

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Burdekin Shire Council Certified Agreement 2018* [2018] QIRC 074

PARTIES: **Burdekin Shire Council**
,
and
The Australian Workers' Union of Employees, Queensland
Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland
Plumbers & Gasfitters Employees' Union Queensland, Union of Employees
Queensland Services, Industrial Union of Employees
Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland

CASE NO: CB/2018/65

PROCEEDING: Certification of an agreement

DELIVERED ON: 15 June 2018

HEARING DATE: 12 June 2018

HEARD AT: Brisbane

MEMBER: Deputy President Bloomfield

ORDER: **1. The *Burdekin Shire Council Certified 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

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, Local Government Association of Queensland for the Burdekin Shire Council.

Ms N. Sivakumar for The Australian Workers' Union of Employees, Queensland.

Ms C. Raftos for Queensland Services, Industrial Union of Employees.

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

Reasons for Decision

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

- The Australian Workers' Union of Employees, Queensland;
- Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
- Plumbers & Gasfitters Employees' Union Queensland, Union of Employees
- Queensland Services, Industrial Union of Employees; and
- Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland.

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

[3] In proceedings on 12 June 2018 the Commission as presently constituted certified the agreement.

[4] Although the agreement has not been signed by the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland I am satisfied that all the parties to the agreement have agreed on the terms and that the union has been provided with an opportunity to sign it.¹

¹ *Industrial Relations Act 2016*, s 196(1)(b) and (2).

- [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 12 June 2018.⁵ The nominal expiry date of the agreement is 30 April 2021, however, the agreement will continue to operate until it is terminated under s 227 or s 228 of the Act.
- [7] The application to certify the *Burdekin Shire Council Certified Agreement 2018* is granted.
- [8] I make the following order:
- 1. The *Burdekin Shire Council Certified Agreement 2018* 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).