

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the making of the Noosa Council Certified Agreement 2021* [2021] QIRC 280

PARTIES: **Noosa Shire Council**

**AND**

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

**Queensland Services, Industrial Union of  
Employees**

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

**United Voice, Industrial Union of  
Employees, Queensland**

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

**Plumbers & Gasfitters Employees' Union  
Queensland, Union of Employees**

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

**Electrical Trades Union of Employees,  
Queensland**

CASE NO: CB/2021/24

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 13 August 2021

HEARING DATE: 13 August 2021

MEMBER: Dwyer IC

HEARD AT: Brisbane

ORDER: ***The Noosa Council Certified Agreement 2021 is certified***

CATCHWORDS: INDUSTRIAL LAW - COLLECTIVE BARGAINING - application for certification of agreement - requirements for certification - agreement certified

LEGISLATION: *Industrial Relations Act 2016* (Qld) ss 189, 227, 228

APPEARANCES:

Mr B Stephens for Noosa Shire Council

Ms M Robertson for Queensland Services, Industrial Union of Employees

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

Ms A Jack for The Association of Professional Engineers, Scientists and Managers, Australia Queensland Branch, Union of Employees

### **Reasons for Decision**

- [1] On 1 July 2021, Noosa Shire Council ('the Applicant'), pursuant to s 189 of the *Industrial Relations Act 2016* (Qld) ('the Act'), made an application to certify the *Noosa Council Certified Agreement 2021* ('the agreement').
- [2] The names parties to the agreement are set out at Clause 3.1. In addition to the Applicant the following employee organisations are listed as parties to the agreement:
- Australian Workers' Union of Employees, Queensland;
  - Queensland Services, Industrial Union of Employees;
  - The Construction, Forestry, Maritime, Mining & Energy, Industrial Union of Employees, Queensland;

- United Voice, Industrial Union of Employees, Queensland;
  - The Association of Professional Engineers, Scientists and Managers, Australia Queensland Branch, Union of Employees;
  - Plumbers & Gasfitters Employees' Union Queensland, Union of Employees;
  - Transport Workers' Union of Australia, Union of Employees (Queensland Branch); and
  - Electrical Trades Union of Employees, Queensland
- [3] The agreement is signed by all the above-mentioned parties, except the Electrical Trades Union of Employees, Queensland ('the ETU') who have not signed the agreement but sent correspondence to the Registry on 26 July 2021 confirming their support for the agreement and a desire to be a party to and covered by the agreement. Consequently, I am satisfied that upon certification, pursuant to s 189(2) of the Act, the agreement will cover and apply to the ETU.
- [4] The agreement applies to Noosa Shire Council and all its employees employed under:
- *Queensland Local Government Industry (Stream A) Award – State 2017*
  - *Queensland Local Government Industry (Stream B) Award – State 2017*
  - *Queensland Local Government Industry (Stream C) Award – State 2017*
- [5] The agreement does not apply to the Chief Executive Officer or Senior Officer positions as defined by clause 4.2 of the *Queensland Local Government Industry (Stream A) Award – State 2017*.
- [6] Having regard to the submissions made by the parties who appeared today and to the Affidavit of Mr Brett de Chastel, Chief Executive Officer of Noosa Shire Council, filed on 1 July 2021:
- I am satisfied of each relevant requirement in ch4, 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.
- [7] The application to certify the *Noosa Council Certified Agreement 2021* is granted.

- [8] The *Noosa Council Certified Agreement 2021* operates from the day it is certified, namely 13 August 2021.
- [9] Although the nominal expiry date of the *Noosa Council Certified Agreement 2021* is 26 February 2025, it continues to operate until it is terminated under s 227 or 228 of the Act.
- [10] I make the following order:

**The *Noosa Council Certified Agreement 2021* is certified**