

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Isaac Regional Council
Certified Agreement 2023 [2023] QIRC 317*

PARTIES: **Isaac Regional Council**

AND

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

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

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

**Queensland Services, Industrial Union of
Employees**

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

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

**The Electrical Trades Union of Employees
Queensland**

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

CASE NO: CB/2023/119

PROCEEDING: Application for certification of an Agreement

DELIVERED ON: 6 November 2023

HEARING DATE: 6 November 2023

HEARD AT: Brisbane

MEMBER: McLennan IC

ORDERS: **The Isaac Regional Council Certified Agreement 2023 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: Ms J. Morrall, Local Government Association Queensland for Isaac Regional Council

Mr P. Dunbar for the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

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

Reasons for Decision

- [1] On 23 October 2023, the Isaac Regional Council ('the Council') made an application pursuant to s 189 of the *Industrial Relations Act 2016* (Qld) ('the IR Act') to certify the *Isaac Regional Council Certified Agreement 2023* ('the agreement').
- [2] The named parties to the agreement are the Council 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;
 - Plumbers & Gasfitters Employees' Union Queensland, Union of Employees;
 - Queensland Services, Industrial Union of Employees;
 - The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees;
 - The Australian Workers' Union of Employees, Queensland;
 - The Electrical Trades Union of Employees Queensland; and
 - Transport Workers' Union of Australia, Union of Employees (Queensland Branch).

- [3] The Commission is satisfied that all parties have agreed on the terms of the agreement, which were approved by a valid majority of relevant employees in a properly conducted ballot. While the agreement was not signed by The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees, the Union provided email confirmation on 27 October 2023 that they consent to the application.¹ Under s 196(3)(b) of the Act, that is sufficient to satisfy the Commission in this case.
- [4] Along with the Council, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland and 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 Plumbers & Gasfitters Employees' Union Queensland, Union of Employees, the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland, The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees, and The Electrical Trades Union of Employees Queensland, wrote to the Commission seeking leave to be excused from attending. They each advised that they agree to the certification of the agreement.²
- [6] The agreement covers the Isaac Regional Council, the Unions named in paragraph [2], and their members, or persons eligible to be their members pursuant to the relevant Union's registered rules of coverage, who are employed by the Council under the agreement and the relevant Awards. The agreement does not cover the Chief Executive Officer, Senior Executive Officers, Managers and staff employed on Common Law Contracts.
- [7] Having regard to the submissions made by the parties who appeared at the hearing today, as well as the affidavit of Mr Darren Fettell, Acting Chief Executive Officer of the Council filed on 23 October 2023:
- I am satisfied of each relevant requirement in ch 4 pt 5 div 2 sub-div 2 of the IR Act; and

¹ Correspondence from Ms Jessica Hensman, Lead Organiser from The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees dated 27 October 2023.

² Correspondence from Mr Gary O'Halloran, State Secretary of the Plumbers & Gasfitters Employees' Union Queensland, Union of Employees dated 27 October 2023; Correspondence from Mr Rohan Webb, State Secretary QLD/NT of the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland dated 27 October 2023; Correspondence from Ms Jessica Hensman, Lead Organiser from The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees dated 27 October 2023; Correspondence from Mr Peter Ong, State Secretary of The Electrical Trades Union of Employees Queensland dated 1 November 2023.

- 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, 6 November 2023.

[9] Although the nominal expiry date of the agreement is 30 June 2026, 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 Isaac Regional Council Certified Agreement 2023 is certified.