

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the making of the Logan City Council  
Certified Agreement 2022 [2022] QIRC 145*

PARTIES: **Logan City Council**

AND

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

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

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

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

**Queensland Services, Industrial Union of  
Employees**

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

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

**The Electrical Trades Union of Employees  
Queensland**

**Queensland Nurses and Midwives' Union**

CASE NO: CB/2022/34

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 21 April 2022

HEARING DATE: 21 April 2022

MEMBER: McLennan IC

HEARD AT: Brisbane

ORDER: ***The Logan City Council Certified Agreement 2022 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 B Imbriano and Ms M Martin of LGAQ for Logan City Council

Mr C Murray for Queensland Nurses and Midwives' Union

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

Ms J Wiggan for Queensland Services, Industrial Union of Employees

Ms A Jack for The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees

### **Reasons for Decision**

- [1] On 31 March 2022,<sup>1</sup> Logan City Council ('the Applicant'), pursuant to s 189 of the *Industrial Relations Act 2016* ('the Act'), made an application to certify the *Logan City Council Certified Agreement 2022* ('the agreement').
- [2] The named parties to the agreement are set out at cl 1.4 of the agreement. In addition to the Applicant, the following employee organisations are listed as parties to the agreement:
- The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees;

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<sup>1</sup> Emailed to the Industrial Registry on 31 March 2022; Filed in the Industrial Registry on 5 April 2022.

- 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;
- The Electrical Trades Union of Employees Queensland;
- Plumbers and Gasfitters Employees' Union of Queensland, Union of Employees;
- Queensland Services, Industrial Union of Employees;
- Transport Workers' Union of Australia, Union of Employees (Queensland Branch); and
- Queensland Nurses and Midwives Union.

[3] The agreement is signed by all the above-mentioned parties except for The Electrical Trades Union of Employees Queensland (the ETU). Although s 196(1) of the Act requires that the proposed bargaining instrument is in writing and is signed by or for all the parties, pursuant to sub-s (2) I may approve the certification of the agreement if I am satisfied that although the ETU have not signed the agreement, the ETU has agreed on the terms of the agreement. Pursuant to sub-s (3), in considering that point, the Commission may consider whether the parties negotiated in good faith and any other evidence supporting or not supporting the alleged agreement.

[4] In giving consideration to that matter, I was persuaded by correspondence dated 13 April 2022 from Mr Peter Ong, State Secretary of the ETU indicating his Union's position that:

- ETU members will be covered by the agreement;
- The ETU was a negotiating party for the agreement;
- The ETU agreed to the termination of the previous agreement;
- the ETU supports the application for certification; and
- the ETU confirms the agreement complies with the certification requirements under the Act.

- [5] In email correspondence dated 19 April 2022 from Ms Margarita Cerrato, ETU Industrial Officer, she further confirmed the ETU's view that the agreement satisfies the 'no disadvantage test' under the Act.
- [6] In light of the correspondence received, while I have noticed, investigated and considered the omission of the ETU's signature - I am satisfied that the ETU had agreed on the terms of the agreement and that I may approve the agreement under s 196 of the Act.
- [7] The agreement applies to Logan City Council and its staff covered by:
- *Queensland Local Government Industry (Stream A) Award – State 2017;*
  - *Queensland Local Government Industry (Stream B) Award – State 2017;*
  - *Queensland Local Government Industry (Stream C) Award – State 2017; and*
  - *Order - Apprentices and Trainees Wages and Conditions (Excluding Certain Queensland Government Entities) 2003.*

Though the agreement shall not apply to the Chief Executive Officer, Directors or Managers engaged under Council's Executive Performance Management Scheme in accordance with the terms described at cl 1.6.1.

- [8] 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 Darren Scott affirmed on 31 March 2022 addressed the matters prescribed.
- [9] 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 Darren Scott affirmed on 31 March 2022 addressed the matters prescribed.
- [10] Having regard to the submissions made by the parties who appeared today, to the Affidavit of Mr Darren Scott, Chief Executive Officer of Logan City Council affirmed on 31 March 2022 and to the matters outlined at paragraphs [8] and [9] 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.

[11] The application to certify the *Logan City Council Certified Agreement 2022* is granted.

[12] The *Logan City Council Certified Agreement 2022* is certified today, 21 April 2022.

[13] Although the nominal expiry date of the *Logan City Council Certified Agreement 2022* is 22 April 2025, it continues to operate until it is terminated under ss 227 or 228 of the Act.

[14] I make the following order:

- 1. The *Logan City Council Certified Agreement 2022* is certified.**