

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the making of the Western Downs Regional Council Nurses Certified Agreement 2021 [2021] QIRC 282*

PARTIES: **Western Downs Regional Council**

and

**Queensland Nurses and Midwives Union**

CASE NO: CB/2021/27

PROCEEDING: Certification of an agreement

DELIVERED ON: 16 August 2021

HEARING DATE: 16 August 2021

MEMBER: Pidgeon IC

HEARD AT: Brisbane

ORDER: ***The Western Downs Regional Council Nurses Certified Agreement 2021 is certified.***

CATCHWORDS: INDUSTRIAL LAW - application for certification of an agreement - requirements for certification - agreement certified

LEGISLATION: *Industrial Relations Act 2016, s 189, ch 4, pt 5, div 2, sub-divs 2 and 3, s 227, s 228.*

APPEARANCES: Ms E McGovern for the Western Downs Regional Council.

Ms C Trevascus for the Queensland Nurses and Midwives Union.

**Reasons for Decision**

- [1] The Western Downs 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 Western Downs Regional Council and the Queensland Nurses and Midwives Union,
- [2] The agreement has been signed by all parties to the agreement,<sup>1</sup> and the agreement was approved by one hundred percent of all valid votes in a properly conducted ballot.<sup>2</sup>
- [3] The agreement replaces the pre-existing agreement, *Western Downs Regional Council Nurses Certified Agreement 2011*.
- [4] In certifying the agreement, the Commission has regard to the submissions of the parties and the affidavit of Ross Musgrove, Chief Executive Officer affirmed 16 July 2021. 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
  - 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 16 August 2021.<sup>6</sup> Although the nominal expiry date of the agreement is 16 August 2024, the agreement continues to operate until it is terminated under s 227 or s 228 of the Act.
- [6] The application to certify the *Western Downs Regional Council Nurses Certified Agreement 2021* is granted.
- [7] I make the following order:

**That the *Western Downs Regional Council Nurses Certified Agreement 2021* is certified.**

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

<sup>2</sup> Affidavit of Ross Andrew Musgrove, Chief Executive Officer, affirmed 16 July 2021.

<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).

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

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