

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the making of the Livingstone Shire Council Treatment Plant Operators Certified Agreement 2022 [2023] QIRC 060*

PARTIES: **Livingstone Shire Council**

AND

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

CASE NO: CB/2023/7

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 23 February 2023

HEARING DATE: 23 February 2023

MEMBER: McLennan IC

HEARD AT: Brisbane

ORDER: *The Livingstone Shire Council Treatment Plant Operators 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 201, s 227, s 228*

APPEARANCES: Mr C Lowe of the Local Government Association Queensland on behalf of the Livingstone Shire Council

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

## Reasons for Decision

- [1] On 14 February 2023, Livingstone Shire Council ('the Applicant'), pursuant to s 189 of the *Industrial Relations Act 2016* ('the Act'), made an application to certify the *Livingstone Shire Council Treatment Plant Operators Certified Agreement 2022* ('the Agreement').
- [2] On behalf of the Applicant and to supplement the application, Ms Natalie Hope of the Local Government Association Queensland wrote to the Industrial Registry on 10 February 2023, stating:
- I can confirm that there is no corresponding termination application, as the previous Certified Agreement that covered the employees (the *Rockhampton Regional Council Treatment Plant Operators Certified Agreement 2012*) has already been terminated, with the Agreement being applied administratively by Livingstone Council since this time.
- [3] The named parties to the Agreement are set out at cl 1.2. In addition to the Applicant, The Australian Workers' Union of Employees, Queensland is listed as a party to the Agreement.
- [4] The Agreement is signed by all the above-mentioned parties.
- [5] The Agreement applies to Livingstone Shire Council, its staff employed under div 2, s 5 of the *Queensland Local Government Industry (Stream B) Award – State 2017* and The Australian Workers' Union of Employees, Queensland.
- [6] The agreement shall apply to workers in operational roles classified in accordance with the provisions of this Agreement.
- [7] Section 193 of the Act sets out the requirements for 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 of the things required by ss 169, 171 and 172. The Affidavit of Mr Cale Dendle, Chief Executive Officer at Livingstone Shire Council, sworn on 24 January 2023 addressed the matters prescribed.
- [8] Section 250 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.
- [9] Section 201(b) of the Act requires the Commission must be satisfied the proposed bargaining instrument contains information about the way the employer has implemented, will implement (if the instrument is certified or made) or is implementing equal remuneration for work of equal or comparable value in relation to the employees

to be covered by the agreement. Upon review of cl 6.3 of the Agreement, I am satisfied the Agreement is contains the information required under s 201(b) of the Act.

- [10] Further, I note the average weekly full-time equivalent earnings of all employees under the proposed agreement is the same for female and male employees. That is important and commendable.
- [11] Having regard to the submissions made by the parties who appeared today, to the Affidavit of Mr Cale Dendle and to the matters outlined 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.
- [12] The application to certify the *Livingstone Shire Council Treatment Plant Operators Certified Agreement 2022* is granted.
- [13] The *Livingstone Shire Council Treatment Plant Operators Certified Agreement 2022* is certified today, 23 February 2023.
- [14] Although the nominal expiry date of the *Livingstone Shire Council Treatment Plant Operators Certified Agreement 2022* is 30 September 2025, it continues to operate until it is varied or terminated, in accordance with the Act.
- [15] I make the following order:

**The *Livingstone Shire Council Treatment Plant Operators Certified Agreement 2022* is certified.**