

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the making of the Toowoomba Regional Council Field Based Staff Certified Agreement 2018 (No. 3) [2018] QIRC 131*

PARTIES: **Toowoomba Regional Council**

and

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

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

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

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

**The Electrical Trades Union of Employees Queensland**

**Transport Workers' Union of Australia, Union of Employees (Queensland Branch)**

**United Voice, Industrial Union of Employees, Queensland**

CASE NO: CB/2018/144

PROCEEDING: Certification of an agreement

DELIVERED ON: 12 October 2018

HEARING DATE: 12 October 2018

MEMBER: Thompson IC

HEARD AT: Brisbane

- ORDER: **1. The Toowoomba Regional Council Field Based Staff Certified Agreement 2018 (No. 3) 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
- APPEARANCES: Ms S. Mitanis of the Local Government Association of Queensland for the Toowoomba Regional Council
- Mr J. Harding for The Australian Workers' Union of Employees, Queensland
- Mr B. McCreadie for the Transport Workers' Union of Australia, Union of Employees (Queensland Branch)

### 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. 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:
- Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland;
  - Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
  - Plumbers & Gasfitters Employees' Union Queensland, Union of Employees;
  - Queensland Nurses and Midwives' Union of Employees;
  - The Australian Workers' Union of Employees, Queensland;
  - The Electrical Trades Union of Employees Queensland;

- Transport Workers' Union of Australia, Union of Employees (Queensland Branch); and
- United Voice, Industrial Union of Employees, Queensland.

- [2] The agreement has been signed by all parties to the agreement.<sup>1</sup>
- [3] The agreement is to apply to the Toowoomba Regional Council and all of its employees for whom classifications and rates of pay are prescribed in the agreement.
- [4] In proceedings on 12 October 2018 the Commission as presently constituted certified the agreement.
- [5] In certifying the agreement, the Commission recognises that:<sup>2</sup> each relevant requirement under subdivision 2 of Division 2 of Part 5 of the Act has been satisfied;<sup>3</sup> 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.<sup>4</sup>
- [6] The agreement operates from the day it was certified, namely 12 October 2018.<sup>5</sup> Although the nominal expiry date of the agreement is at the last pay period in June 2021 the agreement continues to operate until it is terminated under s 227 or s 228 of the Act.
- [7] The application to certify the *Toowoomba Regional Council Field Based Staff Certified Agreement 2018 (No. 3)* (as amended) is granted.
- [8] I make the following order:
- 1. *Toowoomba Regional Council Field Based Staff Certified Agreement 2018 (No. 3)* is certified.**

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<sup>1</sup> *Industrial Relations Act* 2016, s 196(1).

<sup>2</sup> *Ibid* s 193(1)(a)-(b).

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

<sup>4</sup> *Ibid* ss 204, 205, 206, 207, 208, 209.

<sup>5</sup> *Ibid* s 216(a).