

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Redland City Council Employees' Certified Agreement 2019* [2019] QIRC 187

PARTIES: **Redland City Council**

AND

The Australian Workers' Union of Employees, Queensland

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

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

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

Plumbers & Gasfitters Employees' Union Queensland, Union of Employees

The Electrical Trades Union of Employees, Queensland

CASE NO: CB/2019/122

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 6 December 2019

HEARING DATE: 6 December 2019

HEARD AT: Brisbane

MEMBER: Dwyer IC

ORDER: **1. The Redland City Council Employees' Certified Agreement 2019 is certified.**

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – Application for certification of an agreement – Requirements for certification – Agreement certified

LEGISLATION: *Industrial Relations Act 2016*
Industrial Relations (Tribunals) Rules 2011

APPEARANCES: Mr S. Blaney and Mr T. Daley for the Redland City Council.

Reasons for Decision

- [1] On 18 November 2019, the Chief Executive Officer of the Redland City Council ('the Applicant') pursuant to s 189 of the *Industrial Relations Act 2016* ('the Act'), made an application to certify the *Redland City Council Employees' Certified Agreement 2019* ('the Agreement').
- [2] Clause 2.1 of the Agreement names the parties as the Applicant and the following employee organisations:
- AWU – The Australian Workers' Union of Employees, Queensland,
 - TWU – Transport Workers' Union of Australia, Union Of Employees (Queensland Branch)
 - CFMEU – Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland,
 - PGEU – Plumbers and Gasfitters Employees' Union Queensland, Union of Employees
 - AMEPKU – Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland,
 - ETU – The Electrical Trades Union of Employees, Queensland,
- [3] Subsequent to the filing of the application for certification, the parties negotiated a minor amendment to the proposed agreement.
- [4] Clause 56 of the proposed agreement refers to an entity known as 'Redland Water'. An email 'chain' received by the Registry from the Applicant confirms communications between the parties raising a concern that, in the event the entity Redland Water ceased to exist, certain rights might be extinguished.
- [5] The concern was addressed by the parties agreeing to insert a definition of the term 'Redland Water' by reference to the employees employed to perform specific duties within a specific operational area.
- [6] A draft amendment was provided to the Commission at the hearing. The amendment simply requires the definition to be inserted as a new clause, numbers 10.8.
- [7] Having regard to the nature and purpose of the proposed amendment I did not consider that it adversely affected the employees' rights but, on the contrary, enhanced them through greater clarity as to the meaning given to cl 56. Consequently, I granted leave for the amendment pursuant to s 171(8) of the Act.
- [8] The Agreement is signed by all the above-mentioned parties except for the Electrical Trades Union of Employees, Queensland ('the ETU').
- [9] Correspondence was received by the Registry from the ETU on 25 November 2019 confirming that they did not intend to sign the agreement, but that they agreed with the terms and wished to be a party to, and covered by, the agreement. Accordingly, I am satisfied that pursuant to s 196(2) of the Act, I can dispense with the requirement that all parties sign the agreement.
- [10] The Agreement covers:
- the Redland City Council,

- its employees; and
- the organisations named at cl. 2.1 of the Agreement.

[11] Having regard to the submissions made by the parties who appeared and to the affidavit of Mr Andrew Chesterman dated 18 November 2019:

- 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.

[12] The application to certify the *Redland City Council Employees' Certified Agreement 2019* is granted.

[13] The *Redland City Council Employees' Certified Agreement 2019* operates from the day it is certified, namely 21 November 2019.

[14] Although the nominal expiry date of the *Redland City Council Employees' Certified Agreement 2019* is 6 December 2022, it continues to operate until it is terminated under s 227 or s 228 of the Act.

[15] I make the following order:

1. **The *Redland City Council Employees' Certified Agreement 2019* is certified.**