

## QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the South Burnett Regional Council Certified Agreement - Field Staff 2020* [2020] QIRC 102

PARTIES: **South Burnett Regional Council**

and

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

**Construction, Forestry, Mining and Energy Industrial Union of Employees**

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

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

CASE NO: CB/2020/28

PROCEEDING: Certification of an agreement

DELIVERED ON: 6 July 2020

HEARING DATE: 6 July 2020

MEMBER: Pidgeon IC

HEARD AT: Brisbane

ORDER: **1. The *South Burnett Regional Council Certified Agreement - Field Staff 2020* 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 S Mitanis of LGAQ for the Applicant

Ms M Robertson of QSU for the Respondent

### Reasons for Decision

[1] The South Burnett 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 South Burnett Regional Council and the following employee organisations:

- **Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees**
- **Construction, Forestry, Mining and Energy Industrial Union of Employees**
- **The Australian Workers' Union of Employees, Queensland**
- **Transport Workers' Union of Australia, Union of Employees, Queensland Branch**

[2] The agreement has been signed by all parties to the agreement,<sup>1</sup> and the agreement was approved by a valid majority of relevant employees in a properly conducted ballot.<sup>2</sup>

[3] The agreement replaces the pre-existing agreement, *South Burnett Regional Council Certified Agreement - Field Staff 2011*.

[4] In certifying the agreement, the Commission has regard to the submissions of the parties and the affidavit of Mark Pitt sworn/affirmed 28 May 2020. The Commission determines that:<sup>3</sup>

- Each relevant requirement under subdivision 2 of Division 2 of Part 5 of the Act has been satisfied;<sup>4</sup> and

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<sup>1</sup> *Industrial Relations Act 2016*, s 196(1).

<sup>2</sup> Affidavit of Mark Pitt PSM, Chief Executive Officer, sworn 28 May 2020.

<sup>3</sup> *Industrial Relations Act 2016*, ss 193(1)(a)-(b).

<sup>4</sup> *Ibid* ss 195, 196, 197, 198, 199, 200(1)(b), 201(b).

- 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.<sup>5</sup>

[5] The agreement operates from the day it was certified, namely 6 July 2020.<sup>6</sup> Although the nominal expiry date of the agreement is 1 January 2023, the agreement continues to operate until it is terminated under s 227 or s 228 of the Act.

[6] The application to certify the *South Burnett Regional Council Certified Agreement - Field Staff 2020* is granted.

[7] I make the following order:

1. **That the *South Burnett Regional Council Certified Agreement - Field Staff 2020* is certified.**

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<sup>5</sup> Ibid ss 204, 205, 206, 207, 208, 209.

<sup>6</sup> Ibid s 216(a).