

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Gympie Regional Council
Certified Agreement 2018 [2019] QIRC 053*

PARTIES: **Gympie Regional Council**

and

**Queensland Services, Industrial Union of
Employees**

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

**The Australian Workers' Union of
Employees, Queensland**

**Construction, Forestry, Minding & Energy,
Industrial Union of Employees, Queensland**

**United Voice, Industrial Union of
Employees, Queensland**

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

**Transport Workers' Union of Australia,
Union of Employees (Queensland Branch)**

**Plumbers & Gasfitters Employees' Union
Queensland, Union of Employees**

CASE NO: CB/2019/16

PROCEEDING: Certification of an agreement

DELIVERED ON: 26 March 2019

HEARING DATE: 25 March 2019

MEMBER: Pidgeon IC

HEARD AT: Brisbane

- ORDER: **1. The Gympie Regional 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*, 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 B. Howard and Ms K. Russell, for the Gympie Regional Council.
- Ms M. Robertson, for the Queensland Services, Industrial Union of Employees.

Reasons for Decision

- [1] The Gympie Regional Council has made an application to certify an agreement pursuant to s 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 the Gympie Regional Council and the following employee organisations:
- Queensland Services, Industrial Union of Employees;
 - The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees;
 - Transport Workers' Union of Australia, Union of Employees (Queensland Branch)
 - The Australian Workers' Union of Employees, Queensland;
 - The Construction, Forestry, Maritime, Mining and Energy, Industrial Union of Employees, Queensland;
 - United Voice, Industrial Union of Employees, Queensland;
 - Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland; and
 - Plumbers & Gasfitters Employees' Union Queensland, Union of Employees.
- [2] The following unions have informed the Commission in writing that they were unable to attend today's hearing but are in support of the making of a new Agreement: Transport

Workers' Union, Automotive, Metals, Engineering, Printing and Kindred Industries Union of Employees, Plumbers and Gasfitters Employees Union and Construction, Forestry, Maritime, Mining and Energy Union.

- [3] The agreement has been signed by all parties to the agreement,¹ and the agreement was approved by a valid majority of relevant employees in a properly conducted ballot.
- [4] The agreement is to apply to Gympie Regional Council and all its employees for whom classifications and rates of pay are prescribed in the agreement.²
- [5] The agreement replaces the pre-existing agreement, *Gympie Regional Council Certified Agreement 2012*.
- [6] In certifying the agreement, the Commission has regard to the submissions of the parties and the affidavits of Bernard Smith dated 6 March 2019. The Commission determines that:³
- Each relevant requirement under subdivision 2 of Division 2 of Part 5 of the Act has been satisfied;⁴ and
 - 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 25 March 2019.⁶ Although the nominal expiry date of the agreement is 19 December 2021, the agreement continues to operate until it is terminated under s 227 or s 228 of the Act.
- [8] The application to certify the *Gympie Regional Council Certified Agreement 2018* is granted.
- [9] I make the following order:
- 1. That the *Gympie Regional Council Certified Agreement 2018* is certified.**

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

² Affidavit of Bernard Smith dated 6 March 2019, Exhibit A.

³ *Ibid* ss 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).