

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *Re Application filed by Local Government Association of Queensland Ltd* [2020] QIRC 035

PARTIES: **Local Government Association of Queensland Ltd**  
(Applicant)

CASE NO: RIO/2019/272

PROCEEDING: Application

DELIVERED ON: 4 March 2020

HEARING DATE: 4 March 2020

MEMBER: O'Connor VP

HEARD AT: Brisbane

ORDER:

- 1. The Commission approves, pursuant to s 662 of the *Industrial Relations Act 2016*, eligibility rule amendments to the rules of the Local Government Association of Queensland Ltd.**
- 2. The amendments are to take the form as described in the Application filed in the Industrial Registry on 5 November 2019.**
- 3. The operative date of the amendments will be the date of this order.**

CATCHWORDS: INDUSTRIAL LAW – QUEENSLAND – INDUSTRIAL ORGANISATIONS – APPLICATION TO AMEND ELIGIBILITY RULES – Where the applicant is an employer organisation - Where the application was

validly made under the organisation's rules

LEGISLATION:

*Industrial Relations Act 2016* s662  
*Industrial Relations Regulation 2018* s17  
*Industrial Relations (Tribunals) Rules 2011*,  
 r198

APPEARANCES:

Mr T Goode for the Applicant

**Reasons for Decision**

- [1] The Local Government Association of Queensland Ltd has filed an application to amend its eligibility rules pursuant to s 662 of the *Industrial Relations Act 2016* and r 198 of the *Industrial Relations (Tribunal Rules) 2011*.
- [2] On 30 October 2019 the Applicant wrote to the Industrial Registrar advising that it had undertaken a review of its constitution to identify any areas that required updating to provide "greater clarity" and to ensure "the constitution reflects contemporary business practices". The review identified that it was now desirable for the constitution to allow for the electronic signing and transmission of formal documents. The review also identified a number of administrative amendments that ought to be made.
- [3] The Applicant approved for a motion outlining the proposed amendments to be put forward to its members at the Annual General Meeting (AGM) on 16 October 2019. The motion was successfully passed.
- [4] In accordance with s 17(3) of the *Industrial Relations Regulation 2018* on 15 November 2019 the Applicant published in a newspaper (The Courier Mail) a Notice of the proposed amendment of its eligibility rules. Further, and in accordance with s 17(5) of the aforementioned Regulation the Applicant served a copy of the Notice on the relevant industrial organisations.

**The proposed amendments**

- [5] As stated above, the amendments provide for a number of administrative amendments to the constitution. Further, the application amends Rule 3.1 (Membership) in order to clarify that membership commences upon payment of the membership fee and that a formal application process applies for re-admitting past members. The following table sets out (and highlights) the proposed amendment to Rule 3.1.

Current Registered Rule	Proposed New Rule
<b>3.1 Membership</b> The Organisation's membership will consist of	<b>3.1 Membership</b> <b>(1)</b> The Organisation's membership will consist of

the Brisbane City Council and local governments constituted under the <i>Local Government Act 2009</i>	the Brisbane City Council and local governments constituted under the <i>Local Government Act 2009</i> .  <b><u>(2) Subject to Rule 3.2, a body referred to in Rule 3.1(1) will become a Member upon payment of the applicable membership fee under Rule 3.3,</u></b>
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- [6] I am satisfied that in accordance with s 662(1) of the Act, the amendments have been proposed under the organisation's rules and that there is no organisation to which its members could conveniently belong that would effectively represent them in a way consistent with the objects of the Act. The provisions of s 662(2) of the Act upon which the Commission may refuse to approve an amendment to the eligibility rule have not been identified in these proceedings and are therefore not enlivened.
- [7] Accordingly, I approve the present application to amend the eligibility rules, with the operative date of the amendments being the date of this order.

### **Order**

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