

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Hinchinbrook Shire Council Operational Employees (Stream B and C) Certified Agreement 2021* [2021] QIRC 339

PARTIES: **Hinchinbrook Shire Council**

AND

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

The Australian Workers' Union of Employees, Queensland

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

CASE NO: CB/2021/45

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 1 October 2021

HEARING DATE: 1 October 2021

MEMBER: O'Connor VP

HEARD AT: Brisbane

ORDER: **1. The *Hinchinbrook Shire Council Operational Employees (Stream B and C) Certified Agreement 2021* is certified.**

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

LEGISLATION: *Industrial Relations Act* 2016 (Qld) s 189, s 227, s 228

APPEARANCES: Ms M. Martin, Local Government Association Queensland for the Hinchinbrook Shire Council.

Mr J. McGuire for Queensland Services, Industrial Union of Employees.

Mr D. Marr for The Australian Workers' Union of Employees, Queensland.

Reasons for Decision

- [1] The Hinchinbrook Shire Council ('the Council') has made an application to certify the *Hinchinbrook Shire Council Operational Employees (Stream B and C) Certified Agreement 2021* ('the Agreement') pursuant to s 189 of the *Industrial Relations Act* 2016 ('the IR Act').
- [2] The Agreement is between the Hinchinbrook Shire Council and the following employee organisations:
- (a) Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland;
 - (b) Plumbers & Gasfitters Employees' Union Queensland, Union of Employees;
 - (c) Queensland Services, Industrial Union of Employees;
 - (d) The Australian Workers' Union of Employees, Queensland; and
 - (e) The Construction, Forestry, Mining & Energy Industrial Union of Employees, Queensland;
- [3] The Agreement applies to the Council and all of its employees (except where specifically excluded) for whom classifications and rates of pay are prescribed.
- [4] In certifying the Agreement, the Commission recognises that:¹ each relevant requirement under subdivision 2 of Division 2 of Part 5 of the IR Act has been satisfied;² and, that there was nothing in the Agreement which would require the Commission to refuse to grant the application under subdivision 3 of Division 2, Part 5 of the IR Act.³

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

² *Ibid*, ss 195-199, 200(1)(b), 201(b).

³ *Ibid*, ss 204-209.

- [5] The Agreement operates from the day it was certified, namely 1 October 2021.⁴ Although the nominal expiry date of the Agreement is 1 October 2023, the Agreement continues to operate until it is terminated under s 227 or s 228 of the IR Act.
- [6] The application to certify the *Hinchinbrook Shire Council Operational Employees (Stream B and C) Certified Agreement 2021* is granted.
- [7] I make the following order:
1. **The *Hinchinbrook Shire Council Operational Employees (Stream B and C) Certified Agreement 2021* is certified.**

⁴ Ibid, s 216.