

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the making of the McKinlay Shire Council Certified Agreement 2018-2021* [2018] QIRC 122

PARTIES: McKinlay Shire Council  
and  
The Australian Workers' Union of Employees, Queensland  
and  
Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland  
and  
Queensland Services, Industrial Union of Employees

CASE NO: CB/2018/126

PROCEEDING: Certification of an Agreement

DELIVERED ON: 20 September 2018

HEARING DATE: 20 September 2018

HEARD AT: Brisbane

MEMBER: Black IC

ORDER: **1. *The McKinlay Shire Council Certified Agreement 2018-2021 is certified.***

CATCHWORDS: INDUSTRIAL LAW – Application for Certification of an Agreement – Requirements for Certification – Agreement certified

LEGISLATION: *Industrial Relations Act* 2016, Subdivisions 2 and 3 of Division 2 of Part 5

APPEARANCES: Ms N Todd for the McKinlay Shire Council  
Mr A Santelises for The Australian Workers' Union of Employees, Queensland  
Mr J Donaghy for Queensland Services, Industrial Union of Employees

### Reasons for Decision

- [1] The McKinlay 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 McKinlay Shire Council and the following employee organisations:
- The Australian Workers' Union of Employees, Queensland;
  - Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
  - 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 McKinlay Shire Council and its employees engaged in classifications listed in the schedules except those specifically excluded in Clause 1.3.2 of the agreement.
- [4] The proposed agreement replaces the *McKinlay Shire Council - Certified Agreement 2012-2015*.
- [5] In certifying the agreement, the Commission has regard to the submissions of the parties and the affidavit of John Kelly dated 21 August 2018. The Commission determines that each relevant requirement under subdivision 2 of Division 2 of Part 5 of the Act has been satisfied; and that there is 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.
- [6] The agreement operates from the day that it was certified, namely 20 September 2018. Although the nominal expiry date of the agreement is 30 June 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 *McKinlay Shire Council Certified Agreement 2018-2021* is granted.
- [8] I make the following order:
1. ***The McKinlay Shire Council Certified Agreement 2018-2021 is certified.***