

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Logan City Council
Certified Agreement 2018 [2022] QIRC 144*

PARTIES: **Logan City Council**

AND

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

**The Construction, Forestry, Mining and
Energy, Industrial Union of Employees,
Queensland**

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

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

**Queensland Services, Industrial Union of
Employees**

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

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

**The Electrical Trades Union of Employees
Queensland**

Queensland Nurses and Midwives' Union

CASE NO: CB/2022/33

PROCEEDING: Termination of an agreement

DELIVERED ON: 21 April 2022

HEARING DATE: 21 April 2022

MEMBER: McLennan IC

HEARD AT: Brisbane

ORDER: **The Logan City Council 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 B Imbriano and Ms M Martin of LGAQ for Logan City Council

Mr C Murray for Queensland Nurses and Midwives' Union

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

Ms J Wiggan for Queensland Services, Industrial Union of Employees

Ms A Jack for The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees

Reasons for Decision

- [1] On 31 March 2022, the Logan City Council ('the Council') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016 (Qld)* ('the Act'), to terminate the *Logan City Council Certified Agreement 2018* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 30 June 2021.
- [3] The application was filed in the Industrial Registry together with an affidavit in support of Mr Darren Scott, 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

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

- 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

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

[6] An application was made to certify the *Logan City Council Certified Agreement 2022*.⁵

[7] Accordingly, I approve the termination of the certified agreement with effect from 21 April 2022.

[8] I make the following order:

- 1. The *Logan City Council Certified Agreement 2018* is terminated.**

² Ibid s 228(2).

³ Ibid s 228(3)(b)(i).

⁴ Ibid s 228(3)(b)(ii).

⁵ Email to the Industrial Registry on 31 March 2022; Filed in the Industrial Registry on 5 April 2022.