

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of Cook Shire Council - Indoor Certified Agreement 2018* [2019] QIRC 067

PARTIES: **Cook Shire Council**

and

Queensland Services, Industrial Union of Employees

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

The Australian Workers' Union of Employees, Queensland

Plumbers & Gasfitters Employees' Union Queensland, Union of Employees

CASE NO: CB/2019/21

PROCEEDING: Certification of an agreement

DELIVERED ON: 7 May 2019

HEARING DATE: 3 May 2019

MEMBER: Pidgeon IC

HEARD AT: Brisbane

ORDER: **1. *The Cook Shire Council - Indoor Certified Agreement 2018* 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, s 228.

APPEARANCES: Ms S Woolf, *Local Government Association Queensland for the Applicant*

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

Ms S Young, *Australian Workers' Union of Employees (Queensland)*

Reasons for Decision

- [1] The Cook Shire Council has made an application to certify an agreement pursuant to s 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 the Cook Shire Council and the following employee organisations:
- Queensland Services, Industrial Union of Employees;
 - The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees;
 - The Australian Workers' Union of Employees, Queensland; and
 - Plumbers & Gasfitters Employees' Union Queensland, Union of Employees.
- [2] The following unions have informed the Commission that they were unable to attend today's hearing but are in support of the making of a new Agreement: The Association of Professional Engineers, Scientists and Managers, Australia Queensland Branch, Union of Employees and Plumbers and Gasfitters Employees Union Queensland Union of Employees.
- [3] The agreement has been signed by all parties to the agreement,¹ and the agreement was approved by a valid majority of relevant employees in a properly conducted ballot.
- [4] The agreement is to apply to Cook Shire Council and all its employees for whom classifications and rates of pay are prescribed in the agreement.²

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

² Affidavit of Linda Cardew dated 18 March 2019.

- [5] The agreement replaces the pre-existing agreement, *Cook Shire Council Certified Agreement 2012*.
- [6] In certifying the agreement, the Commission has regard to the submissions of the parties and the affidavits of Linda Cardew dated 18 March 2019. The Commission determines that:³
- Each relevant requirement under subdivision 2 of Division 2 of Part 5 of the Act has been satisfied;⁴ and
 - 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
- [7] The agreement operates from the day it was certified, namely 3 May 2019.⁶ Although the nominal expiry date of the agreement is 30 June 2021, the agreement continues to operate until it is terminated under s 227 or s 228 of the Act.
- [8] The application to certify the *Cook Shire Council - Indoor Certified Agreement 2018* is granted.
- [9] I make the following order:
1. **That the *Cook Shire Council - Indoor Certified Agreement 2018* is certified.**

³ Ibid ss 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).