

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Moreton Bay Regional Council Certified Agreement 2022 EBA5 [2023] QIRC 206*

PARTIES: **Moreton Bay Regional Council**

AND

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

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

The Australian Workers' Union of Employees, Queensland

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

Transport Workers' Union of Australia, Union of Employees (Queensland Branch)

Queensland Services, Industrial Union of Employees

CASE NO: CB/2023/62

PROCEEDING: Application for certification of an Agreement

DELIVERED ON: 20 July 2023

HEARING DATE: 20 July 2023

HEARD AT: Brisbane

MEMBER: McLennan IC

ORDERS: ***The Moreton Bay Regional Council Certified Agreement 2022 EBA5 is certified.***

CATCHWORDS: INDUSTRIAL LAW – QUEENSLAND – AGREEMENTS – application for certification of a

certified agreement – requirements for certification
– agreement certified

LEGISLATION: *Industrial Relations Act 2016* (Qld) ch 4

APPEARANCES: Mr C. Dangerfield and Ms J. Jenkins for the
Moreton Bay Regional Council

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

Mr N. Henderson for Queensland Services,
Industrial Union of Employees

Reasons for Decision

- [1] On 4 July 2023, the Moreton Bay Regional Council ('the Council') made an application pursuant to s 189 of the *Industrial Relations Act 2016* (Qld) ('the IR Act') to certify the *Moreton Bay Regional Council Certified Agreement 2022 EBA5* ('the agreement').
- [2] The named parties to the agreement are the Council and the following employee organisations:
- The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees;
 - Automotive, Metals, Engineering, Printing and Kindred Industries, Industrial Union of Employees, Queensland;
 - The Australian Workers' Union of Employees, Queensland;
 - Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
 - Transport Workers' Union of Australia, Union of Employees (Queensland Branch);
and
 - Queensland Services, Industrial Union of Employees.
- [3] The agreement is signed by all the above-mentioned parties.
- [4] Along with the Council, The Australian Workers' Union of Employees, Queensland and the Queensland Services, Industrial Union of Employees also appeared today and consented to the present application. No other person appeared or sought to make submissions.

- [5] The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland wrote to the Commission and advised they supported the present application and the termination of the previous agreement, despite being unable to appear.¹
- [6] The agreement covers:
- the Council;
 - the Council's employees for whom classifications are contained in the *Queensland Local Government Industry (Stream A) Award-State 2017*, the *Queensland Local Government Industry (Stream B) Award-State 2017* and the *Queensland Local Government Industry (Stream C) Award-State 2017* except for a senior officer as defined in div 2, s 1, cl 4.2(c) of the *Queensland Local Government Industry (Stream A) Award-State 2017*; and
 - the Unions referred to in paragraph [2].
- [7] Having regard to the submissions made by the parties who appeared at the hearing today, as well as the affidavits of Mr Scott Waters, Chief Executive Officer of the Council filed on 19 July 2023 and 4 July 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.
- [8] The application to certify the agreement is granted. The agreement operates from the day it is certified, being today's date, 20 July 2023.
- [9] Although the nominal expiry date of the agreement is 30 June 2025, it continues to operate until it is terminated under either s 227 or s 228 of the IR Act.
- [10] I make the following order:

The Moreton Bay Regional Council Certified Agreement 2022 EBA5 is certified.

¹ Correspondence received on 19 July 2023.