

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Rockhampton Regional Council External Employees Certified Agreement 2022 [2022] QIRC 410*

PARTIES: **Rockhampton Regional Council**

AND

The Australian Workers' Union of Employees, Queensland

Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

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

The Electrical Trades Union of Employees, Queensland

Plumbers and Gasfitters Employees' Union Queensland, Union of Employees

Transport Workers Union of Australia, Union of Employees, Queensland Branch

CASE NO: CB/2022/103

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 27 October 2022

HEARING DATE 27 October 2022

MEMBER: Hartigan IC

HEARD AT: Brisbane

ORDER: ***The Rockhampton Regional Council External Employees Certified Agreement 2022 is certified.***

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – application for certification of an agreement – requirements for certification – agreement certified

LEGISLATION: *Industrial Relations Act 2016* (Qld) ss 189, 227 and 228

APPEARANCES: Ms N. Hope of the Local Government Association Queensland for the Rockhampton Regional Council

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

Mr T. Fernandez of the Plumbers and Gasfitters Employees' Union Queensland, Union of Employees

Reasons for Decision

- [1] On 14 October 2022, the Rockhampton Regional Council ('the Council') filed an application pursuant to s 189 of the *Industrial Relations Act 2016* (Qld) ('the IR Act') to certify the *Rockhampton Regional Council External Employees Certified Agreement 2022* ('the agreement').
- [2] The named parties to the agreement are the Council and the following unions:
- (a) The Australian Workers' Union of Employees, Queensland;
 - (b) Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
 - (c) Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland;
 - (d) The Electrical Trades Union of Employees, Queensland;
 - (e) Plumbers and Gasfitters Employees' Union of Queensland, Union of Employees; and
 - (f) Transport Workers Union of Australia, Union of Employees, Queensland Branch

- [3] As required by s 189(3) of the IR Act, the application was made within 21 days of the date on which the agreement was signed by the parties.
- [4] The parties bound by the agreement are the Council, and Employees who are members, or are eligible to become members, of the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland ('AMEPKU'), The Australian Workers' Union of Employees, Queensland ('AWU'), the Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland ('CFMEU'), The Electrical Trades Union of Employees Queensland ('ETU'), the Plumbers and Gasfitters Employees' Union Queensland, Union of Employees ('PGEU') and the Transport Workers' Union of Australia, Union of Employees (Queensland Branch) ('TWU'), and for whom a classification contained in the agreement applies.
- [5] Having regard to the submissions made by the parties who appeared at the hearing of the matter on 27 October 2022, and the material filed,¹ I am satisfied that:
- (a) each relevant requirement under Ch 4, Pt 5, Sub-Div.2 of the IR Act has been satisfied; and
 - (b) there is nothing in the agreement which would require the Commission to refuse to grant the application under Ch 4, Pt 5, Sub-Div.3 of the IR Act.
- [6] Accordingly, the application to certify the *Rockhampton Regional Council External Employees Certified Agreement 2022* is granted.
- [7] The *Rockhampton Regional Council External Employees Certified Agreement 2022* operates from the date it was certified, namely 27 October 2022.
- [8] Although the nominal expiry date of the *Rockhampton Regional Council External Employees Certified Agreement 2022* is 1 July 2026, the agreement will continue to operate until it is terminated under ss 227 or 228 of the IR Act.
- [9] I make the following order:

The *Rockhampton Regional Council External Employees Certified Agreement 2022* is certified.

¹ Application for certification and affidavit of Mr Evan Pardon, each filed on 14 October 2022.