

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Blackall-Tambo Regional Council Enterprise Bargaining Agreement 2021-2024* [2022] QIRC 048

PARTIES: **Blackall-Tambo Regional Council**

and

The Australian Workers' Union of Employees, Queensland

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

Queensland Services, Industrial Union of Employees

CASE NO: CB/2022/11

PROCEEDING: Certification of an agreement

DELIVERED ON: 22 February 2022

HEARING DATE: 22 February 2022

MEMBER: Pidgeon IC

HEARD AT: Brisbane

ORDER: ***The Blackall-Tambo Regional Council Enterprise Bargaining Agreement 2021-2024 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: Ms M Martin for the Council

Mr J Maguire for TSU
Mr P Dunbar for CFMEU
Mr D Marr for AWU

Reasons for Decision

- [1] Blackall-Tambo Regional 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 Blackall-Tambo Regional Council and the following employee organisations:
- The Australian Workers' Union of Employees, Queensland
 - Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
 - Queensland Services, Industrial Union of Employees
- [2] The agreement has been signed by both parties to the agreement,¹ and the agreement was approved by a valid majority of relevant employees in a properly conducted ballot.²
- [3] The agreement replaces the pre-existing agreement, *Blackall-Tambo Regional Council Enterprise Bargaining Agreement 2018-2021*.
- [4] In certifying the agreement, the Commission has regard to the submissions of the parties and two affidavits of Chief Executive Officer Desmond Howard affirmed 3 February 2022. The Commission determines that:³
- Each relevant requirement under subdivision 2 of Division 2 of Part 5 of the Act has been satisfied;⁴ 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.⁵

¹ *Industrial Relations Act 2016*, s 196(1).

² Affidavit of Desmond Howard affirmed 3 February 2022.

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

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

⁵ *Ibid* ss 204, 205, 206, 207, 208, 209.

[5] The agreement operates from the day it was certified, namely 22 February 2022.⁶ Although the nominal expiry date of the agreement is 30 June 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 *Blackall-Tambo Regional Council Enterprise Bargaining Agreement 2021-2024* is granted.

[7] I make the following order:

1. **That the *Blackall-Tambo Regional Council Enterprise Bargaining Agreement 2021-2024* is certified.**

I certify that the preceding [7] paragraphs are a true copy of the Reasons for Decision of Industrial Commissioner Pidgeon

S C PIDGEON IC

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(Signature)

Dated: 22 February 2022

NOTE: THIS CERTIFICATION IS TO BE REMOVED FROM THE DECISION BEFORE IT IS RELEASED TO THE PARTIES

⁶ Ibid s 216(a).