

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Rockhampton Regional Council Certified Agreement 2018 – Internal Employees [2022] QIRC 425*

PARTIES: **Rockhampton Regional Council**

AND

The Australian Workers' Union of Employees, Queensland

Queensland Services, Industrial Union of Employees

United Workers' Union, Industrial Union of Employees, Queensland

The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees

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

CASE NO: CB/2022/104

PROCEEDING: Application for approval to terminate certified agreement after nominal expiry date

DELIVERED ON: 4 November 2022

HEARING DATE: 3 November 2022

HEARD AT: Brisbane

MEMBER: McLennan IC

ORDER: **1. *The Rockhampton Regional Council Certified Agreement 2018 – Internal Employees is terminated.***

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – application for termination 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 on behalf of the Rockhampton Regional Council
- Mr J Maguire for Queensland Services, Industrial Union of Employees
- Ms C Taylor of The Australian Workers' Union of Employees, Queensland
- Mr S. Ong of United Workers' Union, Industrial Union of Employees, Queensland

Reasons for Decision

- [1] The Rockhampton Regional Council has applied to terminate the *Rockhampton Regional Council Certified Agreement 2018 – Internal Employees*. It does so pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld).
- [2] The Agreement nominally expired on 1 July 2022 and the parties consent to its termination.
- [3] I have considered the affidavit of Mr Evan Anthony Pardon, Chief Executive Officer of Rockhampton Regional Council, sworn 28 September 2022.
- [4] I am satisfied that:
- the agreement does not provide any particular conditions that must be met before it may be terminated;¹
 - the Rockhampton Regional Council has given notice of its intention to apply to terminate the agreement;²
 - the other parties to the agreement agree to its being terminated;³ and
 - the termination of the agreement is not contrary to the public interest.⁴
- [5] On that basis, I terminate the *Rockhampton Regional Council Certified Agreement 2018 – Internal Employees* with effect from 3 November 2022.⁵
- [6] I make the following order:
1. **The *Rockhampton Regional Council Certified Agreement 2018 – Internal Employees* is terminated.**

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

² *Ibid* s 228(2).

³ *Ibid* s 228(3)(b)(i).

⁴ *Ibid* s 228(3)(b)(ii).

⁵ *Ibid* s 228(4).