

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the making of the Goondiwindi Regional Council Certified Agreement 2023-2025 INDOOR [2023] QIRC 281*

PARTIES: **Goondiwindi Regional Council**

AND

**Queensland Services, Industrial Union of Employees**

AND

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

AND

**United Workers' Union, Industrial Union of Employees, Queensland**

CASE NO: CB/2023/98

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 27 September 2023

HEARING DATE: 27 September 2023

MEMBER: Pidgeon IC

HEARD AT: Brisbane

ORDER: ***The Goondiwindi Regional Council Certified Agreement 2023-2025 INDOOR is certified.***

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

LEGISLATION: *Industrial Relations Act 2016* ss 189, 227, 228

## APPEARANCES:

Ms K. Roberts, Goondiwindi Regional Council.

Mr D. Murphy, Queensland Services, Industrial Union of Employees.

### Reasons for Decision

- [1] On 6 September 2023, the Goondiwindi Regional Council ('the Applicant'), pursuant to s 189 of the *Industrial Relations Act 2016* (Qld) ('the Act'), made an application to certify the *Goondiwindi Regional Council Certified Agreement 2023-2025 INDOOR* ('the agreement').
- [2] As required by s 189(3) of the Act, the application was made within 21 days of the date on which the agreement was made.
- [3] The named parties to the agreement are the Applicant; Queensland Services, Industrial Union of Employees; The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees; and United Workers' Union, Industrial Union of Employees, Queensland.
- [4] The agreement is signed by all the above-mentioned parties.
- [5] The agreement is to apply to:
- all employees employed by Goondiwindi Regional Council who are covered by the Awards listed in clause 1.7.
  - The Awards listed in clause 1.7 are the *Queensland Local Government Industry (Stream A) Award – State 2017* and the *Queensland Local Government Industry (Stream B) Award – State 2017* in respect of the employees referred to at 1.7.2.
  - Clause 1.7.2 of the Agreement pertains to theatrical employees and says, 'Schedule B of this Agreement provides for the rates of pay for employees working in the cinema'. Schedule B applies to employees employed under the Theatrical Service (Division 2 – Section 6 of Stream B). Those employees include: Senior Theatre Technicians, Projectionists, and Senior Ticket Sellers.
  - This Agreement shall not apply to any employee appointed to the position of Senior Officer pursuant to a written contract of employment where that contract is pursuant to clause 4.2 of Division 2 – Section 1 of the *Queensland Local Government Industry (Stream A) Award – State 2017*.

- [6] Having regard to the submissions made by the parties who appeared today,<sup>1</sup> and to the affidavits of Mr Carl Manton, Chief Executive Officer, Goondiwindi Regional Council filed 6 September 2023, 7 September 2023, 8 September 2023 and 12 September 2023:
- I am satisfied of each relevant requirements in ch 4, pt 5, div 2, sub-div 2 of the Act and ch 5, pt 2, div 2; 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.
- [7] The application to certify the *Goondiwindi Regional Council Certified Agreement 2023-2025 INDOOR* is granted.
- [8] The *Goondiwindi Regional Council Certified Agreement 2023-2025 INDOOR* operates from the day it is certified, namely 27 September 2023.
- [9] Although the nominal expiry date of the *Goondiwindi Regional Council Certified Agreement 2023-2025 INDOOR* is 1 September 2025, it continues to operate until it is terminated under s 227 or s 228 of the Act.
- [10] I make the following order:
- 1. The *Goondiwindi Regional Council Certified Agreement 2023-2025 INDOOR* is certified.**

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<sup>1</sup> I excused from appearing the following unions who wrote to the Industrial Registry to advise that they supported the applications but could not attend the hearing: The Association of Professional Engineers, Scientists and Managers, Australia ('APESMA') and the United Workers' Union, Industrial Union of Employees, Queensland ('UWU').