QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: In the making of the Charters Towers Regional Council Union Collective Certified Agreement 2019 [2019] QIRC 110

PARTIES: Charters Towers Regional Council

AND

The Australian Workers' Union of Employees, Queensland

Queensland Services, Industrial Union of Employees

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

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

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

Plumbers & Gasfitters Employees' Union Queensland, Union of Employees

CASE NO: CB/2019/48

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 19 July 2019

HEARING DATE: 19 July 2019

HEARD AT: Brisbane

MEMBER: Merrell DP

ORDER: 1. The Charters Towers Regional Council Union Collective Certified Agreement 2019 is certified.

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – Application for certification of an agreement – Requirements for certification – Agreement certified
Reasons for Decision

[1] On 24 June 2019, Charters Towers Regional Council ('the Applicant') pursuant to s 189 of the *Industrial Relations Act 2016* ('the Act'), made application to certify the *Charters Towers Regional Council Union Collective Certified Agreement 2019* ('the agreement').

[2] By cl 3 of the agreement, the named parties are Charters Towers Regional Council and the following employee organisations:

- The Australian Workers' Union of Employees, Queensland;
- Queensland Services, Industrial Union of Employees;
- Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland;
- Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland; and
- Transport Workers' Union of Australia, Union of Employees (Queensland Branch).

[3] The agreement is signed by all the above all the above-mentioned parties.

[4] By correspondence to the Industrial Registry dated 27 June 2019, the Plumbers & Gasfitters Employees' Union Queensland, Union of Employees ('PGEU') indicated that although it was not a signatory to the agreement, it supported the terms of the agreement and sought to be a party to the agreement. By correspondence dated 11 July 2019 to the Industrial Registry, the representative for the Applicant indicated that the Applicant had no objection to the PGEU being a party to the agreement.

[5] Therefore, in accordance with s 196(2) of the Act, I am satisfied:

- although the proposed bargaining instrument has not been signed by the PGEU, the PGEU and the Applicant have agreed on the terms of the instrument, and, as a consequence, all parties have agreed on the terms of the instrument; and

- the Applicant's application under ch 4, pt 5 of the Act was made within a reasonable time after the instrument was approved by a valid majority of the relevant employees at the time in a properly conducted ballot.
The agreement covers:

- the Charters Towers Regional Council;
- its employees referred to in clause 1.3 of the agreement; and
- the employee organisations referred to in paragraphs [2] and [5] of these reasons.

Having regard to the submissions made by the parties who appeared today and to the two affidavits of Mr Aaron Johansson filed on 24 June 2019:

- I am satisfied of each relevant requirement in ch 4, pt 5, div 2, sub-div 2 of the Act; and
- 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.

The application to certify the Charters Towers Regional Council Union Collective Certified Agreement 2019 is granted.

The Charters Towers Regional Council Union Collective Certified Agreement 2019 operates from the day it is certified, namely 19 July 2019.

Although the nominal expiry date of the Charters Towers Regional Council Union Collective Certified Agreement 2019 is 30 June 2021, it continues to operate until it is terminated under s 227 or s 228 of the Act.

I make the following order:

1. The Charters Towers Regional Council Union Collective Certified Agreement 2019 is certified.