

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Rockhampton Regional Council Waste and Recycling Certified Agreement 2018 [2023] QIRC 096*

PARTIES: **Rockhampton Regional Council**

AND

The Australian Workers' Union of Employees, Queensland

AND

Transport Workers' Union of Employees, Queensland Branch

CASE NO: CB/2023/16

PROCEEDING: Termination of an agreement

DELIVERED ON: 3 April 2023

HEARING DATE: 3 April 2023

MEMBER: Pidgeon IC

HEARD AT: Brisbane

ORDER: ***The Rockhampton Regional Council Waste and Recycling 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, s 228*

APPEARANCES: N. Hope, Local Government Association of Queensland for the Rockhampton Regional Council

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

Reasons for Decision

- [1] On 15 March 2023, the Rockhampton Regional Council ('the Council') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the Act'), to terminate the *Rockhampton Regional Council Waste and Recycling Agreement 2018* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 1 July 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 Evan Pardon, Chief Executive Officer, Rockhampton Regional Council, filed on 15 March 2023.
- [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 15 March 2023, the Applicant made an application, pursuant to s 189 of the Act, to certify the *Rockhampton Regional Council Waste and Recycling Certified Agreement 2022*.
- [8] The Applicant, the Australian Workers' Union of Employees, Queensland, and the Transport Workers' Union of Employees, Queensland Branch,¹ have agreed to the terms of the *Rockhampton Regional Council Waste and Recycling Certified Agreement 2022* which will replace the certified agreement.

¹ By correspondence from Mr Richard Olsen, Branch Secretary of the Transport Workers' Union of Employees, Queensland Branch to the Industrial Registry dated 31 March 2023.

[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 *Rockhampton Regional Council Waste and Recycling Certified Agreement 2018* with effect from 3 April 2023.

[12] I make the following order:

The Rockhampton Regional Council Waste and Recycling Certified Agreement 2018 is terminated.