

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *Re: Application for decision about designated award [2020] QIRC 092*

PARTIES: **State of Queensland**
and
Together Queensland, Industrial Union of Employees

CASE NO: CB/2020/23

PROCEEDING: Application

DELIVERED ON: 9 June 2020 (written reasons 16 June 2020)

HEARING DATE: 9 June 2020

HEARD AT: Brisbane

MEMBER: O'Connor VP

ORDER: **1. The application is granted**

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – Application for decision about designated award for a certified agreement.

LEGISLATION: *Industrial Relations Act 2016, s 213*

APPEARANCES: Ms L Gribbin of the Office of Industrial Relations
Mr M Thomas of Together Queensland, Industrial Union of Employees

Reasons for Decision

- [1] This application is made by the State of Queensland (Office of Industrial Relations) on behalf of the Office of the Governor under s 213(3) of the *Industrial Relations Act 2016* for a decision about the awards that are appropriate for the purposes of deciding if a proposed certified agreement passes the no-disadvantage test.
- [2] The 'proposed certified agreement' is the *State Government Entities Certified Agreement 2019*.
- [3] The relevant section of the IR Act which regulates this type of application provides:

213 Deciding designated awards

- (1) This section applies if—

- (a) an employer, or an employee organisation, proposes to make a certified agreement; and
- (b) there is no relevant award for some or all of the persons to whom the agreement will apply.

(2) The employer or organisation must apply to the commission for a decision under subsection (3).

(3) On application, the commission must decide that an award that regulates employment conditions of employees engaged in a similar kind of work as the person under the proposed agreement is appropriate for deciding whether the agreement passes the no-disadvantage test.

(4) The commission must give the employer or organisation in written notice of the commission's decision.

[4] The Office of the Governor is an entity engaging employees covered by the *State Government Entities Certified Agreement 2019*. The Office of the Governor engages operational (including security officers, gardeners and stewards) and administrative staff who are covered by the *State Government Entities Certified Agreement 2019*. The operational and administrative staff are engaged in operational activities such as:

- (a) maintaining the Government House Estate as an official State residence by conserving its heritage-listed facilities and undertaking appropriate maintenance, security, stewardship and horticultural tasks.

- (b) providing administrative and logistical support to enable the Governor to fulfil constitutional, representational, ceremonial and community responsibilities.

[5] It is necessary to propose a designated award under section 213(3) of the IR Act for this discrete group of employees covered by the agreement for the purposes of the no-disadvantage test.

[6] In respect to the Office of Governor employees covered by Appendix 11 of the agreement, the State proposes the *Queensland Public Service Officers and Other Employees Award – State 2015* as the award which regulates employment conditions of the relevant employees engaged in a similar kind of work as the persons under the agreement. The State submits that it is the appropriate award for deciding if the agreement passes the no-disadvantage test.

[7] Mr Thomas, of the Together Union, supports the State's proposal.

[8] Accordingly, the application for a decision about designation pursuant to s 213 of the Act is granted in the terms applied for. Pursuant to subsection (3) of s 213 and in respect to the Office of Governor employees covered by Appendix 11 of the agreement, the *Queensland Public Service Officers and Other Employees Award – State 2015* is the award which regulates employment conditions of employees engaged in a similar kind

of work as the persons under the agreement, and to which these employees have their wages aligned to already (operational stream and administrative stream). I am also satisfied that the award proposed is appropriate for the purposes of deciding whether the *State Government Entities Certified Agreement 2019* passes the no-disadvantage test.

Order

- 1. The application is granted**