

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Charters Towers Regional Council Union Collective Certified Agreement 2019* [2019] QIRC 110

PARTIES: **Charters Towers Regional Council**

AND

The Australian Workers' Union of Employees, Queensland

Queensland Services, Industrial Union of Employees

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

Construction, Forestry, Mining & Energy, 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/2019/48

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 19 July 2019

HEARING DATE: 19 July 2019

HEARD AT: Brisbane

MEMBER: Merrell DP

ORDER: **1. *The Charters Towers Regional Council Union Collective Certified Agreement 2019 is certified.***

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – Application for certification of an agreement – Requirements for certification – Agreement certified

LEGISLATION: *Industrial Relations Act 2016*

APPEARANCES: Ms S. Woolf for the Charters Towers Regional Council

Ms M. Robertson for Queensland Services,
Industrial Union of Employees

Reasons for Decision

- [1] On 24 June 2019, Charters Towers Regional Council ('the Applicant') pursuant to s 189 of the *Industrial Relations Act 2016* ('the Act'), made application to certify the *Charters Towers Regional Council Union Collective Certified Agreement 2019* ('the agreement').
- [2] By cl 3 of the agreement, the named parties are Charters Towers Regional Council and the following employee organisations:
- The Australian Workers' Union of Employees, Queensland;
 - Queensland Services, Industrial Union of Employees;
 - Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland;
 - Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland; and
 - Transport Workers' Union of Australia, Union of Employees (Queensland Branch).
- [3] The agreement is signed by all the above all the above-mentioned parties.
- [4] By correspondence to the Industrial Registry dated 27 June 2019, the Plumbers & Gasfitters Employees' Union Queensland, Union of Employees ('PGEU') indicated that although it was not a signatory to the agreement, it supported the terms of the agreement and sought to be a party to the agreement. By correspondence dated 11 July 2019 to the Industrial Registry, the representative for the Applicant indicated that the Applicant had no objection to the PGEU being a party to the agreement.
- [5] Therefore, in accordance with s 196(2) of the Act, I am satisfied:
- although the proposed bargaining instrument has not been signed by the PGEU, the PGEU and the Applicant have agreed on the terms of the instrument, and, as a consequence, all parties have agreed on the terms of the instrument; and
 - the Applicant's application under ch 4, pt 5 of the Act was made within a reasonable time after the instrument was approved by a valid majority of the relevant employees at the time in a properly conducted ballot.

[6] The agreement covers:

- the Charters Towers Regional Council;
- its employees referred to in clause 1.3 of the agreement; and
- the employee organisations referred to in paragraphs [2] and [5] of these reasons.

[7] Having regard to the submissions made by the parties who appeared today and to the two affidavits of Mr Aaron Johansson filed on 24 June 2019:

- I am satisfied of each relevant requirement in ch 4, pt 5, div 2, sub-div 2 of the Act; and
- there is nothing in the agreement which would require me to refuse to grant the application pursuant to ch 4, pt 5, div 2, sub-div 3 of the Act.

[8] The application to certify the *Charters Towers Regional Council Union Collective Certified Agreement 2019* is granted.

[9] The *Charters Towers Regional Council Union Collective Certified Agreement 2019* operates from the day it is certified, namely 19 July 2019.

[10] Although the nominal expiry date of the *Charters Towers Regional Council Union Collective Certified Agreement 2019* is 30 June 2021, it continues to operate until it is terminated under s 227 or s 228 of the Act.

[11] I make the following order:

- 1. The *Charters Towers Regional Council Union Collective Certified Agreement 2019* is certified.**