

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *Re: Application for decision about designated award [2020] QIRC 093*

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

CASE NO: CB/2020/24

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 S Ong of United Voice, Industrial Union of Employees, Queensland

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 Public Safety Business Agency under section 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 PSBA is an entity engaging employees covered by the proposed *State Government Entities Certified Agreement 2019*.

[5] The PSBA engages pilots, engineers and aircrew who are covered by the proposed agreement in the operational unit Queensland Government Air 'QGAir' in fixed wing and rotary units who are covered by the proposed agreement. In relation to these employees:

- (a) The fixed wing unit engages pilots only.
- (b) The rotary unit engages pilots, engineers and aircrew which includes Base Manager, Chief Aircrew Officer, Senior Aircrew Officer, Aircrew Officer and Rescue Crew Officer.

[6] The pilots and aircrew are engaged in operational activities such as:

- (a) Incident response including search and rescue (sea and land); counter-disaster operations (e.g. natural disasters, evacuations); and law enforcement (e.g. tactical response to public order or siege situations); and
- (b) Transport including as aeromedical (primary evacuations, inter-facility transfer, organ retrieval), cargo (general cargo, secure cargo, dangerous goods) and transport (government officers, dignitaries, passengers requiring government escort).

[7] Pilots and aviation engineers are not covered by any Queensland modern awards or pre-modern awards. Aircrew are now covered by the *General Employees (Queensland Government Departments) and Other Employees Award – State 2015*.

- [8] 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.

Nominated designated award for QGAir Pilots

- [9] In respect of QGAir pilots covered by the proposed agreement, the State proposes the federal *Air Pilots Award 2020* [MA000046] as the award which regulates employment conditions of employees engaged in a similar kind of work as the persons under the proposed agreement and could be an appropriate award for deciding if the proposed certified agreement passes the no-disadvantage test.

Nominated designated award for QGAir Engineers

- [10] In respect of the QGAir engineers covered by the proposed agreement, the State proposes the federal *Airline Operations – Ground Staff Award 2020* [MA000048] as the award which regulates employment conditions of employees engaged in a similar kind of work as the persons under the proposed agreement and could be an appropriate award for deciding if the proposed certified agreement passes the no-disadvantage test.

- [11] Mr Thomas of the Together Union and Mr Ong of United Voiced, supported the proposals of the State.

- [12] 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 QGAir pilots and QGAir Engineers covered by the agreement, the federal *Air Pilots Award 2020* [MA000046] and the federal *Airline Operations – Ground Staff Award 2020* [MA000048] are (respectively) the awards which regulates employment conditions of employees engaged in a similar kind of work as the persons under the agreement. Further, the awards are appropriate for deciding if the certified agreement passes the no-disadvantage test.

Order

- 1. The application is granted**