

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Barcaldine Regional Council Certified Agreement 2018* [2018] QIRC 135

PARTIES: Barcaldine Regional Council

and

Australian Workers' Union of Employees, Queensland

and

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

and

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

and

Queensland Services, Industrial Union of Employees

and

The Queensland Nurses and Midwives' Union

and

Transport Workers' Union of Australia, Union of Employees (Queensland Branch)

CASE NO: CB/2018/169

PROCEEDING: Certification of an Agreement

DELIVERED ON: 8 November 2018

HEARING DATE: 7 November 2018

HEARD AT: Brisbane

MEMBER: Black IC

ORDER:	1. The <i>Barcaldine Regional Council Certified Agreement 2018</i> is certified.
CATCHWORDS:	INDUSTRIAL LAW – Application for Certification of an Agreement – Requirements for Certification – Agreement certified
LEGISLATION:	<i>Industrial Relations Act 2016</i> , Subdivisions 2 and 3 of Division 2 of Part 5
APPEARANCES:	Mr Kenneth Hunt for the Barcaldine Regional Council Ms Michelle Robertson for the Queensland Services, Industrial Union of Employees

Reasons for Decision

- [1] The Barcaldine Regional Council has made an application to certify an agreement pursuant to section 189 of the *Industrial Relations Act 2016* (the Act). 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 Barcaldine Regional Council and the following employee organisations:
- The Australian Workers' Union of Employees, Queensland;
 - Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland;
 - Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
 - Queensland Services, Industrial Union of Employees;
 - The Queensland Nurses and Midwives' Union/Australian Nursing and Midwifery Federation; and
 - Transport Workers' Union of Australia, Union of Employees (Queensland Branch)
- [2] The agreement has been signed by all parties except the Transport Workers Union (TWU). However the TWU had written to the Commission informing the Commission that it supports both the certification of the proposed agreement and the termination of the pre-existing agreement. In these circumstances, the Commission is satisfied that all parties have agreed on the terms of the agreement. The agreement was approved by a valid majority of relevant employees in a properly conducted ballot. The application for certification was made within a reasonable time after the proposed agreement was approved.
- [3] The agreement is to apply to the Barcaldine Regional Council and its employees other than Senior Officers.
- [4] The proposed agreement replaces the *Barcaldine Regional Council (BRC) Certified Agreement 2011*.
- [5] In certifying the agreement, the Commission has regard to the submissions of the parties and the affidavit of Steven Kevin Boxall dated 31 October 2018. The Commission determines that each relevant requirement under subdivision 2 of Division 2 of Part 5

of the Act has been satisfied; and that there is 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.

- [6] The agreement operates from the day that it was certified, namely 7 November 2018. Although the nominal expiry date of the agreement is 28 June 2022, the agreement continues to operate until it is terminated under s 227 or s 228 of the Act.
- [7] The application to certify the *Barcaldine Regional Council Certified Agreement 2018* is granted.
- [8] I make the following order:

1. *The Barcaldine Regional Council Certified Agreement 2018 is certified.*