

# QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Winton Shire Council Certified Agreement 2023* [2023] QIRC 367

PARTIES: **Winton Shire Council**

**and**

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

**Queensland Services, Industrial Union of Employees**

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

CASE NO.: CB/2023/141

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 21 December 2023

HEARING DATE: 21 December 2023

HEARD AT: Brisbane

MEMBER: Power IC

ORDER: ***The Winton Shire Council Certified Agreement 2023 is certified.***

CATCHWORDS: INDUSTRIAL LAW - QUEENSLAND - AGREEMENTS - Application for certification of an 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 S. Mitanis of MBA Lawyers for the Winton Shire Council.

Mr J. Donaghy for the Queensland Services, Industrial Union of Employees.

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

### Reasons for Decision

- [1] On 1 December 2023, the Winton Shire Council ('the Applicant'), pursuant to s 189 of the *Industrial Relations Act 2016* (Qld) ('the Act'), made an application to certify the *Winton Shire Council Certified Agreement 20* ('the agreement').
- [2] The named parties to the agreement are the Applicant and the following employee organisation:
- (a) Winton Shire Council;
  - (b) The Australian Workers' Union of Employees, Queensland;
  - (c) Queensland Services, Industrial Union of Employees; and
  - (d) Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland.
- [3] The agreement applies to:
- (a) the Applicant;
  - (b) the Applicant's employees covered by the classifications contained in the agreement; and
  - (c) the employee organisations named in paragraph [2] above.
- [4] Having regard to the submissions made by the parties who appeared today and to the affidavit of Mr Dirk Dowling, CEO of the Applicant filed on 1 December 2023:
- (a) I am satisfied of each relevant requirement in ch 4 pt 5 div 2 sub-div 2 of the Act; and
  - (b) 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.
- [5] The application to certify the *Winton Shire Council Certified Agreement 2023* is granted.
- [6] The *Winton Shire Council Certified Agreement 2023* operates from the day it is certified, namely, 21 December 2023.
- [7] Although the nominal expiry date of the *Winton Shire Council Certified Agreement 2023* is three years following certification, being 21 December 2026, it continues to operate until it is terminated under ss 227 or 228 of the Act.
- [8] I make the following order:

**The *Winton Shire Council Certified Agreement 2023* is certified.**