

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the certification of the Whitsunday Regional Council Certified Agreement 2020 [2021] QIRC 044*

PARTIES: **Whitsunday Regional Council**

and

The Australian Workers' Union of Employees, Queensland

and

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

and

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

and

Plumbers & Gasfitters Employees' Union Queensland, Union of Employees

and

Queensland Services, Industrial Union of Employees

and

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

CASE NO: CB/2020/88

PROCEEDING: Certification of Agreement

DELIVERED ON: 8 February 2021

HEARING DATE: 8 February 2021

HEARD AT: Brisbane

MEMBER: McLennan IC

ORDER: ***The Whitsunday Regional Council Certified Agreement 2020 is certified.***

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – application for certification agreement – requirements for certification – agreement certified.

LEGISLATION: *Industrial Relations Act 2016* (Qld) ch 4

Reasons for Decision

- [1] On 16 December 2020, the Whitsunday Regional Council ("the applicant"), pursuant to s 189 of the Industrial Relations Act 2016 (Qld) ("the Act"), applied to certify the *Whitsunday Regional Council Certified Agreement 2020* ("the agreement").
- [2] The named parties to the agreement are:
 - Whitsunday Regional Council;
 - The Australian Workers' Union of Employees, Queensland;
 - Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ;
 - 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; and
 - The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees
- [3] The agreement is signed by all the above-mentioned parties.
- [4] The agreement applies to the parties to the agreement listed in cl 1.2 and to the Applicant's employees for whom classifications and rates of pay are prescribed in the agreement.
- [5] The application is accompanied by a copy of the agreement signed by each party.
- [6] I have had regard to the affidavit of Mr Rod Ferguson, Chief Executive Officer for the Applicant, filed on 16 December 2020.
- [7] Having regard to the abovementioned affidavit:
 - 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.
- [8] The application to certify the *Whitsunday Regional Council Certified Agreement 2020* is granted.

- [9] The *Whitsunday Regional Council Certified Agreement 2020* operates from the day it is certified, namely 8 February 2021.
- [10] Although the nominal expiry date of the *Whitsunday Regional Council Certified Agreement 2020* is 8 February 2022, it continues to operate until it is terminated under s 227 or s 228 of the Act.
- [11] I make the following order:

The *Whitsunday Regional Council Certified Agreement 2020* is certified.