

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Lockyer Valley Regional Council Certified Agreement – Field 2023 [2024] QIRC 124*

PARTIES: **Lockyer Valley Regional Council**

AND

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

The Australian Workers’ Union of Employees, Queensland

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

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

CASE NO: CB/2024/33

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 20 May 2024

HEARING DATE[S]: 20 May 2024

MEMBER: Gazenbeek IC

HEARD AT: Brisbane

ORDER: ***The Lockyer Valley Regional Council Certified Agreement – Field 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, 193, 216, 227, 228.

APPEARANCES: Ms E. Mayr of Ashurst Australia for Lockyer Valley Regional Council.

Reasons for Decision

- [1] On 30 April 2024, Lockyer Valley Regional Council ('the Council') applied, pursuant to s 189(1) of the *Industrial Relations Act 2016* ('the Act'), to certify the *Lockyer Valley Regional Council Certified Agreement – Field 2023* ('the agreement').
- [2] The named parties to the agreement are the Council and the following employee organisations ('the employee organisations'):
- (a) Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland ('AMEPKU');
 - (b) The Australian Workers' Union of Employees, Queensland ('AWU');
 - (c) Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ('CFMEU'); and
 - (d) Transport Workers' Union of Australia, Union of Employees (Queensland Branch) ('TWU').
- [3] The hearing of this application was listed before the Commission on 20 May 2024.
- [4] The following employee organisations sought leave to be excused from attending the hearing, on the basis that they supported the application and consented to the certification of the agreement:
- (a) AMEPKU;¹
 - (b) AWU;²
 - (c) CFMEU;³ and
 - (d) TWU.⁴

¹ Affidavit of Mr Michael Ian Church, Chief Executive Officer of the Council filed 30 April 2024, 63.

² Ibid, 69.

³ Ibid, 65.

⁴ Ibid, 72.

- [5] The agreement applies to the Council, 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*, and the employee organisations.
- [6] The agreement, as attached to the application to certify, has been signed by all named parties to the agreement. The application was made within 21 days of the date on which the agreement was signed by all named parties.⁵
- [7] Having regard to the submissions made by the parties who appeared today, and to the materials filed, I am satisfied that:⁶
- (a) each of the relevant requirements in ch 4 pt 5 div 2 sub-div 2 of the Act have been satisfied; and
 - (b) 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.
- [8] Accordingly, the application to certify the *Lockyer Valley Regional Council Certified Agreement – Field 2023* is granted.
- [9] The agreement operated from the date it was certified,⁷ namely, 20 May 2024.
- [10] While the agreement has a nominal expiry date of 1 July 2026, the agreement will continue to operate until it is terminated under section 227 or 228 of the Act.⁸
- [11] I make the following order:

The *Lockyer Valley Regional Council Certified Agreement – Field 2023* is certified.

⁵ *Industrial Relations Act 2016* (Qld) s 189(3).

⁶ *Industrial Relations Act 2016* (Qld) s 193.

⁷ *Ibid* s 216(1).

⁸ *Ibid* s 216(2).