

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Livingstone Shire Council Operational Certified Agreement 2019 [2019] QIRC 159*

PARTIES: Livingstone Shire Council

and

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

and

The Australian Workers' Union of Employees, Queensland

and

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

and

The Electrical Trades Union of Employees Queensland

and

Plumbers & Gasfitters Employees' Union Queensland, Union of Employees

and

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

CASE NO: CB/2019/90

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 25 October 2019

HEARING DATE: 25 October 2019

HEARD AT: Brisbane

MEMBER:	McLennan IC
ORDER:	1. The Livingstone Shire Council Operational Certified Agreement 2019 is certified.
CATCHWORDS:	INDUSTRIAL LAW – COLLECTIVE BARGAINING – Application for certification of an agreement – Requirements for certification – Agreement certified
LEGISLATION:	<i>Industrial Relations Act 2016</i>
APPEARANCES:	Ms S. Mitanis of the Local Government Association Queensland on behalf of the Livingstone Shire Council Ms S. Young of The Australian Workers' Union of Employees, Queensland Mr C Brodsky of The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

Reasons for Decision

- [1] The Livingstone Shire 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 signed.
- [2] The agreement is made between the Livingstone Shire Council and the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland and The Australian Workers' Union of Employees, Queensland and The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland and The Electrical Trades Union of Employees Queensland and the Plumbers & Gasfitters Employees' Union Queensland, Union of Employees and the Transport Workers' Union of Australia, Union of Employees (Queensland Branch).
- [3] The Commission is satisfied that all parties have agreed on the terms of the agreement, which were approved by a valid majority of relevant employees in a properly conducted ballot. The application for certification was made within a reasonable time after the proposed agreement was approved.
- [4] The agreement shall apply to persons employed by Livingstone Shire Council covered by the *Queensland Local Government Industry (Stream B) Award – State 2017* and *Queensland Local Government Industry (Stream C) Award – State 2017* and *Training Wage Award 2012*.

- [5] In certifying the agreement, the Commission has regard to the submissions of the parties and the affidavit of Ms. Chris Murdoch, Chief Executive Officer of Livingstone Shire Council, sworn 16 September 2019.
- [6] The Commission determines that each relevant requirement under sub-div 2 of div 2 of pt 5 of the Act has been satisfied. Further, there is nothing in the agreement which would require the Commission to refuse to grant the application under sub-div 3 of div 2 of pt 5 of the Act.
- [7] The agreement operates from the day it is certified, namely 25 October 2019 and, although the nominal expiry date of the agreement is 30 September 2021, it continues to operate until it is terminated under s 227 or s 228 of the Act.
- [8] The application to certify the *Livingstone Shire Council Operational Certified Agreement 2019* is granted.
- [9] I make the following order:
 - 1. **The *Livingstone Shire Council Operational Certified Agreement 2019* is certified.**