



Full Bench upholds dispute finding for United Voice Queensland

Date: Tuesday February 17, 2015

On 10 February 2015 a Full Bench of the Fair Work Commission in *Serco Australia Pty Ltd v United Voice [2015] FWCFB 841* dismissed an appeal which sought to challenge a dispute finding which provided for back pay to United Voice members at the Southern Queensland Correctional Centre.

In November 2013, United Voice lodged a dispute in the Fair Work Commission in relation to the *Serco Southern Queensland Correctional Centre Agreement 2013-2016* (the Serco Agreement). United Voice argued that a number of its members, covered by the Serco Agreement, were entitled to back pay.

The matter went before Commissioner Booth in the Fair Work Commission who held on 19 December 2014 that:

1. the Fair Work Commission had jurisdiction to hear the dispute; and,
2. the workers were entitled to back pay from 1 April 2013.

Serco Australia appealed Commissioner Booth's decision to the Full Bench of the Fair Work Commission. Serco argued that that Commissioner Booth did not have jurisdiction to hear the dispute and that the decision for the United Voice members to be paid back pay should be set aside.

United Voice engaged Hall Payne Lawyers to act on its behalf in the appeal. On appeal, the Union argued that the dispute was within the jurisdiction of Commissioner Booth and that the appeal should be dismissed.

The Full Bench of the Fair Work Commission upheld Commissioner Booth's initial finding that the dispute raised by United Voice in relation to the Serco Agreement was within the jurisdiction of the Fair Work Commission. As a result, the workers covered by the agreement were entitled to back pay from 1 April 2013.

This is an important decision as the workers covered by the Serco Agreement will now receive back pay.

This decision illustrates how important it is for workers to be members of their union, as unions are able to not only negotiate better conditions for their members, but if a dispute arises about an Industrial Instrument, such as occurred with the Serco Agreement, the union will support its members through the dispute.

Hall Payne Lawyers has significant experience and expertise in advising on industrial disputes and industrial agreements. Should you require advice in relation to an industrial dispute or industrial agreements please contact either **Charles Massy** or **[Luke Tiley](#)** on (07) 3017 2400.

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