

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of McKinlay Shire Council
Certified Agreement 2022-2024 [2022] QIRC
194*

PARTIES: **McKinlay Shire Council**

AND

**The Australian Workers' Union of
Employees, Queensland**

**Queensland Services, Industrial Union of
Employees**

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

CASE NO: CB/2022/41

PROCEEDING: Application for certification of an Agreement

DELIVERED ON: 3 June 2022

HEARING DATE: 3 June 2022

MEMBER: Dwyer IC

HEARD AT: Brisbane

ORDER: **1. The *McKinlay Shire Council Certified
Agreement 2022-2024* is certified.**

CATCHWORDS: INDUSTRIAL LAW - COLLECTIVE
BARGAINING - application for certification
of Agreement - requirements for certification -
Agreement certified

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

APPEARANCES: Ms M Martin of LGAQ for McKinlay Shire Council

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

Ms J Wiggan for the Queensland Services, Industrial Union of Employees

Reasons for Decision

- [1] On 10 May 2022, the McKinlay Shire Council ('the Applicant'), pursuant to s 189 of the *Industrial Relations Act 2016 (Qld)* ('the Act'), made an application to certify the *McKinlay Shire Council Certified Agreement 2022-2024* ('the Agreement').
- [2] The named parties to the Agreement are set out at Clause 1.3. In addition to the Applicant, the following employee organisations are listed as parties to the Agreement:
 - The Australian Workers' Union of Employees, Queensland;
 - Construction, Forestry, Maritime, Mining & Energy, Industrial Union of Employees, Queensland; and
 - Queensland Services, Industrial Union of Employees.
- [3] The terms of the Agreement have been consented to by all the above-mentioned parties. Consequently, I am satisfied that upon certification, pursuant to s 189(2) of the Act, the Agreement will cover all parties.
- [4] The Agreement applies to the Council and all its employees in conjunction with:
 - *Queensland Local Government Industry (Stream A) Award – State 2017;*
 - *Queensland Local Government Industry (Stream B) Award – State 2017;* and
 - *Queensland Local Government Industry (Stream C) Award – State 2017.*

- [5] Having regard to the submissions made by the parties who appeared at the hearing of the matter on 3 June 2022, and the affidavit of Mr Trevor Williams, Chief Executive Officer of McKinlay Shire Council filed on 10 May 2022, I am satisfied that:
- each relevant requirement in Ch 4, Pt 5, Sub-Div.2 of the Act has been satisfied; and
 - there is nothing in the Agreement which would require the Commission to refuse to grant the application pursuant to Ch 4, Pt 5, Sub-Div.3 of the Act.
- [6] Accordingly, the application to certify the *McKinlay Shire Council Certified Agreement 2022-2024* is granted.
- [7] The *McKinlay Shire Council Certified Agreement 2022-2024* operates from the date it was certified, namely 3 June 2022.
- [8] Although the nominal expiry date of the *McKinlay Shire Council Certified Agreement 2022-2024* is two years after the date of certification, the Agreement will continue to operate until it is terminated under s 227 or 228 of the Act.
- [9] I make the following order:
1. **The *McKinlay Shire Council Certified Agreement 2022-2024* is certified.**