

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Noosa Council Certified Agreement 2018* [2018] QIRC 105

PARTIES: **Noosa Shire Council**
,
and
The Australian Workers' Union of Employees, Queensland
Queensland Services, Industrial Union of Employees
Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland
United Voice, Industrial Union of Employees, Queensland
The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees
Plumbers & Gasfitters Employees' Union Queensland, Union of Employees
Transport Workers' Union of Australia, Union of Employees (Queensland Branch)

CASE NO: CB/2018/100

PROCEEDING: Certification of an agreement

DELIVERED ON: 7 August 2018

HEARING DATE: 7 August 2018

HEARD AT: Brisbane

MEMBER: Deputy President Bloomfield

ORDER: **1. The Noosa Council Agreement 2018 is certified.**

CATCHWORDS: INDUSTRIAL LAW - APPLICATION FOR CERTIFICATION OF AGREEMENT - where application made within 21 days of the date on

which the agreement was made - where requirements for certification met.

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 W. Burgess-Dean for the Noosa Shire Council.

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

Mr L. Norris for Transport Workers' Union of Australia, Union of Employees (Queensland Branch) (by email).

Reasons for Decision

[1] The Noosa Shire 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 the Noosa Shire Council and the following employee organisations:

- The Australian Workers' Union of Employees, Queensland;
- Queensland Services, Industrial Union of Employees;
- Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
- United Voice, Industrial Union of Employees, Queensland;
- The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees;
- Plumbers & Gasfitters Employees' Union Queensland, Union of Employees; and
- Transport Workers' Union of Australia, Union of Employees (Queensland Branch).

[2] The agreement is to apply to Noosa Shire Council and all of its employees for whom classifications and rates of pay are prescribed in the agreement.

[3] In proceedings on 7 August 2018 the Commission as presently constituted certified the agreement.

- [4] The agreement is signed by all of the listed parties.¹
- [5] In certifying the agreement, the Commission recognises that² 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 7 August 2018.⁵ The nominal expiry date of the agreement is 26 February 2021, however, the agreement continues to operate until it is terminated under s 227 or s 228 of the Act.
- [7] The application to certify the *Noosa Council Agreement 2018* is granted.
- [8] I make the following order:
- 1. The *Noosa Council Certified Agreement 2018* is certified.**

¹ *Industrial Relations Act* 2016, s 196(1)(b).

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).