

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the making of the Carpentaria Shire Council Certified Agreement 2023 [2024] QIRC 192*

PARTIES: **Carpentaria Shire Council**

AND

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

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

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

**Queensland Services, Industrial Union of Employees**

CASE NO: CB/2024/46

PROCEEDING: Application for certification of an Agreement

DELIVERED ON: 6 August 2024

HEARING DATE: 6 August 2024

MEMBER: Knight IC

HEARD AT: Brisbane

ORDERS: ***The Carpentaria Shire Council Certified Agreement 2023 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: Mr C Lowe for the Local Government Association of Queensland on behalf of Carpentaria Shire Council

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

Mr E Dalgleish for the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

Mr D Knight for the Queensland Services, Industrial Union of Employees

### **Reasons for Decision**

- [1] On 5 July 2024, the Carpentaria Shire Council ('the Council') made an application pursuant to s 189 of the *Industrial Relations Act 2016* (Qld) ('the IR Act') to certify the *Carpentaria Shire Council Certified Agreement 2023* ('the agreement').
- [2] The named parties to the agreement are the Council and the following employee organisations:
- The Australian Workers' Union of Employees, Queensland ('AWU');
  - The Plumbers & Gasfitters Employees' Union Queensland, Union of Employees ('PGEU');
  - The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ('CFMEU'); and
  - Queensland Services, Industrial Union of Employees ('QSU').
- [3] The agreement is signed by all the above-mentioned parties.
- [4] The AWU, CFMEU and QSU appeared in the proceedings and consented to the present application.
- [5] On 12 July 2024, the PGEU wrote to the Commission and sought leave to be excused from appearing which was granted on the basis the PGEU consented to the present application and would submit to any order or certification made in its absence.<sup>1</sup>
- [6] The agreement applies to all employees of the Council who are covered by the following awards:
- (a) Queensland Local Government Industry (Stream A) Award – State 2017;
  - (b) Queensland Local Government Industry (Stream B) Award – State 2017; and

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<sup>1</sup> Correspondence sent by the Plumbers & Gasfitters Employees' Union Queensland, Union of Employees on 12 July 2024.

(c) Queensland Local Government Industry (Stream C) Award – State 2017.

[7] However, the agreement does not apply to any employee who is a Senior Officer, as defined under the Stream A Award, and who enters into a written contract of employment with Council in accordance with Clause 4.2 of the Stream A Award.

[8] Having regard to the submissions made by the parties who appeared at the hearing today, as well as the affidavit of Mr Mark Crawley, Chief Executive Officer, Carpentaria Shire Council, filed on 5 July 2024:

- 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.

[9] The application to certify the agreement is granted. The agreement operates from the day it is certified, being today's date, 6 August 2024

[10] Although the nominal expiry date of the agreement is 1 July 2027, it continues to operate until it is terminated under either s 227 or s 228 of the IR Act.

[11] I make the following order:

***The Carpentaria Shire Council Certified Agreement 2023 is certified.***