

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the making of the Hinchinbrook Shire Council Certified Agreement 2017* [2018] QIRC 079

PARTIES: Hinchinbrook Shire Council

and

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

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

Plumbers & Gasfitters Employees Union Queensland, Union of Employees

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

The Australian Workers' Union of Employees, Queensland

Queensland Services, Industrial Union of Employees

CASE NO: CB/2018/59

PROCEEDING: Certification of an agreement

DELIVERED ON: 28 June 2018

HEARING DATE: 28 June 2018

HEARD AT: Brisbane

MEMBER: Deputy President O'Connor

ORDER: **1. *The Hinchinbrook Shire Council Certified Agreement 2017 is certified.***

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

LEGISLATION: *Industrial Relations Act 2016*, s 189, s 193, s 195, s 196, s 197, s 198, s 199, s 200, s 201, s 204, s 205, s 206, s 207, s 208, s 209, s 216, s 227

APPEARANCES: Ms D Jackson and Mr R Ferguson for the Hinchinbrook Shire Council

Ms M Robertson for the Queensland Services, Industrial Union of Employees

### Reasons for Decision

[1] The Hinchinbrook Shire Council has made an application to certify an agreement pursuant to section 189 of the *Industrial Relations Act 2016*. 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 Hinchinbrook Shire Council and the following employee organisations:

- Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland
- Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland
- Plumbers & Gasfitters Employees Union Queensland, Union of Employees
- The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees
- The Australian Workers' Union of Employees, Queensland
- Queensland Services, Industrial Union of Employees

[2] I note that the agreement is not signed by all of the listed parties.<sup>1</sup> However, given the material filed in support of the application, in particular the affidavit of Rodney Ferguson, Acting Chief Executive Officer dated 08 May 2018; that all parties were notified of the

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

application of hearing for certification; no objections were raised by any party to the agreement, and that the responses from the representative of Council and those employee organisations who attended the hearing, I am satisfied that the Commission is able to exercise its discretion to waive the requirement that the agreement is signed by or for all the parties.

- [3] The agreement is to apply to Hinchinbrook Shire Council and all of its employees for whom classifications and rates of pay are prescribed in the agreement.
- [4] In proceedings on 28 June 2018 the Commission as presently constituted certified the agreement.
- [5] In certifying the agreement, the Commission recognises that:<sup>2</sup> each relevant requirement under subdivision 2 of Division 2 of Part 5 of the Act has been satisfied;<sup>3</sup> 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 of Part 5 of the Act.<sup>4</sup>
- [6] The agreement operates from the day it was certified, namely 28 June 2018.<sup>5</sup> Although the nominal expiry date of the agreement is 30 June 2018, the agreement continues to operate until it is terminated under s 227 or s 228 of the Act.
- [7] The application to certify the *Hinchinbrook Shire Council Certified Agreement 2017* is granted.
- [8] I make the following order:

**1. The *Hinchinbrook Shire Council Certified Agreement 2017* is certified.**

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<sup>2</sup> Ibid s 193(1)(a)-(b).

<sup>3</sup> Ibid ss 195, 196, 197, 198, 199, 200(1)(b), 201(b).

<sup>4</sup> Ibid ss 204, 205, 206, 207, 208, 209.

<sup>5</sup> Ibid s 216(a).