

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Gympie Regional Council Certified Agreement 2022 [2023] QIRC 101*

PARTIES: **Gympie Regional Council**

AND

The Australian Workers' Union of Employees, Queensland

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

The Plumbers & Gasfitters Employees' Union of Queensland, Union of Employees

Construction, Forestry, Mining and Energy, Industrial Union of Employees (CFMEU) Queensland & Northern Territory Branch

Queensland Services, Industrial Union of Employees

The Association of Professional Engineers, Scientists and Managers Australia, Queensland Branch, Union of Employees

CASE NO: CB/2023/15

PROCEEDING: Application for certification of an Agreement

DELIVERED ON: 4 April 2023

HEARING DATE: 4 April 2023

MEMBER: Knight IC

HEARD AT: Brisbane

ORDERS: ***The Gympie Regional Council Certified Agreement 2022 is certified.***

CATCHWORDS:	INDUSTRIAL LAW – QUEENSLAND – AGREEMENTS – application for certification of a certified agreement – requirements for certification – agreement certified
LEGISLATION:	<i>Industrial Relations Act 2016</i> (Qld) ch 4
APPEARANCES:	Ms M Martin, Local Government Association Queensland for Gympie Regional Council Mr D Murphy, Queensland Services, Industrial Union of Employees Mr D Marr, The Australian Workers' Union of Employees, Queensland

Reasons for Decision

- [1] On 15 March 2023, the Gympie Regional Council ('the Council') made an application pursuant to s 189 of the *Industrial Relations Act 2016* (Qld) ('the IR Act') to certify the *Gympie Regional Council Certified Agreement 2022* ('the agreement').
- [2] The named parties to the agreement are the Council and the following employee organisations:
- The Australian Workers' Union of Employees, Queensland ('AWU');
 - Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland ('AMWU');
 - The Plumbers & Gasfitters Employees' Union of Queensland, Union of Employees ('PGEU');
 - The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ('CFMEUQ');
 - Queensland Services, Industrial Union of Employees ('QSU');
 - The Association of Professional Engineers, Scientists and Managers Australia, Queensland Branch, Union of Employees ('Professionals Australia').
- [3] The agreement is signed by all the above-mentioned parties.
- [4] The QSU and AWU appeared today and consented to the present application.
- [5] On 3 April 2023, the CFMEU wrote to the Commission and on 4 April 2023, the PGEU also wrote to the Commission, both organisations sought leave to be excused from

appearing which was granted on the basis the CFMEU and PGEU consented to the present application and would submit to any order or certification made in its absence.¹

- [6] Several attempts were made to contact the AMWU and Professionals Australia by phone prior to the proceedings and although both organisations were provided with a Notice of Listing on 17 March 2023, neither party attended. However, I note that the Certified Agreement was signed and no objections were received, by either organisation.
- [7] The agreement applies to all employees of the Council who are covered by the following awards:
- (a) Queensland Local Government Industry (Stream A) Award – State 2017;
 - (b) Queensland Local Government Industry (Stream B) Award – State 2017;
 - (c) Queensland Local Government Industry (Stream C) Award – State 2017; and
 - (d) Training Wage Award 2012.
- [8] However, the agreement does not apply to the employment of a senior officer, as defined in Division 2 – Section 1 – Clause 4.2 of the Queensland Local Government Industry (Stream A) Award – State 2017, employed pursuant to a written contract of employment, where:
- The contract of employment states that the Agreement will not apply to the terms and conditions applicable to the employee; and
 - The terms and conditions of the contract do not result, on balance, in a reduction of the overall terms and conditions of employment that would have been applicable to the employee under the Award and Agreement.
- [9] Having regard to the submissions made by the parties who appeared at the hearing today, as well as the affidavit of David Lewis, Acting Chief Executive Officer of Gympie Regional Council, filed on 15 March 2023:
- I am satisfied of each relevant requirement in ch 4 pt 5 div 2 sub-div 2 of the IR 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 IR Act.
- [10] The application to certify the agreement is granted. The agreement operates from the day it is certified, being today's date, 4 April 2023.
- [11] Although the nominal expiry date of the agreement is 1 May 2025, it continues to operate until it is terminated under either s 227 or s 228 of the IR Act.

¹ Correspondence received on 3 April 2023 from Mr Dunbar; Correspondence received on 4 April 2023 from Mr Fernandez.

[12] I make the following order:

The Gympie Regional Council Certified Agreement 2022 is certified