

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Western Downs Regional Council Operational Staff Certified Agreement 2023 [2023] QIRC 352*

PARTIES: **Western Downs Regional Council**

AND

Queensland Services, Industrial Union of Employees

AND

The Australian Workers' Union of Employees, Queensland

AND

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

AND

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

AND

The Electrical Trades Union of Employees Queensland

AND

Plumbers & Gasfitters Employees' Union Queensland, Union of Employees

AND

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

CASE NO: CB/2023/135

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 5 December 2023

HEARING DATE: 5 December 2023

MEMBER: Pidgeon IC

HEARD AT: Brisbane

ORDER: ***The Western Downs Regional Council Operational Staff Certified Agreement 2023 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, 228

APPEARANCES:

Ms S. Terera of the Local Government Association of Queensland for the Applicant.

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

Ms C. Taylor of The Australian Workers' Union of Employees, Queensland.

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

Reasons for Decision

[1] On 17 November 2023, the Western Downs Regional Council ('the Applicant'), pursuant to s 189 of the *Industrial Relations Act 2016* (Qld) ('the Act'), made an application to

certify the *Western Downs Regional Council Operational Staff Certified Agreement 2023* ('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 Australian Workers' Union of Employees, Queensland; Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland; Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland; The Electrical Trades Union of Employees Queensland; Plumbers & Gasfitters Employees' Union Queensland, Union of Employees; and Transport Workers' Union of Australia, Union of Employees (Queensland Branch)
- [4] The agreement is signed by all the above-mentioned parties.
- [5] The agreement is to apply to the parties and all Western Downs Regional Council employees covered by the *Queensland Local Government Industry (Stream B) Award – State 2017* and the *Queensland Local Government Industry (Stream C) Award – State 2017*.
- [6] Having regard to the submissions made by the parties who appeared today,¹ and to the affidavit of Ms Jodie Taylor, Chief Executive Officer, Western Downs Regional Council affirmed 13 November 2023:
- I am satisfied of each relevant requirement in ch 4, pt 5, div 2, sub-div 2 of the 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 Act.
- [7] The application to certify the *Western Downs Regional Council Operational Staff Certified Agreement 2023* is granted.
- [8] The *Western Downs Regional Council Operational Staff Certified Agreement 2023* operates from the day it is certified, namely 5 December 2023.
- [9] Although the nominal expiry date of the *Western Downs Regional Council Operational Staff Certified Agreement 2023* is 26 March 2026, it continues to operate until it is terminated under s 227 or s 228 of the Act.

¹ 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: Plumbers & Gasfitters Employees' Union Queensland, Union of Employees; The Electrical Trades Union of Employees Queensland; Transport Workers' Union of Australia, Union of Employees (Queensland Branch); and Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland.

[10] I make the following order:

1. **The *Western Downs Regional Council Operational Staff Certified Agreement 2023* is certified.**