

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Whitsunday Regional Council Certified Agreement 2020 [2022] QIRC 475*

PARTIES: **Whitsunday Regional Council**

AND

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

The Australian Workers' Union of Employees, Queensland

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

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

Plumbers and Gasfitters Employees' Union Queensland, Union of Employees

Queensland Services, Industrial Union of Employees

The Electrical Trades Union of Employees, Queensland

CASE NO: CB/2022/137

PROCEEDING: Termination of an agreement

DELIVERED ON: 7 December 2022

HEARING DATE: 7 December 2022

MEMBER: McLennan IC

HEARD AT: Brisbane

ORDER: **1. *The Whitsunday Regional Council Certified Agreement 2020 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 on behalf of the Whitsunday Regional Council

Mr N Henderson for Queensland Services, Industrial Union of Employees

Mr D Marr and Mr B Matthey for The Australian Workers' Union of Employees, Queensland

Reasons for Decision

- [1] On 1 December 2022, the Whitsunday Regional Council ('the Council') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the Act'), to terminate the *Whitsunday Regional Council Certified Agreement 2020* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 8 February 2022.
- [3] The application was filed in the Industrial Registry together with an affidavit in support of Mr Rodney Ferguson, 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:
- the certified agreement does not include any provisions recording that any particular conditions need be met before it may be terminated;¹
 - the Council has given notice of its intention to apply to terminate the certified agreement;²
 - all parties to the certified agreement agree to it being terminated;³ and
 - the termination of the certified agreement is not contrary to the public interest.⁴

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] Section 228(4) of the Act provides that termination takes effect when the Commission's approval takes effect.
- [6] In this matter, an application was made to certify the *Whitsunday Regional Council Certified Agreement 2022*.⁵
- [7] Accordingly, I approve the termination of the certified agreement with effect from 7 December 2022.
- [8] With respect to the parties listed as appearing in this proceeding, I wish to acknowledge that Mr J. White for the Plumbers & Gasfitters Employees' Union Queensland, Union of Employees had indicated his intention to participate via telephone. However, Mr White was unable to do so, due to the Commission's oversight of his earlier request.
- [9] I make the following order:
- 1. The *Whitsunday Regional Council Certified Agreement 2020* is terminated.**

⁵ Filed in the Industrial Registry on 1 December 2022.