

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Burdekin Shire Council Certified Agreement 2021* [2021] QIRC 378

PARTIES: **Burdekin Shire Council**

AND

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

Construction, Forestry, Mining and Energy 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

CASE NO.: CB/2021/52

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 5 November 2021

HEARING DATE: 5 November 2021

HEARD AT: Brisbane

MEMBER: Merrell DP

ORDER: ***The Burdekin Shire Council Certified Agreement 2021 is certified.***

CATCHWORDS: INDUSTRIAL LAW - QUEENSLAND - AGREEMENTS - 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 and s 228

APPEARANCES:

Ms N. Todd of the Local Government Association of Queensland for the Burdekin Shire Council.

Mr S. Boman for the Queensland Services, Industrial Union of Employees.

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

Reasons for Decision

- [1] On 14 October 2021, the Burdekin Shire Council ('the Applicant'), pursuant to s 189 of the *Industrial Relations Act 2016* ('the Act'), made an application to certify the *Burdekin Shire Council Certified Agreement 2021* ('the agreement').
- [2] The named parties to the agreement are the Applicant and the following employee organisations:
 - Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland;
 - Construction, Forestry, Mining and Energy Industrial Union of Employees, Queensland;
 - Plumbers & Gasfitters Employees' Union Queensland, Union of Employees;
 - Queensland Services, Industrial Union of Employees; and
 - The Australian Workers' Union of Employees, Queensland.
- [3] The agreement is signed by all the above-mentioned parties.
- [4] The agreement applies to the Applicant and all its employees, except the Chief Executive Officer and any other Senior Officers or existing contracted positions, where the parties have entered into a contract of employment which provides that the agreement (or any predecessor) does not apply.
- [5] Having regard to the submissions made by the parties who appeared today and to the affidavit of Mr Terry Brennan, Chief Executive Officer of the Applicant, filed on 14 October 2021:
 - 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.

- [6] The application to certify the *Burdekin Shire Council Certified Agreement 2021* is granted.
- [7] The *Burdekin Shire Council Certified Agreement 2021* operates from the day it is certified, namely, 5 November 2021.
- [8] Although the nominal expiry date of the *Burdekin Shire Council Certified Agreement 2021* is 30 June 2024, it continues to operate until it is terminated under s 227 or s 228 of the Act.
- [9] I make the following order:

The *Burdekin Shire Council Certified Agreement 2021* is certified.