

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Toowoomba Regional Council Office Based Staff Certified Agreement 2022 (No.4) [2022] QIRC 229*

PARTIES **Toowoomba Regional Council**

AND

Queensland Services, Industrial Union of Employees

The Australian Workers' Union of Employees, Queensland

The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees

CASE NO: CB/2022/43

PROCEEDING: Certification of an agreement

DELIVERED ON: 17 June 2022

HEARING DATE: 17 June 2022

MEMBER: Pidgeon IC

HEARD AT: Brisbane

ORDER: ***The Toowoomba Regional Council Office Based Staff Certified Agreement 2022 (No.4) is certified.***

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

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 M Martin of the Local Government Association
of Queensland for the Toowoomba Regional
Council

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

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

Ms A Jack for The Association of Professional
Engineers, Scientists and Managers, Australia,
Queensland Branch, Union of Employees

Reasons for Decision

[1] The Toowoomba Regional Council has made an application to certify an agreement pursuant to s 189 of the *Industrial Relations Act 2016* (the Act). 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:

- **Queensland Services, Industrial Union of Employees**
- **The Australian Workers' Union of Employees, Queensland**
- **The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees**

[2] The agreement has been signed by all parties to the agreement,¹ and the agreement was approved by a valid majority of relevant employees in a properly conducted ballot.²

[3] The agreement replaces the pre-existing agreement, *Toowoomba Regional Council Office Based Staff Certified Agreement 2018 (No.3)*.

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

² Affidavit of Brian Pidgeon, Chief Executive Officer affirmed 10 May 2022.

[4] In certifying the agreement, the Commission has regard to the submissions of the parties and the affidavit of Brian Pidgeon, Chief Executive Officer affirmed 10 May 2022. The Commission determines that:³

- Each relevant requirement under subdivision 2 of Division 2 of Part 5 of the Act has been satisfied;⁴ and
- 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.⁵

[5] The agreement operates from the day it was certified, namely 17 June 2022.⁶ Although the nominal expiry date of the agreement is 19 June 2024, the agreement continues to operate until it is terminated under s 227 or s 228 of the Act.

[6] The application to certify the *Toowoomba Regional Council Office Based Staff Certified Agreement 2022 (No.4)* is granted.

[7] I make the following order:

- 1. That the *Toowoomba Regional Council Office Based Staff Certified Agreement 2022 (No.4)* is certified.**

³ *Industrial Relations Act* 2016, ss 193(1)(a)-(b).

⁴ *Ibid* ss 195, 196, 197, 198, 199, 200(1)(b), 201(b).

⁵ *Ibid* ss 204, 205, 206, 207, 208, 209.

⁶ *Ibid* s 216(a).