

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Quilpie Shire Council
Certified Agreement 2021* [2022] QIRC 051

PARTIES: **Quilpie Shire Council**

AND

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

**Queensland Services, Industrial Union of
Employees**

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

CASE NO: CB/2022/6

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 22 February 2022

HEARING DATE: 22 February 2022

MEMBER: Hartigan IC

HEARD AT: Brisbane

ORDER: ***The Quilpie Shire Council Certified
Agreement 2021 is certified.***

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

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

APPEARANCES:

Ms S. Mitanis of MBA Lawyers for the Quilpie Shire Council

Mr P. Dunbar for the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

Ms M. Robertson for the Queensland Services, Industrial Union of Employees

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

Reasons for Decision

- [1] On 3 February 2022, the Quilpie Shire Council ('the Council') filed an application pursuant to s 189 of the *Industrial Relations Act 2016* (Qld) ('the IR Act') to certify the *Quilpie Shire Council Certified Agreement 2021* ('the agreement').
- [2] The named parties to the agreement are the Council and the following employee organisations:
 - (a) the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
 - (b) the Queensland Services, Industrial Union of Employees; and
 - (c) The Australian Workers' Union of Employees, Queensland
- [3] As required by s 189(3) of the IR Act, the application was made within 21 days of the date on which the agreement was signed by all the above-mentioned parties.
- [4] The agreement applies to the Council and all Council employees, except for employees that are employed under the classification of 'Senior Officer' as defined in the *Queensland Local Government Industry (Stream A) Award – State 2017*.¹
- [5] Having regard to the submissions made by the parties who appeared at the hearing of the matter on 22 February 2022, and the material filed,² I am satisfied that:

¹ *Queensland Local Government Industry (Stream A) Award – State 2017*, Div. 2 Section 1, cl 4.2.

² Application for certification and affidavit of Mr Justin Hancock each filed on 3 February 2022 and amended affidavit of Mr Justin Hancock filed on 21 February 2022.

- (a) each relevant requirement under Ch 4, Pt 5, Sub-Div.2 of the IR Act have been satisfied; and
- (b) there is nothing in the agreement which would require the Commission to refuse to grant the application under Ch 4, Pt 5, Sub-Div.3 of the IR Act.

[6] Accordingly, the application to certify the *Quilpie Shire Council Certified Agreement 2021* is granted.

[7] The *Quilpie Shire Council Certified Agreement 2021* operates from the date it was certified, namely 22 February 2022.

[8] Although the nominal expiry date of the *Quilpie Shire Council Certified Agreement 2021* is 22 February 2025, the agreement will continue to operate until it is terminated under ss 227 or 228 of the IR Act.

[9] I make the following order:

The *Quilpie Shire Council Certified Agreement 2021* is certified.