

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Transport and Main Roads Operational Employees' Certified Agreement 2022*
[2023] QIRC 301

PARTIES: **State of Queensland (Department of Transport and Main Roads)**

AND

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

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

The Australian Workers' Union of Employees, Queensland

The Electrical Trades Union of Employees Queensland

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

Together Queensland, Industrial Union of Employees

CASE NO: CB/2023/106

PROCEEDING: Application for certification of an Agreement

DELIVERED ON: 19 October 2023

HEARING DATE: 18 October 2023

HEARD AT: Brisbane

MEMBER: McLennan IC

- ORDERS: ***The Transport and Main Roads Operational Employees' Certified Agreement 2022 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 R. Dayal with Mr G. Wallace and Mr W. Staier for the Department of Transport and Main Roads
- Mr P. Dunbar for the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland
- Ms C. Taylor for The Australian Workers' Union of Employees, Queensland
- Mr K. McKay for Together Queensland, Industrial Union of Employees

Reasons for Decision

- [1] On 28 September 2023, the State of Queensland (Department of Transport and Main Roads) ('the Department') made an application pursuant to s 189 of the *Industrial Relations Act 2016* (Qld) ('the IR Act') to certify the *Transport and Main Roads Operational Employees' Certified Agreement 2022* ('the agreement').
- [2] The named parties to the agreement are the Department and the following employee organisations:
- Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland
 - Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland
 - The Australian Workers' Union of Employees, Queensland
 - The Electrical Trades Union of Employees Queensland
 - Transport Workers' Union of Australia, Union of Employees (Queensland Branch); and

- Together Queensland, Industrial Union of Employees.
- [3] The agreement is signed by all the above-mentioned parties.
- [4] Along with the Department, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland, The Australian Workers' Union of Employees, Queensland, and Together Queensland, Industrial Union of Employees also appeared today and consented to the present application. No other person appeared or sought to make submissions.
- [5] The Electrical Trades Union of Employees Queensland, wrote to the Commission and advised that they agree to the certification of the agreement, despite being unable to appear.¹
- [6] The agreement covers:
- The State of Queensland (Department of Transport and Main Roads);
 - an employee of the State of Queensland employed in the Department of Transport and Main Roads who is covered by the awards listed in clause 1.4 of the agreement - *Relationship with Parent Awards* - and for whom rates of pay, conditions of employment and entitlements are provided for in the agreement;
 - 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 Ms Sally Stannard, A/Director-General of the Department filed 28 September 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, 18 October 2023.
- [9] Although the nominal expiry date of the agreement is 31 August 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:

¹ Correspondence received on 9 October 2023.

The *Transport and Main Roads Operational Employees' Certified Agreement 2022* is certified.