

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Southern Downs Regional Council Certified Agreement 2023 – Stream A Employees [2023] QIRC 120*

PARTIES: **Southern Downs Regional Council**

AND

Queensland Services, Industrial Union of Employees

The Australian Workers' Union of Employees, Queensland

CASE NO: CB/2023/29

PROCEEDING: Application for certification of an Agreement

DELIVERED ON: 4 May 2023

HEARING DATE 4 May 2023

MEMBER: Hartigan DP

HEARD AT: Brisbane

ORDER: ***The Southern Downs Regional Council Certified Agreement 2023 – Stream A Employees is certified.***

CATCHWORDS: INDUSTRIAL LAW – QUEENSLAND AGREEMENTS – application for certification of an agreement – requirements for certification – agreement certified

LEGISLATION: *Industrial Relations Act 2016 (Qld) s 189, ch 4, pt 5, div 2, sub-divs 2 and 3, s 227 and s 228*

APPEARANCES: Ms S. Wishart for the Council.

Mr J. Donaghy of Queensland Services, Industrial Union of Employees.

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

Reasons for Decision

- [1] On 31 March 2023, the Southern Downs Regional Council ('the Council'), filed an application pursuant to s 189 of the *Industrial Relations Act 2016* (Qld) ('the IR Act') to certify the *Southern Downs Regional Council Certified Agreement 2023 – Stream A Employees* ('the agreement').
- [2] The named parties to the agreement are the Council and the following unions:
- Queensland Services, Industrial Union of Employees; and
 - The Australian Workers' Union of Employees, Queensland.
- [3] The parties bound by the agreement are the Council, and Employees who are members, or are eligible to become members, of Queensland Services, Industrial Union of Employees and The Australian Workers' Union of Employees, Queensland. However, this agreement does not apply to any employee appointed to the position of Chief Executive Officer or Senior Officer pursuant to a written common law contract of employment.¹
- [4] Having regard to the submissions made by the parties who appeared at the hearing of the matter on 4 May 2023, and the material filed,² 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.
- [5] Accordingly, the application to certify the *Southern Downs Regional Council Certified Agreement 2023 – Stream A Employees* is granted.
- [6] The *Southern Downs Regional Council Certified Agreement 2023 – Stream A Employees* operates from the date it was certified, namely 4 May 2023.

¹ *Southern Downs Regional Council Certified Agreement 2023 – Stream A Employees*, cl 1.4(b).

² Application for certification and affidavit of Mr Dave Burges, each filed on 31 March 2023.

[7] Although the nominal expiry date of the *Southern Downs Regional Council Certified Agreement 2023 – Stream A Employees* is 1 July 2025, the agreement will continue to operate until it is terminated under ss 227 or 228 of the IR Act.

[8] I make the following order:

The Southern Downs Regional Council Certified Agreement 2023 – Stream A Employees is certified.