

# QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Cloncurry Shire Council Certified Agreement 2019 [2023] QIRC 106*

PARTIES: **Cloncurry Shire Council**

AND

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

**Queensland Services, Industrial Union of Employees**

CASE NO.: CB/2023/18

PROCEEDING: Application for termination of an agreement

DELIVERED ON: 11 April 2023

HEARING DATE: 11 April 2023

MEMBER: O'Connor VP

HEARD AT: Brisbane

ORDER: ***The Cloncurry Shire Council Certified Agreement 2019 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 T Jacklin for the Cloncurry Shire Council.

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

Ms J Wiggan for the Queensland Services, Industrial Union of Employees.

### Reasons for Decision

- [1] On 15 March 2023, the Cloncurry Shire Council ('the Applicant') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* ('the Act'), to terminate the *Cloncurry Shire Council Certified Agreement 2019* ('the certified agreement').
- [2] The certified agreement had a nominal expiry date of 30 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 Philip Andrew Keirle, 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 15 March 2023, the Applicant made an application, pursuant to s 189 of the Act, to certify the *Cloncurry Shire Council Certified Agreement 2022*.
- [8] The Applicant and the following employee organisations have agreed to the terms of the *Cloncurry Shire Council Certified Agreement 2022* which will replace the certified agreement:
- The Australian Workers' Union of Employees, Queensland; 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 *Cloncurry Shire Council Certified Agreement 2019* with effect from 11 April 2023.

[12] I make the following order:

***The Cloncurry Shire Council Certified Agreement 2019 is terminated.***