

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the making of the Southern Downs Regional Council Certified Agreement 2018 - Operational Employees* [2018] QIRC 107

PARTIES: **Southern Downs Regional Council**

and

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

**The Australian Workers' Union of Employees, Queensland**

**Transport Workers' Union of Australia, Union of Employees (Queensland Branch)**

CASE NO: CB/2018/102

PROCEEDING: Certification of an agreement

DELIVERED ON: 10 August 2018

HEARING DATE: 10 August 2018

MEMBER: Thompson IC

HEARD AT: Brisbane

ORDER: **1. *The Southern Downs Regional Council Certified Agreement 2018 - Operational Employees* 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

## APPEARANCES:

Ms S. Mitanis of the Local Government Association of Queensland for the Southern Downs Regional Council

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

Mr B. McCreadie for the Transport Workers' Union of Australia, Union of Employees (Queensland Branch)

### Reasons for Decision

[1] The Southern Downs Regional Council has made an application to certify an agreement pursuant to s 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 Southern Downs Regional Council and the following employee organisations:

- Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
- The Australian Workers' Union of Employees, Queensland; and
- Transport Workers' Union of Australia, Union of Employees (Queensland Branch).

[2] The agreement has been signed by all parties to the agreement.<sup>1</sup>

[3] The agreement is to apply to Southern Downs Regional Council and all of its employees for whom classifications and rates of pay are prescribed in the agreement.

[4] In proceedings on 10 August 2018 the Commission as presently constituted certified the agreement (as amended).

[5] In certifying the agreement, the Commission recognises that:<sup>2</sup> each relevant requirement under subdivision 2 of Division 2 of Part 5 of the Act has been satisfied;<sup>3</sup> 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.<sup>4</sup>

---

<sup>1</sup> *Industrial Relations Act 2016*, s 196(1).

<sup>2</sup> *Ibid* s 193(1)(a)-(b).

<sup>3</sup> *Ibid* ss 195, 196, 197, 198, 199, 200(1)(b), 201(b).

<sup>4</sup> *Ibid* ss 204, 205, 206, 207, 208, 209.

[6] The agreement operates from the day it was certified, namely 10 August 2018.<sup>5</sup> Although the nominal expiry date of the agreement is 1 July 2021, the agreement continues to operate until it is terminated under s 227 or s 228 of the Act.

[7] The application to certify the *Southern Downs Regional Council Certified Agreement 2018 - Operational Employees* is granted.

[8] I make the following order:

- 1. The *Southern Downs Regional Council Certified Agreement 2018 - Operational Employees* is certified.**

---

<sup>5</sup> Ibid s 216(a).