

## QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Ipswich City Council Resource Recovery Drivers Certified Agreement 2021* [2022] QIRC 126

PARTIES: **Ipswich City Council**

and

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

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

CASE NO: CB/2022/29

PROCEEDING: Certification of an agreement

DELIVERED ON: 1 April 2022

HEARING DATE: 1 April 2022

MEMBER: Pidgeon IC

HEARD AT: Brisbane

ORDER: ***The Ipswich City Council Resource Recovery Drivers Certified Agreement 2021 is certified.***

CATCHWORDS: INDUSTRIAL LAW - application for certification of an agreement - requirements for certification - agreement certified

LEGISLATION: *Industrial Relations Act 2016*, s 189, s 193, s 195, s 196, s 197, s 198, s 199, s 200, s 201, s 204, s 205, s 206, s 207, s 208, s 209, s 216, s 227, s 228

APPEARANCES: Mr Sheehan for the Council

Mr Marr for AWU

### Reasons for Decision

- [1] Ipswich City Council has made an application to certify an agreement pursuant to s 189 of the *Industrial Relations Act 2016* (the Act). As required by s 189(3) of the Act, the application was made within 21 days of the date on which the agreement was made. The agreement is between the Ipswich City Council and the following employee organisations:
- The Australian Workers' Union of Employees, Queensland; and
  - Transport Workers' Union of Australia, Union of Employees (Queensland Branch).
- [2] The agreement has been signed by both parties to the agreement,<sup>1</sup> and the agreement was approved by a valid majority of relevant employees in a properly conducted ballot.<sup>2</sup>
- [3] The agreement replaces the pre-existing agreement, *Ipswich City Council Local Government Waste Service Employee' (Domestic and Commercial Drivers) Certified Agreement 2018*.
- [4] In certifying the agreement, the Commission has regard to the submissions of the parties and affidavit of Workplace Relations Manager affirmed 15 March 2022. The Commission determines that:<sup>3</sup>
- Each relevant requirement under subdivision 2 of Division 2 of Part 5 of the Act has been satisfied;<sup>4</sup> 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.<sup>5</sup>
- [5] The agreement operates from the day it was certified, namely 1 April 2022.<sup>6</sup> Although the nominal expiry date of the agreement is 1 October 2024, the agreement continues to operate until it is terminated under s 227 or s 228 of the Act.
- [6] The application to certify the *Ipswich City Council Employees Resource Recovery Drivers Certified Agreement 2021* is granted.
- [7] I make the following order:

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<sup>1</sup> *Industrial Relations Act 2016*, s 196(1).

<sup>2</sup> Affidavit of Nicholas Sheehan affirmed 15 March 2022.

<sup>3</sup> *Industrial Relations Act 2016*, ss 193(1)(a)-(b).

<sup>4</sup> *Ibid* ss 195, 196, 197, 198, 199, 200(1)(b), 201(b).

<sup>5</sup> *Ibid* ss 204, 205, 206, 207, 208, 209.

<sup>6</sup> *Ibid* s 216(a).

1. That the *Ipswich City Council Resource Recovery Drivers Certified Agreement 2021* is certified.