

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the QFleet Certified Agreement 2022 [2023] QIRC 223*

PARTIES: **State of Queensland (Department of Energy and Public Works)**

AND

Together Queensland, Industrial Union of Employees

CASE NO.: CB/2023/74

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 31 July 2023

HEARING DATE: 31 July 2023

HEARD AT: Brisbane

MEMBER: Merrell DP

ORDER: **The *QFleet Certified Agreement 2022* 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 L. Volp and Ms R. Vos for the State of Queensland (Department of Energy and Public Works).

Mr K. McKay for Together Queensland, Industrial Union of Employees.

Reasons for Decision

- [1] On 19 July 2023, the State of Queensland (Department of Energy and Public Works) ('the Applicant'), pursuant to s 189 of the *Industrial Relations Act 2016* ('the Act'), made an application to certify the *QFleet Certified Agreement 2022* ('the agreement').

- [2] The named parties to the agreement are the Applicant and Together Queensland, Industrial Union of Employees.
- [3] The agreement is signed by all the above-mentioned parties.
- [4] The agreement applies to:
- the Applicant;
 - persons employed in QFleet, a business unit of the Applicant, for whom rates of pay, conditions of employment and entitlements are provided for in the agreement; and
 - Together Queensland, Industrial Union of Employees.
- [5] The agreement does not apply to:
- the Chief Executive, Senior Executives and Senior Officers engaged under the *Public Sector Act 2022*;
 - appointments made on a fixed term declared under section 155 of the *Public Sector Act 2022*; and
 - employees engaged under contractual arrangements (other than employees under sections 149 and 150 of the *Public Sector Act 2022* engaged for a fixed term).
- [6] Having regard to the submissions made by the parties who appeared today and to the two affidavits of Mr Paul Martyn, Director-General of the Applicant, filed on 19 July 2023:
- 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 *QFleet Certified Agreement 2022* is granted.
- [8] The *QFleet Certified Agreement 2022* operates from 31 July 2023, although the parties agree that its terms will be given operative effect from 1 September 2022.
- [9] Although the nominal expiry date of the *QFleet Certified Agreement 2022* is 31 August 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 *QFleet Certified Agreement 2022* is certified.