

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Mackay Regional Council Certified Agreement 2017 [2017] QIRC 110*

PARTIES: Mackay Regional Council

and

The Association of Professional Engineers,
Scientists and Managers, Australia,
Queensland Branch, Union of Employees

and

The Australian Workers' Union of Employees,
Queensland

and

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

and

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

and

The Electrical Trades Union of Employees
Queensland

and

Plumbers and Gasfitters Employees' Union
Queensland, Union of Employees

and

Queensland Services, Industrial Union of
Employees

and

United Voice, Industrial Union of Employees,
Queensland

CASE NO: CB/2017/80

PROCEEDING: Certification of an Agreement

DELIVERED ON: 8 December 2017

HEARING DATE: 8 December 2017

HEARD AT: Brisbane

MEMBER: Deputy President O'Connor

ORDER: **1. The Mackay Regional Council Certified Agreement 2017 is certified.**

CATCHWORDS: INDUSTRIAL LAW – Application for Certification of an Agreement – Requirements for Certification – Agreement certified

LEGISLATION: *Industrial Relations Act* 2016, s 189, s 193, s 195, s 196, s 197, s 198, s 199, s 200, s 201, s 204, s 205, s 206, s 207, s 208, s 209, s 216, s 227, s 228

APPEARANCES: Mr R Beer for the Mackay Regional Council

Ms K Scott for The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees

Mr B Watson for The Australian Workers' Union of Employees, Queensland

Mr J Blundell-Thronton for the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland

Ms M Robertson for the Queensland Services, Industrial Union of Employees

Reasons for Decision

- [1] The Mackay Regional Council has made an application to certify an agreement pursuant to section 189 of the *Industrial Relations Act 2016*. As required by s 189(3) of the Act, the application was made within 21 days of the date on which the agreement was made. The agreement is between Mackay Regional Council and the following employee organisations:
- The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees;
 - The Australian Workers' Union of Employees, Queensland;
 - Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland;
 - Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
 - The Electrical Trades Union of Employees Queensland;
 - Plumbers and Gasfitters Employees' Union Queensland, Union of Employees;
 - Queensland Services, Industrial Union of Employees; and
 - United Voice, Industrial Union of Employees, Queensland,
- [2] Although the agreement has not been signed by all parties to the agreement, the Commission is satisfied that all parties have agreed on the terms of the agreement and that the application for certification was made within a reasonable time after the proposed agreement was approved by a valid majority of the relevant employees at the time in a properly conducted ballot.¹
- [3] The agreement is to apply to Mackay Regional Council and all of its employees for whom classifications and rates of pay are prescribed in the agreement.
- [4] In proceedings on 8 December 2017 the Commission as presently constituted certified the agreement.

¹ *Industrial Relations Act 2016*, s 196.

- [5] In certifying the agreement, the Commission recognises that:² each relevant requirement under subdivision 2 of Division 2 of Part 5 of the Act has been satisfied;³ and, that there was nothing in the agreement which would require the Commission to refuse to grant the application under subdivision 3 of Division 2 of Part 5 of the Act.⁴
- [6] The agreement operates from the day it was certified, namely 8 December 2017.⁵ Although the nominal expiry date of the agreement is 30 June 2020, the agreement continues to operate until it is terminated under s 227 or s 228 of the Act.
- [7] The application to certify the *Mackay Regional Council Certified Agreement 2017* is granted.
- [8] I make the following order:

1. The *Mackay Regional Council Certified Agreement 2017* is certified.

² Ibid s 193(1)(a)-(b).

³ Ibid ss 195, 196, 197, 198, 199, 200(1)(b), 201(b).

⁴ Ibid ss 204, 205, 206, 207, 208, 209.

⁵ Ibid s 216(a).