

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Banana Shire Council
Certified Agreement 2018 [2019] QIRC 041*

PARTIES: **Banana Shire Council**

and

**Queensland Services, Industrial Union of
Employees**

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

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

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

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

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

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

**Queensland Nurses and Midwives' Union of
Employees**

CASE NO: CB/2019/7

PROCEEDING: Certification of an agreement

DELIVERED ON: 6 March 2019

HEARING DATE: 6 March 2019

MEMBER: Thompson IC

HEARD AT: Brisbane

ORDER: **1. The *Banana Shire Council Certified Agreement 2018* is certified.**

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

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

APPEARANCES: Ms N. Todd of Peak Services for the Banana Shire Council

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

Ms S. Young of The Australian Workers' Union of Employees, Queensland

Reasons for Decision

[1] The Banana Shire Council has made an application to certify an agreement pursuant to s 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 Banana Shire Council and the following employee organisations:

- Queensland Services, Industrial Union of Employees;
- The Australian Workers' Union of Employees, Queensland;
- Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland;

- Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
- Plumbers & Gasfitters Employees' Union Queensland, Union of Employees;
- Transport Workers' Union of Australia, Union of Employees (Queensland Branch);
- The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees; and
- Queensland Nurses and Midwives' Union of Employees.

[2] The agreement has been signed by all parties to the agreement.¹

[3] The agreement is to apply to the Banana Shire Council and all of its employees for whom classifications and rates of pay are prescribed in the agreement.

[4] In proceedings on 6 March 2019 the Commission as presently constituted certified the agreement.

[5] In certifying the agreement, the Commission recognises that:² 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 6 March 2019.⁵ Although the nominal expiry date of the agreement is on 30 June 2021, the agreement continues to operate until it is terminated under s 227 or s 228 of the Act.

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

[8] I make the following order:

1. *Banana Shire Council Certified Agreement 2018* is certified.

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

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).