and 3, s 227 and s 228

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

Mr D. Marr for The Australian Workers' 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* ('the Act'), made an application to certify the *Livingstone Shire Council Operational Certified Agreement 2021* ('the agreement').
- [2] The named parties to the agreement are the Applicant and the following employee organisations:
- Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland;
 - The Australian Workers' Union of Employees, Queensland;
 - Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
 - The Electrical Trades Union of Employees Queensland ('the ETU');
 - Plumbers & Gasfitters Employees' Union Queensland, Union of Employees; and
 - Transport Workers' Union of Australia, Union of Employees (Queensland Branch).
- [3] The agreement is signed by all the above-mentioned parties, except for the ETU.
- [4] By letter dated 8 March 2022, the ETU advised the Commission that:
- it was a negotiating party for the agreement;
 - it agreed to the terms of the agreement, however, it did not intend to sign the agreement; and
 - it wished to be a party to and covered by the agreement.
- [5] The agreement applies to:
- the Applicant;

- all the Applicant's employees covered by the *Queensland Local Government Industry (Stream B) Award - State 2017* and the *Queensland Local Government Industry (Stream C) Award - State 2017*; and
- the employee organisations named in paragraph [2] above.

[6] 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:

- I am 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.

[7] The application to certify the *Livingstone Shire Council Operational Certified Agreement 2021* is granted.

[8] The *Livingstone Shire Council Operational Certified Agreement 2021* operates from 25 March 2022.

[9] Although the nominal expiry date of the *Livingstone Shire Council Operational Certified Agreement 2021* is 30 September 2025, it continues to operate until it is terminated under s 227 or s 228 of the Act.

[10] I make the following order:

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