

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Murweh Shire Council Certified Agreement 2022* [2022] QIRC 372

PARTIES: **Murweh Shire Council**

AND

The Australian Workers' Union of Employees, Queensland

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

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

The Electrical Trades Union of Employees Queensland

Queensland Services, Industrial Union of Employees

CASE NO.: CB/2022/84

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 29 September 2022

HEARING DATE: 29 September 2022

HEARD AT: Brisbane

MEMBER: Merrell DP

ORDER: ***The Murweh Shire Council Certified Agreement 2022 is certified.***

CATCHWORDS: INDUSTRIAL LAW - QUEENSLAND - AGREEMENTS - application for certification of an agreement - requirements for certification - agreement certified

LEGISLATION: *Industrial Relations Act 2016*, 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 Murweh Shire Council.

Mr G. Taylor for The Australian Workers' Union of Employees, Queensland.

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

Reasons for Decision

- [1] On 30 August 2022, the Murweh Shire Council ('the Applicant'), pursuant to s 189 of the *Industrial Relations Act 2016* ('the Act'), made an application to certify the *Murweh Shire Council Certified Agreement 2022* ('the agreement').
- [2] The named parties to the agreement are the Applicant and the following employee organisations:
- The Australian Workers' Union of Employees, Queensland;
 - Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ('the CFMEU');
 - Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland;
 - The Electrical Trades Union of Employees Queensland ('the ETU'); and
 - Queensland Services, Industrial Union of Employees.
- [3] The agreement is signed by all the above-mentioned parties, except for the CFMEU and the ETU.
- [4] By letter dated 8 September 2022, the ETU advised the Commission that:
- it was a negotiating party for the agreement;
 - it agreed to the terms of the agreement, however, it did not intend to sign the agreement; and
 - it wished to be a party to and covered by the agreement.
- [5] By letter dated 26 September 2022, the CFMEU advised the Commission that:
- it was a negotiating party for the agreement;
 - it agreed to the terms of the agreement, however, it did not intend to sign the agreement; and

- it wished to be a party to and covered by the agreement.

[6] The agreement applies to:

- the Applicant;
- the Applicant's employees who are covered by the *Queensland Local Government Industry (Stream A) Award - State 2017*, the *Queensland Local Government Industry (Stream B) Award - State 2017*, and the *Queensland Local Government Industry (Stream C) Award - State 2017*; and
- the employee organisations named in paragraph [2] above.

[7] Having regard to the submissions made by the parties who appeared today and to the affidavit of Mr Jamie Gorry, Acting Chief Executive Officer of the Applicant, filed on 31 August 2022:

- 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.

[8] The application to certify the *Murweh Shire Council Certified Agreement 2022* is granted.

[9] The *Murweh Shire Council Certified Agreement 2022* operates from 29 September 2022.

[10] Although the nominal expiry date of the *Murweh Shire Council Certified Agreement 2022* is 29 September 2025, it continues to operate until it is terminated under s 227 or s 228 of the Act.

[11] I make the following order:

The *Murweh Shire Council Certified Agreement 2022* is certified.