

## QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Lockyer Valley Regional Council Certified Agreement – Officers 2023 [2024] QIRC 126*

PARTIES: **Lockyer Valley Regional Council**

AND

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

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

**Queensland Services, Industrial Union of Employees**

**United Workers’ Union, Industrial Union of Employees, Queensland**

CASE NO: CB/2024/35

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 – Officers 2023 is certified.***

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – application for certification of an agreement – requirements for certification – amendment of typographical errors in agreement by Commission – agreement certified

LEGISLATION: *Industrial Relations Act 2016* (Qld) ss 189, 193, 216, 227, 228, 539.

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

Ms C. Sait and Mr J. Donaghy for the Queensland Services, Industrial Union of Employees.

### 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 – Officers 2023* ('the agreement').
- [2] The named parties to the agreement are the Council and the following employee organisations ('the employee organisations'):
- (a) The Australian Workers' Union of Employees, Queensland ('AWU');
  - (b) The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees ('APESMA');
  - (c) Queensland Services, Industrial Union of Employees ('QSU'); and
  - (d) United Workers' Union, Industrial Union of Employees, Queensland ('UWUQ').
- [3] The agreement applies to the Council and its employees in professional, technical or administrative roles employed under the *Queensland Local Government Industry (Stream A) Award – State 2017*, with the exception of any employee in a Senior Officer position as defined in div 2, s 1, cl 4.2 of this Award.
- [4] 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.<sup>1</sup>
- [5] The hearing of this application was listed before the Commission on 20 May 2024.
- [6] 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) AWU;<sup>2</sup>

<sup>1</sup> *Industrial Relations Act 2016* (Qld) s 189(3).

<sup>2</sup> Affidavit of Mr Michael Ian Church, Chief Executive Officer of the Council filed 30 April 2024, 67.

(b) APESMA;<sup>3</sup> and

(c) UWUQ.<sup>4</sup>

- [7] On 16 May 2024, the Council filed submissions with the Industrial Registry identifying seven typographical errors in the wages table of the agreement, which were identified after the completion of the voting process for the agreement.<sup>5</sup> The Council requested that the Commission exercise its power under s 539(e) of the Act to correct the typographical errors by:
- deleting the amounts listed in the ‘2023 5%’ column of the CSO Wages Table of the agreement with respect to the affected classifications; and
  - inserting the correct amounts as provided in table 1 of their filed submissions.
- [8] On 17 May 2024, correspondence was issued to the named parties to the agreement requesting that any opposition to the Commission exercising its power under s 539(e) to correct the errors identified by the Council, be communicated to the Industrial Registry in writing prior to the commencement of the hearing before me on 20 May 2024.
- [9] No party to the agreement, either in writing to the Industrial Registry or in submissions at the hearing, opposed the Commission amending the errors identified by the Council.
- [10] Pursuant to s 539(e) of the Act, the Commission has exercised its power to correct the typographical errors identified by the Council.
- [11] Having regard to the submissions made by the parties who appeared today, and to the materials filed, I am satisfied that:<sup>6</sup>
- (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.
- [12] Accordingly, the application to certify the *Lockyer Valley Regional Council Certified Agreement – Officers 2023* is granted.
- [13] The agreement operated from the date it was certified,<sup>7</sup> namely, 20 May 2024.

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<sup>3</sup> Ibid, 73.

<sup>4</sup> Ibid, 77.

<sup>5</sup> Applicant’s Outline of Submissions, filed 16 May 2024.

<sup>6</sup> *Industrial Relations Act 2016* (Qld) s 193.

<sup>7</sup> Ibid s 216(1).

[14] 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.<sup>8</sup>

[15] I make the following order:

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

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<sup>8</sup> Ibid s 216(2).