

## QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Balonne Shire Council Certified Agreement 2018* [2018] QIRC 152

PARTIES: Balonne Shire Council  
and  
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/2018/188

PROCEEDING: Certification of an Agreement

DELIVERED ON: 17 December 2018

HEARING DATE: 17 December 2018

HEARD AT: Brisbane

MEMBER: Black IC

ORDER: **1. The *Balonne Shire Council Certified Agreement 2018* 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: Mr R Beer with Ms D Green for the Balonne Shire Council  
Ms M Robertson for the Queensland Services, Industrial Union of Employees  
Mr K Sherf for the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland and

for the Plumbers and Gasfitters Employees' Union  
Queensland

### Reasons for Decision

- [1] The Balonne 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 Balonne 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] While clause 2 of the proposed agreement does not identify the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland and the Plumbers and Gasfitters Employees' Union Queensland, as parties to the agreement, Mr Sherf informed the Commission that both unions wished to be covered by the agreement.
- [3] The Council did not express any objection to this outcome and by consent of the parties I will treat the agreement as having application to the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland and the Plumbing and Gasfitters Employees Union.
- [4] 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.
- [5] The agreement is to apply to the Balonne Shire Council and its employees other than the Chief Executive Office and Senior Officers.
- [6] The proposed agreement replaces the *Balonne Shire Council Certified Agreement – (State) 2013 and the Balonne Shire Council Certified Agreement (Officers) 2012*.
- [7] In certifying the agreement, the Commission has regard to the submissions of the parties and the affidavit of Michelle Clark dated 26 November 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.
- [8] The agreement operates from the day that it was certified, namely 17 December 2018. Although the nominal expiry date of the agreement is 1 September 2021, the agreement continues to operate until it is terminated under s 227 or s 228 of the Act.

[9] The application to certify the *Balonne Shire Council Certified Agreement 2018* is granted.

[10] I make the following order:

- 1. *The Balonne Shire Council Certified Agreement 2018* is certified.**