

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Burke Shire Council Certified Agreement 2017 [2018] QIRC 012*

PARTIES: Burke Shire Council

and

The Australian Workers' Union of Employees, Queensland

and

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

and

Communication Electrical and Plumbing Union - Plumbing Division

and

Queensland Services, Industrial Union of Employees

CASE NO: CB/2017/83

PROCEEDING: Certification of an Agreement

DELIVERED ON: 8 February 2018

HEARING DATE: 30 January 2018

HEARD AT: Brisbane

MEMBER: Commissioner Black

ORDER: **1. The *Burke Shire 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:

Ms N Todd for the Burke Shire Council

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

Reasons for Decision

- [1] The Burke Shire Council has made an application to certify an agreement pursuant to section 189 of the *Industrial Relations Act 2016* (the Act). 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 Burke Shire Council and the following employee organisations:
- The Australian Workers' Union of Employees, Queensland;
 - Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
 - Communication Electrical and Plumbing Union, Plumbing Division; and
 - Queensland Services, Industrial Union of Employees.
- [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. The agreement was approved by a valid majority of relevant employees in a properly conducted ballot. The application for certification was made within a reasonable time after the proposed agreement was approved.
- [3] The agreement is to apply to the Burke Shire Council and all of its employees except those specifically excluded in Clause 4.2 of the agreement.
- [4] Clerical errors were made in the production of the filed version of the agreement arising from the fact that the agreement was filed in the year 2018 when the drafters expected that the agreement would have been filed in the year 2017. In the circumstances, with the consent of the parties, the following amendments will be made to the version of the agreement filed with the application for certification:
- Clause 15.1 and clause 15.3 of the filed version of the agreement are amended by replacing the words "in 2018, 2019 and 2020" where they appear in each subclause with the words "2019, 2020 and 2021".
- Consequential changes are to be made to the headers included in Schedule 1: Wages.
- [5] In proceedings on 30 January 2018, the Commission as presently constituted certified the agreement.
- [6] In certifying the agreement, the Commission had regard to the submissions of the parties and the affidavit of Sharon Daishe dated 28 November 2017. The Commission determined that each relevant requirement under subdivision 2 of Division 2 of Part 5 of the Act had been satisfied; 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.

- [7] The agreement operates from the day that it was certified, namely 30 January 2018. Although the nominal expiry date of the agreement is 29 January 2022, the agreement continues to operate until it is terminated under s 227 or s 228 of the Act.
- [8] The application to certify the *Burke Shire Council Certified Agreement 2017* is granted.
- [9] I make the following order:
 - 1. **The *Burke Shire Council Certified Agreement 2017* is certified.**