

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Barcaldine Regional Council Certified Agreement 2018 [2023] QIRC 007*

PARTIES: **Barcaldine Regional Council**

AND

Queensland Services, Industrial Union of Employees

The Australian Workers' Union of Employees, Queensland

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

Queensland Nurses and Midwives' Union of Employees

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

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

CASE NO.: CB/2022/139

PROCEEDING: Application for termination of an agreement

DELIVERED ON: 13 January 2023

HEARING DATE: 13 January 2023

MEMBER: Merrell DP

HEARD AT: Brisbane

ORDER: ***The Barcaldine Regional Council Certified Agreement 2018 is terminated.***

CATCHWORDS: INDUSTRIAL LAW - QUEENSLAND - AGREEMENTS - application for termination of agreement after nominal expiry date - requirements for termination - agreement terminated

LEGISLATION: *Industrial Relations Act 2016*, s 189 and s 228

APPEARANCES: Ms S. Mitanis and Ms C. Chacko of MBA Lawyers for the Barcaldine Regional Council.

Mr J. Maguire for the Queensland Services, Industrial Union of Employees.

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

Ms C. Trevascus for the Queensland Nurses and Midwives' Union of Employees.

Reasons for Decision

- [1] On 19 December 2022, the Barcaldine Regional Council ('the Applicant') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* ('the Act'), to terminate the *Barcaldine Regional Council Certified Agreement 2018* ('the certified agreement').
- [2] The certified agreement had a nominal expiry date of 28 June 2022.
- [3] Section 228(3) of the Act provides:
- (3) The commission must approve the termination if, and must refuse to approve the termination unless, satisfied subsection (2) has been complied with and-
 - (a) for an agreement or determination that provides that it may be terminated if particular conditions are met-the conditions have been met; or
 - (b) for an agreement or determination that does not provide for the way it may be terminated-
 - (i) the other parties to the agreement or determination agree to it being terminated; and
 - (ii) termination of the agreement or determination is not contrary to the public interest.
- [4] I have had regard to:
- the submissions made by the parties who appeared today; and
 - the affidavit of Mr Shane Gray, Chief Executive Officer of the Applicant.
- [5] The certified agreement does not provide that particular conditions need to be met before it may be terminated.
- [6] I am satisfied that the Applicant has given the requisite notice of its intention to apply to terminate the certified agreement.
- [7] On 19 December 2022, the Applicant made an application, pursuant to s 189 of the Act, to certify the *Barcaldine Regional Council Certified Agreement 2022*.

[8] The Applicant and the following employee organisations have agreed to the terms of the *Barcaldine Regional Council Certified Agreement 2022* which will replace the certified agreement:

- Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland;
- Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
- The Australian Workers' Union of Employees, Queensland;
- Transport Workers' Union of Australia, Union of Employees (Queensland Branch); and
- Queensland Services, Industrial Union of Employees.

[9] I am satisfied that:

- all parties to the certified agreement agree to it being terminated; and
- the termination of the certified agreement is not contrary to the public interest.

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

[11] I approve the termination of the *Barcaldine Regional Council Certified Agreement 2018* with effect from 13 January 2023.

[12] I make the following order:

The *Barcaldine Regional Council Certified Agreement 2018* is terminated.