

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the making of the Paroo Shire Council - Operational Staff Certified Agreement 2021 - 2024 [2022] QIRC 044*

PARTIES: **Paroo Shire Council**

AND

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

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

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

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

CASE NO: CB/2022/4

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 17 February 2022

HEARING DATE: 17 February 2022

MEMBER: McLennan IC

HEARD AT: Brisbane

ORDER: ***The Paroo Shire Council - Operational Staff Certified Agreement 2021 – 2024 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: Mr S Phipps for Paroo Shire Council  
Mr G Taylor for The Australian Workers' Union of Employees, Queensland

### **Reasons for Decision**

- [1] On 24 January 2022, Paroo Shire Council ('the Applicant'), pursuant to s 189 of the *Industrial Relations Act 2016* ('the Act'), made an application to certify the *Paroo Shire Council - Operational Staff Certified Agreement 2021 – 2024* ('the agreement').
- [2] The named parties to the agreement are set out at Clause 4. In addition to the Applicant the following employee organisations are listed as parties to the agreement:
  - The Australian Workers' Union of Employees, Queensland;
  - Construction, Forestry, Mining and Energy Industrial Union of Employees, Queensland;
  - Transport Workers' Union of Employees, Queensland; and
  - Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland.
- [3] The agreement is signed by all the above-mentioned parties.
- [4] The agreement applies to Paroo Shire Council and its Operational staff employed under:
  - *Queensland Local Government Industry (Stream B) Award – State 2017*; and
  - *Queensland Local Government Industry (Stream C) Award – State 2017*.
- [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 and 171 - 172 were done. The two Affidavits of Mr Simon Phipps sworn on 24 January 2022 and 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 two Affidavits of Mr Simon Phipps sworn on 24 January 2022 and 17 February 2022 addressed the matters prescribed.

[7] Having regard to the submissions made by the parties who appeared today, to the Affidavits of Mr Simon Phipps, HR/WHs Officer of Paroo Shire Council sworn on 24 January 2022 and 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 *Paroo Shire Council - Operational Staff Certified Agreement 2021 – 2024* is granted.

[9] The *Paroo Shire Council - Operational Staff Certified Agreement 2021 – 2024* is certified today, 17 February 2022.

[10] Although the nominal expiry date of the *Paroo Shire Council Certified Agreement – Officers 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:

**The *Paroo Shire Council - Operational Staff Certified Agreement 2021 – 2024* is certified.**