

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Rockhampton Regional Council Child Care Employees Certified Agreement 2018 [2023] QIRC 109*

PARTIES: **Rockhampton Regional Council**

AND

The Australian Workers' Union of Employees, Queensland

CASE NO: CB/2023/22

PROCEEDING: Termination of an agreement

DELIVERED ON: 14 April 2023

HEARING DATE: 14 April 2023

MEMBER: Dwyer IC

HEARD AT: Brisbane

ORDER: **1. The *Rockhampton Regional Council Child Care Employees 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) ss 189, 228*

APPEARANCES: P. Spoto, Local Government Association of Queensland for the Rockhampton Regional Council

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

Reasons for Decision

- [1] On 22 March 2023, the Rockhampton Regional Council ('Applicant') applied, pursuant to s 228(2) of the *Industrial Relations Act 2016 (Qld)* ('Act'), to terminate the *Rockhampton Regional Council Child Care Employees Certified Agreement 2018* ('Agreement').
- [2] The 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] On 22 March 2023, the Applicant filed an affidavit in support of the application affirmed by Mr Evan Pardon, Chief Executive Officer of the Rockhampton Regional Council, together with a Form 50 - Notice of intention to terminate certified agreement or arbitration determination.
- [5] After considering the material relied upon in support of the application, I am satisfied that:
- the Agreement does not include any provisions recording that any particular conditions need to be met before it may be terminated;¹
 - the Applicant has given notice of its intention to apply to terminate the Agreement;²
 - all parties to the Agreement agree to it being terminated;³ and

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

² *Ibid* s 228(2).

³ *Ibid* s228(3)(b)(i).

- the termination of the Agreement is not contrary to the public interest.⁴

[6] Filed contemporaneously with this application was an application pursuant to s 189 of the Act to certify the *Rockhampton Regional Council Child Care Employees Certified Agreement 2022*.⁵

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

[8] Accordingly, I approve the termination of the Agreement with effect from 14 April 2023.

[9] I make the following order:

- 1. The *Rockhampton Regional Council Child Care Employees Certified Agreement 2018* is terminated.**

⁴ Ibid s228(3)(b)(ii).

⁵ Matter CB/2023/23. Filed on 22 March 2023.