

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Cassowary Coast Regional Council Certified Agreement 2019 [2020] QIRC 014*

PARTIES: **Cassowary Coast Regional Council**
Applicant

and

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

The Australian Workers' Union of Employees, Queensland

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

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

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

Queensland Services, Industrial Union of Employees

CASE NO: CB/2020/5

PROCEEDING: Certification of an agreement

DELIVERED ON: 29 January 2020

HEARING DATE: 29 January 2020

MEMBER: Pidgeon IC

HEARD AT: Brisbane

ORDER: **1. *The Cassowary Coast Regional Council Certified Agreement 2019* 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: Mr V Pejovic of LGAQ for the Applicant

Ms S Young of AWU and Mr S Boman of QSU for the Respondents

Reasons for Decision

[1] The Cassowary Coast 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 Cassowary Coast Regional Council and the following employee organisations:

- Plumbers & Gasfitters Employees' Union, Queensland, Union of Employees;
- The Australian Workers' Union of Employees, Queensland;
- Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland;
- The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
- The Association of Professional Engineers, Scientists and Managers Australia, Queensland Branch Union of Employees; and
- Queensland Services, Industrial Union of Employees.

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

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

² Affidavit of James Patrick Cecil Gott, Chief Executive Officer, affirmed 12 December 2019.

- [3] The agreement replaces the pre-existing agreement, *Cassowary Coast Regional Council Certified Agreement 2019*.
- [4] In certifying the agreement, the Commission has regard to the submissions of the parties and the affidavit of James Patrick Cecil Gott affirmed 12 December 2019. The Commission determines that:³
- Each relevant requirement under subdivision 2 of Division 2 of Part 5 of the Act has been satisfied;⁴ and
 - 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.⁵
- [5] The agreement operates from the day it was certified, namely 29 January 2020.⁶ Although the nominal expiry date of the agreement is 1 July 2022, the agreement continues to operate until it is terminated under s 227 or s 228 of the Act.
- [6] The application to certify the *Cassowary Coast Regional Council Certified Agreement 2019* is granted.
- [7] I make the following order:
1. **That the *Cassowary Coast Regional Council Certified Agreement 2019* is certified.**

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

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

⁵ *Ibid* ss 204, 205, 206, 207, 208, 209.

⁶ *Ibid* s 216(a).