

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Southern Downs Regional Council Determination 2019 – Stream A Employees [2023] QIRC 119*

PARTIES: **Southern Downs Regional Council**

AND

Queensland Services, Industrial Union of Employees

The Australian Workers' Union of Employees, Queensland

CASE NO: CB/2023/28

PROCEEDING: Termination of determination after nominal expiry date

DELIVERED ON: 4 May 2023

HEARING DATE 4 May 2023

MEMBER: Hartigan DP

HEARD AT: Brisbane

ORDER: ***The Southern Downs Regional Council Determination 2019 – Stream A Employees is terminated.***

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – application for termination of determination after nominal expiry date – requirements for termination – determination terminated

LEGISLATION: *Industrial Relations Act 2016 (Qld) s 189 and s 228*

APPEARANCES:

Ms S. Wishart for the Council.

Mr J. Donaghy of Queensland Services,
Industrial Union of Employees.

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

Reasons for Decision

- [1] On 31 March 2023, the Southern Downs Regional Council ('the Council'), applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the IR Act'), to terminate the *Southern Downs Regional Council Determination 2019 – Stream A Employees* ('the determination').
- [2] The determination has a nominal expiry date of 1 July 2022.
- [3] The application was filed in the Industrial Registry, together with an affidavit in support of Mr Dave Burges, Chief Executive Officer of the Council, and a Notice of intention to terminate a determination.
- [4] Having regard to the material relied upon in support of the application, I am satisfied that:
- (a) the determination does not include any provisions recording that any particular conditions need be met before it may be terminated;¹
 - (b) the Council has given notice of its intention to apply to terminate the determination;²
 - (c) all parties to the determination agree to it being terminated;³ and
 - (d) the termination of the determination is not contrary to the public interest.⁴
- [5] I have also had regard to an application having been made by the Council, The Australian Workers' Union of Employees, Queensland, and Queensland Services, Industrial Union of Employees to certify the *Southern Downs Regional Council Certified Agreement 2023 – Stream A Employees*.⁵

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

² *Ibid* s 228(2).

³ *Ibid* s 228(3)(b)(i).

⁴ *Ibid* s 228(3)(b)(ii).

⁵ Matter CB/2023/29 filed on 31 March 2023.

[6] Section 228(4) of the IR Act provides that termination takes effect when the Commission's approval takes effect. I approve the termination of the determination with effect from 4 May 2023.

[7] I make the following order:

The Southern Downs Regional Council Determination 2019 – Stream A Employees is terminated.