

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Rockhampton Regional Council Treatment Plant Operators Certified Agreement 2022 [2025] QIRC 050*

PARTIES: **Rockhampton Regional Council**

AND

The Australian Workers' Union of Employees, Queensland

CASE NO: CB/2024/37

PROCEEDING: Application to certify an agreement

DELIVERED ON: 14 February 2025

HEARING DATE: 14 February 2025

MEMBER: Caddie IC

HEARD AT: Brisbane

ORDER: ***The Rockhampton Regional Council Treatment Plant Operators Certified Agreement 2022 is certified.***

CATCHWORDS: INDUSTRIAL LAW – QUEENSLAND – AGREEMENTS – application for certification of an agreement – requirements for certification – agreement certified.

LEGISLATION: *Industrial Relations Act 2016 (Qld) ss 171, 189, 193, 194, 216, 227, 228*

CASES *In the making of the Rockhampton Regional Council Treatment Plant Operators Certified Agreement 2022 [2024] QIRC 264*

APPEARANCES: Mr P. Spoto of the Local Government Association of Queensland for Rockhampton Regional Council.

Mr G. Taylor for the Australian Workers' Union of Employees, Queensland.

Reasons for Decision

- [1] On 3 June 2024, Rockhampton Regional Council ('the Council') applied, pursuant to s 189(1) of the *Industrial Relations Act 2016* ('the Act'), to certify the *Rockhampton Regional Council Treatment Plant Operators Certified Agreement 2022* ('the Agreement').
- [2] At the time of that application the named parties to the Agreement were the Council and the Australian Workers' Union of Employees, Queensland ('AWU'); and the Plumber and Gasfitters Employees' Union Queensland, Union of Employees ('PGEU').
- [3] The hearing of the original application was listed before me on 18 June 2024. On 14 June 2024 an objection was received from the AWU to the PGEU being listed as a party based on disputed coverage. Pursuant to s 194 of the Act, the parties consented to the Commission conciliating the matter and determining the question of whether the Agreement was capable of being certified with the PGEU as a party.
- [4] By decision issued 14 November 2024,¹ I found that if the PGEU pressed its claim to be included as a party, the demarcation dispute would need to be resolved via referral to the Full Bench, prior to the matter being remitted back to the Commission for certification.
- [5] On 12 December 2024 the PGEU wrote to the Commission indicating it no longer pressed its claim to be a party to the proposed agreement.² The request by the PGEU to withdraw as a named party to the Agreement and the consequential amendment to clause 1.2 Parties Bound and Signatories page are made by consent.
- [6] An amended application and proposed agreement were filed on 12 February 2025. The amendments are consistent with my decision and the requirements of s 194 of the Act that the parties be given an opportunity to take action to enable the Commission to grant the application. These amendments do not affect the terms and conditions provided for in the proposed agreement and do not require further balloting of the ten employees covered by it. In accordance with s 171(8) (a) and (b) of the Act the amendments are allowed.

¹ *In the making of the Rockhampton Regional Council Treatment Plant Operators Certified Agreement 2022* [2024] QIRC 264.

² Correspondence from the Plumber and Gasfitters Employees' Union Queensland, Union of Employees to the Industrial Registry dated 12 December 2024.

- [7] The named parties to the Agreement are Rockhampton Regional Council and the AWU.
- [8] The Agreement 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.³
- [9] Having regard to the submissions made by the parties who appeared today, and to the materials filed, I am satisfied that:
- (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 for certification pursuant to ch 4, pt 5, div 2, sub-div 3 of the Act.
- [10] The application to certify the *Rockhampton Regional Council Treatment Plant Operators Certified Agreement 2022* is granted.
- [11] The Agreement operates from the date it was certified,⁴ namely, 14 February 2025.
- [12] While the Agreement has a nominal expiry date of 1 July 2026, the Agreement will continue to operate until it is terminated pursuant to s 227 or s 228 of the Act.⁵
- [13] I make the following Order:
1. **The *Rockhampton Regional Council Treatment Plant Operators Certified Agreement 2022* is certified.**

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

⁴ *Ibid* s 216(1).

⁵ *Ibid* s 216(2).