

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the TAFE Queensland (TAFE Services Employees) Certified Agreement 2022* [2023] QIRC 136

PARTIES: **State of Queensland (TAFE Queensland)**

AND

Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland

The Electrical Trades Union of Employees Queensland

Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland

Queensland Nurses and Midwives' Union of Employees

Together Queensland, Industrial Union of Employees

United Workers' Union, Industrial Union of Employees, Queensland

CASE NO: CB/2023/35

PROCEEDING: Application for certification of an Agreement

DELIVERED ON: 23 May 2023

HEARING DATE: 23 May 2023

MEMBER: Knight IC

HEARD AT: Brisbane

ORDERS: **The *TAFE Queensland (TAFE Services Employees) Certified Agreement 2022* 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 N Wilson and Ms J Wong for the State of
Queensland (TAFE Queensland)

Ms S Ellis for Together Queensland, Industrial
Union of Employees

Reasons for Decision

- [1] On 17 April 2023, the State of Queensland (TAFE Queensland) ('TAFE Queensland') made an application pursuant to s 189 of the *Industrial Relations Act 2016* (Qld) ('the IR Act') to certify the *TAFE Queensland (TAFE Services Employees) Certified Agreement 2022* ('the agreement').
- [2] The named parties to the agreement are TAFE Queensland and the following employee organisations:
- Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland ('AMEPKU');
 - The Electrical Trades Union of Employees Queensland ('ETU');
 - The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ('CFMEU');
 - Queensland Nurses and Midwives' Union of Employees ('QNMU');
 - United Workers' Union, Industrial Union of Employees, Queensland ('UWU'); and
 - Together Queensland, Industrial Union of Employees ('TQ').
- [3] The TQ appeared today and consented to the present application.
- [4] The following parties wrote to the Commission and sought leave to be excused from appearing which was granted on the basis the parties consented to the present application and would submit to any order or certification made in its absence:
- (a) On 24 April 2023, the ETU wrote to the Commission;¹
 - (b) On 2 May 2023, the AMEPKU wrote to the Commission;²

¹ Email correspondence received on 24 April 2023.

² Email correspondence received on 2 May 2023.

- (c) On 18 May 2023, the QNMU wrote to the Commission;³
- (d) On 19 May 2023, the CFMEU wrote to the Commission;⁴ and
- (e) On 23 May 2023, the UWU wrote to the Commission.⁵

[5] The agreement applies to all TAFE Services employees who are covered by the TAFE Queensland Award – State 2016.

[6] Having regard to the submissions made by the parties who appeared at the hearing today, as well as the affidavit of Ms Mary Campbell, Chief Executive Officer, TAFE Queensland, filed on 17 April 2023:

- 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.

[7] The application to certify the agreement is granted. The agreement operates from the day it is certified, being today's date, 23 May 2023.

[8] Although the nominal expiry date of the agreement is 31 August 2025, it continues to operate until it is terminated under either s 227 or s 228 of the IR Act.

[9] I make the following order:

The TAFE Queensland (TAFE Services Employees) Certified Agreement 2022 is certified.

³ Email correspondence received 18 May 2023.

⁴ Email correspondence received 19 May 2023.

⁵ Email correspondence received 23 May 2023.