

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Balonne Shire Council Certified Agreement 2021* [2022] QIRC 057

PARTIES: **Balonne Shire Council**

AND

**Construction, Forestry, Mining and Energy,
Industrial Union of Employees (CFMEU)
Queensland & Northern Territory Branch**

**Queensland Services, Industrial Union of
Employees**

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

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

CASE NO: CB/2022/9

PROCEEDING: Application for certification of an Agreement

DELIVERED ON: 24 February 2022

HEARING DATE: 24 February 2022

MEMBER: Knight IC

HEARD AT: Brisbane

ORDERS: ***The Balonne Shire Council Certified Agreement 2021 is certified.***

CATCHWORDS: INDUSTRIAL LAW – QUEENSLAND – AGREEMENTS – application for certification of a certified agreement – requirements for certification – agreement certified

LEGISLATION: *Industrial Relations Act 2016* (Qld) ch 4

APPEARANCES: Ms M Martin off the Local Government Association of Queensland for the Bundaberg Regional Council

Mr P Dunbar of the Construction, Forestry, Mining and Energy, Industrial Union of Employees (CFMEU) Queensland & Northern Territory Branch

Ms J Wiggan and Ms S Wilson of Queensland Services, Industrial Union of Employees

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

Reasons for Decision (*ex tempore*)

- [1] On 8 February 2022, the Balonne Shire Council ('the Council') made an application pursuant to s 189 of the *Industrial Relations Act 2016* (Qld) ('the IR Act') to certify the *Balonne Shire Council Certified Agreed 2021* ('the agreement').
- [2] The named parties to the agreement are the Council and the following employee organisations:
 - The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ('CFMEUQ');
 - Queensland Services, Industrial Union of Employees ('QSU');
 - The Australian Workers' Union of Employees, Queensland ('AWU'); and
 - The Plumbers & Gasfitters Employees' Union of Queensland, Union of Employees ('PGEU').
- [3] The agreement is signed by all the above-mentioned parties.
- [4] The CFMEUQ, QSU and AWU appeared today and consented to the present application.
- [5] On 11 February 2022, the PGEU wrote to the Commission and sought leave to be excused from appearing which was granted on the basis it consented to the present application and would submit to any order or certification made in its absence.¹
- [6] The agreement applies to:

... all employees of Council except the Chief Executive Officer (CEO) and any other Senior Officers (as defined in the Parent Award) where the parties have entered into a contract of employment which provides that this Agreement, (or any predecessor), does not apply.²

¹ Email from Mr Troy Fernandez, Industrial Officer of the PGEU, dated 11 February 2022.

² *Balonne Shire Council Certified Agreement 2021* cl 3.1.

- [7] Having regard to the submissions made by the parties who appeared at the hearing today, as well as the affidavit of Mr James Matthew Magin, Chief Executive Officer, filed on 8 February 2022:
- I am satisfied of each relevant requirement in ch 4 pt 5 div 2 sub-div 2 of the IR 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 IR Act.
- [8] The application to certify the agreement is granted. The agreement operates from the day it is certified, being today's date, 24 February 2022.
- [9] Although the nominal expiry date of the agreement is 31 August 2024, it continues to operate until it is terminated under either s 227 or s 228 of the IR Act.
- [10] I make the following order:

The Balonne Shire Council Certified Agreement 2021 is certified.