

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Somerset Regional Council - Field Staff Certified Agreement 2023 [2023] QIRC 324*

PARTIES: **Somerset Regional Council**

AND

The Australian Workers' Union of Employees, Queensland

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

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

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

CASE NO: CB/2023/127

PROCEEDING: Certification of an agreement

DELIVERED ON: 13 November 2023

HEARING DATE: 13 November 2023

MEMBER: McLennan IC

HEARD AT: Brisbane

ORDER: ***The Somerset Regional Council - Field Staff Certified Agreement 2023 is certified.***

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

LEGISLATION:

Industrial Relations Act 2016 (Qld) ch 4

APPEARANCES:

Ms N. Hope with Ms S. Terera of Local Government Association Queensland for Somerset Regional Council

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

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

Reasons for Decision

- [1] On 31 October 2023, the Somerset Regional Council ('the Council') made an application pursuant to s 189 of the *Industrial Relations Act 2016* (Qld) ('the IR Act') to certify the *Somerset Regional Council - Field Staff Certified Agreement 2023* ('the agreement').
- [2] The named parties to the agreement are the Council and the following employee organisations:
- The Australian Workers' Union of Employees, Queensland;
 - Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
 - Automotive, Metals, Engineering, Printing and Kindred Industries Industrial 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 Transport Workers' Union of Australia, Union of Employees (Queensland Branch), the Union provided email confirmation on 10 November 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 Council, The Australian Workers' Union of Employees, Queensland, and the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland also appeared today and consented to the present application. No other person appeared or sought to make submissions.

¹ Correspondence from Mr Richard Olsen, Transport Workers' Union of Australia, Union of Employees (Queensland Branch) dated 10 November 2023.

- [5] The Transport Workers' Union of Australia, Union of Employees (Queensland Branch) wrote to the Commission seeking leave to be excused from attending and confirmed their consent to the application.²
- [6] The agreement covers the Somerset Regional Council and the Unions named in paragraph [2]. The agreement applies to all employees paid under provisions Division 2 – Section 5 of the *Queensland Local Government Industry (Stream B) Award – State 2017* and Division 2 – Section 2 of the *Queensland Local Government Industry (Stream C) Award – State 2017*.
- [7] Having regard to the submissions made by the parties who appeared at the hearing today, as well as the affidavit of Mr Andrew Johnson, Chief Executive Officer of the Council filed on 31 October 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, 13 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 Somerset Regional Council - Field Staff Certified Agreement 2023 is certified.**

² Correspondence from Mr Richard Olsen, Transport Workers' Union of Australia, Union of Employees (Queensland Branch) dated 10 November 2023.