

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Winton Shire Council Certified Agreement 2019* [2020] QIRC 012

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

CASE NO: CB/2019/134

PROCEEDING: Certification of an agreement

DELIVERED ON: 28 January 2020

HEARING DATE: 28 January 2020

HEARD AT: Brisbane

MEMBER: Industrial Commissioner Thompson

ORDER: **1. The Winton Shire Council Certified Agreement 2019 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: Ms S. Wishart, Murdoch Lawyers for the Winton Shire Council.
Mr S. Boman for the Queensland Services, Industrial Union of Employees.

Reasons for Decision

- [1] The Winton 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 Winton Shire Council and the following employee organisations:
- The Australian Workers' Union of Employees, Queensland;
 - Queensland Services, Industrial Union of Employees; and
 - the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland.
- [2] The agreement is to apply to Winton Shire Council and all of its employees for whom classifications and rates of pay are prescribed in the agreement.
- [3] In proceedings on 28 January 2020 the Commission as presently constituted certified the agreement.
- [4] I note that the agreement is signed by all of the listed parties.¹
- [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 28 January 2020.⁵ The nominal expiry date of the agreement is 28 January 2023, however, the agreement continues to operate until it is terminated under s 227 or s 228 of the Act.
- [7] The application to certify the *Winton Shire Council Certified Agreement 2019* is granted.
- [8] I make the following order:

1. The *Winton Shire Council Certified Agreement 2019* is certified.

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

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).