

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Cook Shire - Outdoor Certified Agreement 2018* [2018] QIRC 146

PARTIES: **Cook Shire Council**

and

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

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

Plumbers & Gasfitters Employees' Union Queensland, Union of Employees

The Australian Workers' Union of Employees, Queensland

CASE NO: CB/2018/175

PROCEEDING: Certification of an agreement

DELIVERED ON: 4 Decmeber 2018

HEARING DATE: 30 November 2018

MEMBER: Thompson IC

HEARD AT: Brisbane

ORDER: **1. The *Cook Shire - Outdoor Certified Agreement 2018* 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: Mr G. Newman of Peak Services for the Cook Shire Council

Ms S. Young of The Australian Workers' Union of Employees, Queensland

Reasons for Decision

- [1] The Cook Shire Council has made an application to certify an agreement (as amended) 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 Cook Shire Council and the following employee organisations:
- Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland;
 - Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
 - Plumbers & Gasfitters Employees' Union Queensland, Union of Employees; and
 - The Australian Workers' Union of Employees, Queensland;
- [2] The agreement has been signed by all parties to the agreement.¹
- [3] The agreement is to apply to the Cook Shire Council and all of its employees for whom classifications and rates of pay are prescribed in the agreement.
- [4] In proceedings on 30 November 2018 the Commission as presently constituted certified the agreement pending amendment.
- [5] In certifying the agreement, the Commission recognises that:² 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

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

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.

[6] The agreement operates from the day it was certified, namely 30 November 2018.⁵ Although the nominal expiry date of the agreement is on 30 November 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 *Cook Shire - Outdoor Certified Agreement 2018* is granted.

[8] I make the following order:

- 1. *Cook Shire - Outdoor Certified Agreement 2018* is certified.**

⁵ Ibid s 216(a).