

# QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Rockhampton Regional Council External Employees Certified Agreement 2018 [2022] QIRC 409*

PARTIES: **Rockhampton Regional Council**

AND

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

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

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

**The Electrical Trades Union of Employees, Queensland**

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

**Transport Workers Union of Australia, Union of Employees, Queensland Branch**

CASE NO: CB/2022/102

PROCEEDING: Termination of an agreement

DELIVERED ON: 27 October 2022

HEARING DATE 27 October 2022

MEMBER: Hartigan IC

HEARD AT: Brisbane

ORDER: ***The Rockhampton Regional Council External Employees Certified Agreement 2018 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 N. Hope of the Local Government Association Queensland for the Rockhampton Regional Council

Mr D. Marr of The Australian Workers' Union of Employees, Queensland

Mr T. Fernandez of the Plumbers and Gasfitters Employees' Union Queensland, Union of Employees

### Reasons for Decision

- [1] On 14 October 2022, the Rockhampton Regional Council ('the Council'), applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the IR Act'), to terminate the *Rockhampton Regional Council External Employees Certified Agreement 2018* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 1 July 2022.
- [3] The application was filed in the Industrial Registry, together with an affidavit in support of Mr Evan Pardon, Chief Executive Officer of the 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;<sup>1</sup>
  - (b) the Council has given notice of its intention to apply to terminate the certified agreement;<sup>2</sup>

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<sup>1</sup> *Industrial Relations Act 2016* (Qld) s 228(3).

<sup>2</sup> *Ibid* s 228(2).

(c) all parties to the certified agreement agree to it being terminated;<sup>3</sup> and

(d) the termination of the certified agreement is not contrary to the public interest.<sup>4</sup>

[5] I have also had regard to an application having been made by the Council, The Australian Workers' Union of Employees, Queensland, the Construction, Forestry, Mining & Energy, Industrial Union of Employees Queensland, the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland, the Plumbers and Gasfitters Employees' Union Queensland, Union of Employees, The Electrical Trades Union of Employees Queensland and the Transport Workers Union of Australia, Union of Employees, Queensland Branch to certify the *Rockhampton Regional Council External Employees Certified Agreement 2022*.<sup>5</sup>

[6] Section 228(4) of the IR Act provides that termination takes effect when the Commission's approval takes effect. I approve the termination of the certified agreement with effect from 27 October 2022.

[7] I make the following order:

***The Rockhampton Regional Council External Employees Certified Agreement 2018 is terminated.***

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<sup>3</sup> Ibid s 228(3)(b)(i).

<sup>4</sup> Ibid s 228(3)(b)(ii).

<sup>5</sup> Matter CB/2022/103 filed on 14 October 2022.