

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the making of the Redland City Council  
Employees' Certified Agreement 2022 [2023]  
QIRC 225*

PARTIES: **Redland City Council**

AND

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

AND

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

AND

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

AND

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

AND

**The Electrical Trades Union of Employees  
Queensland**

AND

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

CASE NO: CB/2023/64

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 31 July 2023

HEARING DATE: 31 July 2023

MEMBER: Dwyer IC

HEARD AT: Brisbane

ORDER: ***The Redland City Council Employees' Certified Agreement 2022 is certified.***

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – application for certification of an agreement – requirements for certification – agreement certified.

LEGISLATION: *Industrial Relations Act 2016 (Qld) ss 189, 227 and 228*

APPEARANCES: Mr M. Beaumont and Ms E. Collins for the Redland City Council

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

### **Reasons for Decision**

- [1] On 10 July 2023, the Redland City Council ('the applicant council') filed an application, pursuant to s 189 of the *Industrial Relations Act 2016 (Qld)* ('the IR Act') to certify the *Redland City Council Employees' Certified Agreement 2022* ('the agreement').
- [2] The hearing of the application for certification was listed for 31 July 2023. At 9:36am on that day, the Industrial Registry received an email from The Association of Professional Engineers, Scientists and Managers Australia, Queensland Branch, Union of Employees ('APESMA'). The substance of the email was a request that the Commission make an Order making APESMA a party to the proposed agreement.
- [3] The email did not include any other party to the proposed agreement amongst its addressees. Consequently, the Commission was required to urgently undertake the task that should have been undertaken by APESMA.
- [4] It is difficult to know where to begin listing all of the problems with the approach taken by APESMA. Suffice to say, at the top of that list, is the last minute and casual request

to be included as a party to a proposed certified agreement, apparently without any notice to any other party.

- [5] It is entirely unreasonable to expect parties to the proposed agreement to have properly considered their position on such a request in any meaningful way in the five hours available. It is equally unreasonable to expect those parties to have to adjourn their application when they were otherwise fully ready to proceed to certification. Certainly, the Commission would not contemplate ordering an adjournment and delaying the matter where the persons most disadvantaged by such an adjournment would be the employees of the applicant council.
- [6] At the hearing of the matter, the representatives for the applicant council and the representative for The Australian Workers' Union of Employees, Queensland ('the AWU') were the only parties present. The other parties to the proposed agreement had all long since been excused from attending after they had done the Commission the courtesy of writing to the Registry (with plenty of notice) confirming their consent to the application and seeking to be excused.
- [7] Further, by the commencement of the hearing, none of the absent parties to the proposed agreement had responded to the request from APESMA that the Industrial Registry had been compelled to email to them earlier in the day. Understandably, those absent parties will have required more than the five hours available and their failure to reply is in no way capable of criticism.
- [8] At the hearing, the representatives of the applicant council and the AWU were invited to comment on the request from APESMA. Understandably, neither party was properly prepared to address the matter, but neither party expressed any support for the request.
- [9] In all of those circumstances, the Commission determined that APESMA's request would be refused.
- [10] The parties to the agreement are:
- the applicant council;
  - the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland;
  - the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
  - the Plumbers & Gasfitters Employees' Union Queensland, Union of Employees;
  - The AWU;
  - The Electrical Trades Union of Employees Queensland; and
  - the Transport Workers' Union of Australia, Union of Employees (Queensland Branch).

[11] The terms of the agreement have been consented to by all the above-mentioned parties.

[12] The agreement applies to the applicant council, the union parties and employees who are covered under the classification outlined pursuant to the relevant awards<sup>1</sup> referred to at clause 4.1 of the agreement.

[13] Having regard to the submissions made by the parties who appeared at the hearing of the matter on 31 July 2023 as well as the affidavit of Mr Andrew Chesterman, Chief Executive Officer of the applicant council, filed on 10 July 2023, I am satisfied that:

- a. each relevant requirement in Ch 4, Pt 5, Sub-Div.2 of the Act has been satisfied; and
- b. there is nothing in the Agreement which would require the Commission to refuse to grant the application pursuant to Ch 4, Pt 5, Sub-Div.3 of the Act.

[14] Accordingly, the application to certify the agreement is granted.

[15] The agreement operates from the date it was certified, namely 31 July 2023.

[16] Despite the fact that the nominal expiry date of the agreement is 1 May 2025, it will continue to operate until it is terminated under ss 227 or 228 of the Act.

### **Order**

- 1. *The Redland City Council Employees' Certified Agreement 2022 is certified.***

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<sup>1</sup> The *Local Government Industry (Stream B) Award – State 2017* and the *Local Government Industry (Stream C) Award – State 2017*.