

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the making of the Cairns Regional Council Certified Agreement 2019* [2019] QIRC 148

PARTIES: **Cairns Regional Council**

AND

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

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

**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**

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

**The Electrical Trades Union of Employees Queensland**

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

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

CASE NO: CB/2019/78

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 15 October 2019

HEARING DATE: 3 October 2019

HEARD AT: Brisbane

MEMBER: Industrial Commissioner Dwyer

- ORDER: **1. The Cairns Regional Council 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.*  
*Industrial Relations (Tribunals) Rules 2011.*
- APPEARANCES: Mr B. Cooper for Cairns Regional Council.  
  
Mr K. Scherf for the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland.  
  
Ms S. Young for the Australian Workers' Union of Employees, Queensland.

### **Reasons for Decision**

- [1] On 29 August 2019, the Cairns Regional Council ('the Applicant') pursuant to s 189 of the *Industrial Relations Act 2016* ('the Act'), made application to certify the *Cairns Regional Council Certified Agreement 2019* ('the agreement').
- [2] Following amendment to the draft agreement (by consent) to correct the name of the Transport Workers Union of Employees (Queensland Branch), cl 1.3 of the agreement, the names the parties as the Cairns Regional Council and the following employee organisations:
- Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland
  - Plumbers & Gasfitters Employees' Union Queensland, Union of Employees
  - 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
  - The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland
  - The Electrical Trades Union of Employees Queensland

- Transport Workers' Union, Union of Employees (Queensland Branch)
- United Voice, Industrial Union of Employees, Queensland

[3] The agreement is signed by all the above all the above-mentioned parties.

[4] The agreement covers:

- the Cairns Regional Council;
- its employees referred to in clause 1.3 of the agreement; and
- the employee organisations referred to in clause 1.3 of the agreement (as amended).

[5] Having regard to the submissions made by the parties who appeared and to the two affidavits of Ms Christine Postgate filed on 29 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.

[6] At the hearing of the application for certification I was informed of an irregularity with respect to the filing of the application. The last signature on the proposed agreement was made on 5 August 2019. In accordance with s 189(3) of the Act, the application was to be made by 26 August 2019.

[7] I was informed that due to certain administrative issues at the point of filing, the application was not able to be successfully filed until 29 August 2019, a period of three days beyond the required date for filing.

[8] Mr Cooper who appeared for the Cairns Regional Council made an oral application for an extension of time for filing in accordance with Rule 93 of the *Industrial Relations (Tribunals) Rules 2011*. The application was met with consent from all parties present at the hearing. In addition, I noted correspondence received from the majority of parties who did not attend the hearing, but who communicated their support for the granting of the certification application.

[9] In the circumstances I allowed the extension.

[10] The application to certify the *Cairns Regional Council Certified Agreement 2019* is granted.

[11] The *Cairns Regional Council Certified Agreement 2019* operates from the day it is certified, namely 3 October 2019.

[12] Although the nominal expiry date of the *Cairns Regional Council Certified Agreement 2019* is 3 October 2021, it continues to operate until it is terminated under s 227 or s 228 of the Act.

[13] I make the following order:

- 1. The Cairns Regional Council Certified Agreement 2019 is certified.**