

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Banana Shire Council
Certified Agreement 2021 [2022] QIRC 115*

PARTIES: **Banana Shire Council**

AND

**Queensland Services, Industrial Union of
Employees**

**The Australian Workers' Union of
Employees, Queensland**

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

**The Construction, Forestry, Mining and
Energy, Industrial Union of Employees,
Queensland**

**Plumbers and Gasfitters Employees' Union
of Queensland, Union of Employees**

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

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

**Queensland Nurses and Midwives Union of
Employees**

CASE NO: CB/2022/26

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 29 March 2022

HEARING DATE: 29 March 2022

MEMBER: McLennan IC

HEARD AT: Brisbane

ORDER: **1. The *Banana Shire Council Certified Agreement 2021* 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: Ms N Hope of LGAQ for Banana Shire Council

Mr D Marr and Mr P Osborne for The Australian Workers' Union of Employees, Queensland

Mr D Murphy for the Queensland Services, Industrial Union of Employees

Reasons for Decision

- [1] On 3 March 2022, Banana Shire Council ('the Applicant'), pursuant to s 189 of the *Industrial Relations Act 2016* ('the Act'), made an application to certify the *Banana Shire Council Certified Agreement 2021* ('the agreement').
- [2] The named parties to the agreement are set out at Clause 1.3. In addition to the Applicant, the following employee organisations are listed as parties to the agreement:
- Queensland Services, Industrial Union of Employees;
 - The Australian Workers' Union of Employees, Queensland;
 - Automotive, Metals, Engineering, Printing and Kindred Industries, Industrial Union of Employees, Queensland;
 - The Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland;

- Plumbers and Gasfitters Employees' Union of Queensland, Union of Employees;
- Transport Workers' Union of Australia, Union of Employees (Queensland Branch);
- The Association of Professional Engineers, Scientists and Managers Australia, Queensland Branch, Union of Employees; and
- Queensland Nurses and Midwives Union of Employees.

[3] The agreement is signed by all the above-mentioned parties.

[4] The agreement applies to Banana Shire Council and its staff covered by:

- *Queensland Local Government Industry (Stream A) Award – State 2017;*
- *Queensland Local Government Industry (Stream B) Award – State 2017; and*
- *Queensland Local Government Industry (Stream C) Award – State 2017.*

Though the agreement shall not apply to a 'Senior Officer' appointed in accordance with the terms described at cl 1.4.1.

[5] Section 193 of the Act sets out the requirements for the 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 Affidavit of Mr Tom Upton sworn on 17 February 2022 addressed the matters prescribed.

[6] Section 250(2) of the Act 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 Affidavit of Mr Tom Upton sworn on 17 February 2022 addressed the matters prescribed.

[7] Having regard to the submissions made by the parties who appeared today, to the Affidavit of Mr Tom Upton, Chief Executive Officer of Banana Shire Council sworn on 17 February 2022 and to the matters outlined at paragraphs [5] and [6] 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.

[8] The application to certify the *Banana Shire Council Certified Agreement 2021* is granted.

[9] The *Banana Shire Council Certified Agreement 2021* is certified today, 29 March 2022.

[10] Although the nominal expiry date of the *Banana Shire Council Certified Agreement 2021* is 30 June 2024, it continues to operate until it is terminated under ss 227 or 228 of the Act.

[11] I make the following order:

- 1. The *Banana Shire Council Certified Agreement 2021* is certified.**