

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Bundaberg Regional Council Certified Agreement 2017* [2018] QIRC 055

PARTIES: Bundaberg Regional Council

and

The Australian Workers' Union of Employees,
Queensland

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

Plumbers & Gasfitters Employees' Union
Queensland, Union of Employees

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

The Electrical Trades Union of Employees
Queensland

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

Queensland Services, Industrial Union of
Employees

CASE NO: CB/2018/35

PROCEEDING: Certification of an agreement

DELIVERED ON: 4 May 2018

HEARING DATE: 4 May 2018

HEARD AT: Brisbane

MEMBER: Deputy President O'Connor

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

CATCHWORDS:	INDUSTRIAL LAW – application for certification of an agreement – requirements for certification – agreement certified
LEGISLATION:	<i>Industrial Relations Act</i> 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 Sivakumar for The Australian Workers' Union of Employees, Queensland Ms N Todd of the Local Government Association of Queensland Ltd, for the Bundaberg Regional Council Ms M Robertson for the Queensland Services, Industrial Union of Employees Ms K Fiedler for the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland and Plumbers & Gasfitters Employees' Union Queensland, Union of Employees

Reasons for Decision

[1] The Bundaberg 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 the Bundaberg Regional Council and the following employee organisations:

- The Australian Workers' Union of Employees, Queensland
- Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland
- Plumbers & Gasfitters Employees' Union Queensland, Union of Employees
- Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland
- The Electrical Trades Union of Employees Queensland
- The Association of Professional Engineers, Scientists and Managers, Australia,

- Queensland Branch, Union of Employees
- Queensland Services, Industrial Union of Employees

- [2] The agreement is to apply to Bundaberg Regional Council and all of its employees for whom classifications and rates of pay are prescribed in the agreement.
- [3] In proceedings on 4 May 2018 the Commission as presently constituted certified the agreement.
- [4] On 23 April 2018 the Transport Workers' Union of Australia (Queensland Branch) wrote to the Commission advising that in accordance with s 200(2) of the Act that the union did not wish to be a party to the new certified agreement. Accordingly the Transport Workers' Union of Australia (Queensland Branch) will be removed as a party to the agreement.
- [5] I note that the agreement is not signed by all of the listed parties.¹ Given the material filed in support of the application, in particular the affidavit of Stephen Johnston, CEO of Bundaberg Regional Council dated 8 March 2018; that all parties were notified of the application for certification; no objections were raised by any party to the agreement, and that the responses from the representative of Council and those employee organisations who attended the hearing, I am satisfied that the Commission is able to exercise its discretion to waive the requirement that the agreement is signed by or for all the parties.²
- [6] In certifying the agreement, the Commission recognises that:³ each relevant requirement under subdivision 2 of Division 2 of Part 5 of the Act has been satisfied;⁴ 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.⁵
- [7] The agreement operates from the day it was certified, namely 4 May 2018.⁶ The nominal expiry date of the agreement is 4 May 2021, however, the agreement continues to operate until it is terminated under s 227 or s 228 of the Act.
- [8] The application to certify the *Bundaberg Regional Council Certified Agreement 2017* is granted.
- [9] I make the following order:

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

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

² *Ibid* s 196(2).

³ *Ibid* s 193(1)(a)-(b).

⁴ *Ibid* ss 195, 196, 197, 198, 199, 200(1)(b), 201(b).

⁵ *Ibid* ss 204, 205, 206, 207, 208, 209.

⁶ *Ibid* s 216(a).