

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Toowoomba Regional Council Office Based Staff Certified Agreement 2018 (No 3) [2018] QIRC 076*

PARTIES: **Toowoomba Regional Council**
and
The Australian Workers' Union of Employees, Queensland
Queensland Services, Industrial Union of Employees
The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees

CASE NO: CB/2018/73

PROCEEDING: Certification of an agreement

DELIVERED ON: 18 June 2018

HEARING DATE: 18 June 2018

HEARD AT: Brisbane

MEMBER: Deputy President Bloomfield

ORDER: **1. *The Toowoomba Regional Council Office Based Staff Certified Agreement 2018 (No 3) is certified.***

CATCHWORDS: INDUSTRIAL LAW - APPLICATION FOR CERTIFICATION OF AGREEMENT - where application made within 21 days of the date on which the agreement was made - where requirements for certification

LEGISLATION: *Industrial Relations Act 2016, s 189, s 193, s 195, s 196, s 197, s 198, s 199, s 200, s 201, s 204, s 205, s 206, s 207, s 208, s 209, s 216, s 227, s 228*

APPEARANCES: Ms S. Mitanis for the Toowoomba Regional Council.

Mr B Watson for The Australian Workers' Union of Employees, Queensland.

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

Reasons for Decision

- [1] The Toowoomba Regional Council has made an application to certify an agreement pursuant to section 189 of the *Industrial Relations Act 2016*. As required by s 189(3) of the Act, the application was made within 21 days of the date on which the agreement was made. The agreement is between the Toowoomba Regional Council and the following employee organisations:
- The Australian Workers' Union of Employees, Queensland;
 - Queensland Services, Industrial Union of Employees; and
 - The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees.
- [2] The agreement is to apply to Toowoomba Regional Council and all of its employees for whom classifications and rates of pay are prescribed in the agreement.
- [3] In proceedings on 18 June 2018 the Commission as presently constituted certified the agreement.
- [4] I note that the agreement is signed by all of the listed parties.¹
- [5] In certifying the agreement, the Commission recognises that² each relevant requirement under subdivision 2 of Division 2 of Part 5 of the Act has been satisfied;³ and, that there was nothing in the agreement which would require the Commission to refuse to grant the application under subdivision 3 of Division 2 of Part 5 of the Act.⁴
- [6] The agreement operates from the day it was certified, namely 18 June 2018.⁵ The nominal expiry date of the agreement is the last day of the last pay period in June 2021, however, the agreement continues to operate until it is terminated under s 227 or s 228 of the Act.

¹ *Industrial Relations Act 2016*, s 196(1)(b).

² *Ibid* s 193(1)(a)-(b).

³ *Ibid* ss 195, 196, 197, 198, 199, 200(1)(b), 201(b).

⁴ *Ibid* ss 204, 205, 206, 207, 208, 209.

⁵ *Ibid* s 216(a).

[7] The application to certify the *Toowoomba Regional Council Office Based Staff Certified Agreement 2018 (No 3)* is granted.

[8] I make the following order:

1. **The *Toowoomba Regional Council Office Based Staff Certified Agreement 2018 (No 3)* is certified.**