

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Redland City Council Employees' Certified Agreement 2013 [2019] QIRC 186*

PARTIES: **Redland City Council**

AND

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

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

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

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

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

CASE NO: CB/2019/121

PROCEEDING: Termination of an agreement

DELIVERED ON: 6 December 2019

HEARING DATE: 6 December 2019

HEARD AT: Brisbane

MEMBER: Dwyer IC

ORDER: **1. *Redland City Council Employees' Certified Agreement 2013* is terminated.**

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – Application for termination of agreement after nominal expiry date – Requirements for termination – agreement terminated

LEGISLATION: *Industrial Relations Act 2016, s 228*

APPEARANCES:

Mr S. Blaney and Mr T. Daley for the Redland City Council.

### Reasons for Decision

- [1] On 18 November 2019, the Chief Executive Officer of the Redland City Council applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* ('the Act'), to terminate the *Redland City Council Employees' Certified Agreement 2013* ('the Agreement').
- [2] The Agreement has a nominal expiry date of 30 June 2016.
- [3] Section 228(3) of the Act provides:
- (3) The commission must approve the termination if, and must refuse to approve the termination unless, satisfied subsection (2) has been complied with and -
    - (a) for an agreement or determination that provides that it may be terminated if particular conditions are met - the conditions have been met; or
    - (b) for an agreement or determination that does not provide for the way it may be terminated -
      - (i) the other parties to the agreement or determination agree to it being terminated; and
      - (ii) termination of the agreement or determination is not contrary to the public interest.
- [4] The Agreement does not provide that particular conditions need to be met before it may be terminated.
- [5] Having regard to the affidavit of Mr Andrew Chesterman filed 18 November 2019, I am satisfied that the Redland City Council has given the requisite notice of its intention to apply to terminate the Agreement.
- [6] I have had regard to:
- the submissions made by the parties who appeared today; and
  - the affidavit of Mr Andrew Chesterman of the Redland City Council dated 18 November 2019.
- [7] On 18 November 2019, the Chief Executive Officer of the Redland City Council made an application, pursuant to s 189 of the Act, to certify the *Redland City Council Employees' Certified Agreement 2019*.
- [8] The Redland City Council and the following employee organisations have agreed to the terms of the *Redland City Council Employees' Certified Agreement 2019* which will replace the Agreement:
- The Australian Workers' Union of Employees, Queensland

- Transport Workers' Union of Australia, Union of Employees (Queensland Branch)
- 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 Electrical Trades Union of Employees, Queensland

[9] I am satisfied that:

- all parties to the Agreement agree to it being terminated; and
- the termination of the Agreement is not contrary to the public interest.

[10] Section 228(4) of the Act provides that termination takes effect when the Commission's approval takes effect.

[11] I approve the termination of the *Redland City Council Employees' Certified Agreement 2013* with effect from 6 December 2019.

[12] I make the following order:

- 1. The *Redland City Council Employees' Certified Agreement 2013* is terminated.**