

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Somerset Regional Council Certified Agreement 2015 [2021] QIRC 023*

PARTIES: **Somerset Regional Council**
(Applicant)

v

Queensland Services, Industrial Union of Employees
(First Respondent)

and

The Australian Worker's Union of Employees, Queensland
(Second Respondent)

and

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

and

Construction, Forestry, Mining & Energy, Industrial Union of Employees
(Fourth Respondent)

and

Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland
(Fifth Respondent)

CASE NO: CB/2020/82

PROCEEDING: Termination of an agreement

DELIVERED ON: 22 January 2021

HEARING DATE: 22 January 2021

MEMBER: Industrial Commissioner Hartigan

HEARD AT: Brisbane

ORDER: **1. The Somerset Regional Council Certified Agreement 2015 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* (Qld) s 228

APPEARANCES: Ms C Spence for the Somerset Regional Council
Mr S Boman of QSU for the Respondents

Reasons for Decision

- [1] On 27 November 2020, the Somerset Regional Council applied pursuant, to s 228(1) of the *Industrial Relations Act 2016* ("the Act"), to terminate the *Somerset Regional Council Certified Agreement 2015* ("the certified agreement").
- [2] The certified agreement has a nominal expiry date of 30 June 2017.
- [3] The application was filed in the Industrial Registry, together with an affidavit in support of Mr Andrew Johnson, Chief Executive Officer of the Somerset Regional Council, and a Notice of Intention to terminate a Certified Agreement.
- [4] Having regard to the material relied upon in support of the application, I am satisfied that:
- (a) the certified agreement does not include any provisions recording that any particular conditions need be met before it may be terminated;¹
 - (b) the Council has given notice of its intention to apply to terminate the certified agreement;²
 - (c) all parties to the certified agreement agree to it being terminated;³ and
 - (d) the termination of the certified agreement is not contrary to the public interest.⁴
- [5] Section 228(4) of the Act provides that termination takes effect when the Commission's approval takes effect.

¹ *Industrial Relations Act 2016* (Qld) s 228(3).

² *Ibid* s 228(2).

³ *Ibid* ss 228(3)(b)(i).

⁴ *Ibid* s 228(3)(b)(ii).

[6] In this matter, an application was made by the Somerset Regional Council and the Queensland Services, Industrial Union of Employees to certify the *Somerset Regional Council – Officers Certified Agreement 2020*.⁵

[7] Accordingly, I approve the termination of the certified agreement with effect from 22 January 2021.

[8] I make the following order:

- 1. The *Somerset Regional Council Certified Agreement 2015* is terminated.**

⁵ Filed in the Industrial Registry on 27 November 2020.