

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION:

In the making of the Transport and Main Roads Operational Employees' Certified Agreement 2019 [2020] QIRC 158

PARTIES:

State of Queensland (Department of Transport and Main Roads)
(Applicant)

v

Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees
(First Respondent)

&

Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland
(Second Respondent)

&

The Australian Workers' Union of Employees, Queensland
(Third Respondent)

&

The Electrical Trades Union of Employees Queensland
(Fourth Respondent)

&

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

&
**Together Queensland, Industrial Union of
 Employees**
 (Sixth Respondent)

CASE NO: CB/2020/68

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 3 September 2020

MEMBER: Knight IC

HEARD AT: On the papers

ORDER: **1. The *Transport and Main Roads Operational 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*

Reasons for Decision

- [1] The State of Queensland (Department of Transport and Main Roads) ("the Applicant") has applied to certify the *Transport and Main Roads Operational Employees' Certified Agreement 2019* ("the certified agreement"), pursuant to s 189¹ of the *Industrial Relations Act 2016* ("the Act").
- [2] Pursuant to s 952S(2) of the Act, the application must be decided without a hearing.
- [3] I have had regard to the material filed in support of the application, including the affidavits of Mr Neil Scales, Director-General, Department of Transport and Main Roads, each affirmed on 26 August 2020.
- [4] As required by s 189(3) of the Act, the application was made within 21 days of the date on which the certified agreement was signed.

¹ As modified by s 952R of the Act.

[5] The parties bound by this certified agreement are:

- State of Queensland (Department of Transport and Main Roads);
- Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees;
- Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
- The Australian Workers' Union of Employees, Queensland;
- The Electrical Trades Union of Employees Queensland;
- Transport Workers' Union of Australia, Union of Employees (Queensland Branch); and
- Together Queensland, Industrial Union of Employees.

[6] The certified agreement applies to operational employees of the Department of Transport and Main Roads covered by the awards listed at cl 1.3 therein.

[7] While s 952W of the Act excludes the application of s 196 of the Act, I note that the agreement has been signed for and by all parties to the agreement.

[8] In certifying the agreement, I am satisfied that each relevant requirement pursuant to ch 4, pt 5, div 2, sub-div 2 (as modified by ch 15A) of the Act has been discharged.

[9] I note that s 952Y of the Act operates so that the provisions of ch 4, pt 5, div 2, sub-div 3 do not apply.

[7] The certified agreement operates from the day it is certified, namely 3 September 2020.²

[8] Although the nominal expiry date of the certified agreement is 31 August 2022, it continues to operate until it is terminated.³

[9] I make the following order:

1. ***The Transport and Main Roads Operational Employees' Certified Agreement 2019 is certified.***

² s 216(1) of the Act.

³ ss 227 and 228 of the Act.