

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Torres Shire Council Certified Agreement 2022 [2024] QIRC 217*

PARTIES: **Torres Shire Council**

AND

The Australian Workers' Union of Employees, Queensland

AND

Queensland Services, Industrial Union of Employees

CASE NO: CB/2024/51

PROCEEDING: Certification of an agreement

DELIVERED ON: 3 September 2024

HEARING DATE: 3 September 2024

MEMBER: McLennan IC

HEARD AT: Brisbane

ORDER: ***The Torres Shire Council Certified Agreement 2022 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: Mr P. Spoto of Local Government Association of Queensland for the Torres Shire Council

Mr T. Stephens for The Australian Workers' Union of Employees, Queensland

Ms C. Sait for Queensland Services, Industrial Union of Employees

Reasons for Decision

- [1] On 13 August 2024, the Torres Shire Council ('the Council') made an application pursuant to s 189 of the *Industrial Relations Act 2016* (Qld) ('the IR Act') to certify the *Torres Shire Council Certified Agreement 2022* ('the agreement').
- [2] The named parties to the agreement are the Council and the following employee organisations:
- The Australian Workers' Union of Employees, Queensland; and
 - Queensland Services, Industrial Union of Employees.
- [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.
- [4] Along with the Council, The Australian Workers' Union of Employees, Queensland, and the Queensland Services, Industrial Union of Employees also appeared today and consented to the present application. No other person appeared or sought to make submissions.
- [5] The agreement covers the Torres Shire Council and the unions named in paragraph [2]. The agreement applies to all Torres Shire Council employees employed in classifications contained in the Awards listed in cl 1.13 of the agreement. Those are the:
- *Queensland Local Government Industry (Stream A) Award - State 2017*;
 - *Queensland Local Government Industry (Stream B) Award - State 2017*; and
 - *Queensland Local Government Industry (Stream C) Award - State 2017*.
- [6] The agreement does not apply to the employment of a senior officer, as defined in div 2, s 1, cl 4.2 of the *Queensland Local Government Industry (Stream A) Award – State 2017*, employed pursuant to a written contract of employment, where the contract of employment states that the Award will not apply to the terms and conditions applicable to the employee, and the terms and conditions of the contract do not result, on balance,

in a reduction in the overall terms and conditions of employment that would have been applicable to the employee under the Award and Agreement.

[7] Having regard to the submissions made by the parties who appeared at the hearing today, as well as the affidavit of Ms Dalassa Yorkston, Chief Executive Officer of the Council filed on 13 August 2024:

- 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, 3 September 2024.

[9] Although the nominal expiry date of the agreement is 31 August 2027, 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 Torres Shire Council Certified Agreement 2022 is certified.