

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Whitsunday Regional Council Certified Agreement 2017 [2018] QIRC 027*

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

CASE NO: CB/2018/12

PROCEEDING: Certification of an agreement

DELIVERED ON: 7 March 2018

HEARING DATE: 6 March 2018

HEARD AT: Brisbane

MEMBER: Deputy President O'Connor

ORDER: **1. *The Whitsunday Regional Council Certified Agreement 2017 is certified.***

CATCHWORDS:	INDUSTRIAL LAW – application for certification of an agreement – requirements for certification – agreement certified
LEGISLATION:	<i>Industrial Relations Act</i> 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, s 228
APPEARANCES:	Mr R. Beer of the Local Government Association of Queensland Ltd, for the Whitsunday Regional Council Mr B. Watson for the Australian Workers' Union of Employees, Queensland Ms K. Fiedler for the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland Mr N. Henderson for the Queensland Services, Industrial Union of Employees

Reasons for Decision

[1] The Whitsunday Regional 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 Whitsunday Regional Council and the following employee organisations:

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

- [2] The agreement is to apply to Whitsunday Regional Council and all of its employees for whom classifications and rates of pay are prescribed in the agreement.
- [3] In proceedings on 6 March 2018 the Commission as presently constituted certified the agreement.
- [4] I note that the agreement is not signed by all of the listed parties.¹ However, given the material filed in support of the application, in particular the affidavit of Barry William Omundson dated 15 January 2018; that all parties were notified of the 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.²
- [5] In certifying the agreement, the Commission recognises that:³ each relevant requirement under subdivision 2 of Division 2 of Part 5 of the Act has been satisfied;⁴ 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.⁵
- [6] The agreement operates from the day it was certified, namely 6 March 2018.⁶ Although the nominal expiry date of the agreement is 30 June 2020, the agreement continues to operate until it is terminated under s 227 or s 228 of the Act.
- [7] The application to certify the *Whitsunday Regional Council Certified Agreement 2017* is granted.
- [8] I make the following order:

1. The *Whitsunday Regional Council Certified Agreement 2017* is certified.

¹ *Industrial Relations Act* 2016, s 196(1)(b).

² *Ibid* s 196(2).

³ *Ibid* s 193(1)(a)-(b).

⁴ *Ibid* ss 195, 196, 197, 198, 199, 200(1)(b), 201(b).

⁵ *Ibid* ss 204, 205, 206, 207, 208, 209.

⁶ *Ibid* s 216(a).