

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Western Downs Regional Council Non-Operational Staff Certified Agreement 2023 [2023] QIRC 354*

PARTIES: **Western Downs Regional Council**

AND

Queensland Services, Industrial Union of Employees

AND

The Australian Workers' Union of Employees, Queensland

CASE NO: CB/2023/137

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 Non-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.

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 Non-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; and the Australian Workers' Union of Employees, Queensland.
- [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 A) Award - State 2017*. It shall not apply to the employment terms and conditions of those Senior Officers as provided for in Division 2 - Section 1, Clause 4.2 of the *Queensland Local Government Industry (Stream A) Award - State 2017*. All Senior Officers will be covered by contracts and this certified agreement shall not apply to the employment terms and conditions of any such employee.
- [6] Having regard to the submissions made by the parties who appeared today, 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 Non-Operational Staff Certified Agreement 2023* is granted.

[8] The *Western Downs Regional Council Non-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 Non-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.

[10] I make the following order:

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