

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Moreton Bay Regional Council Certified Agreement 2019 EBA4 [2023] QIRC 205*

PARTIES: **Moreton Bay Regional Council**

AND

The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees

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

The Australian Workers' Union of Employees, Queensland

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

Queensland Nurses and Midwives' Union of Employees

Queensland Services, Industrial Union of Employees

CASE NO: CB/2023/61

PROCEEDING: Application for approval to terminate certified agreement after nominal expiry date

DELIVERED ON: 20 July 2023

HEARING DATE: 20 July 2023

HEARD AT: Brisbane

MEMBER: McLennan IC

ORDER: ***The Moreton Bay Regional Council Certified Agreement 2019 EBA4 is terminated.***

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

LEGISLATION: *Industrial Relations Act 2016* (Qld) ss 189, 228

APPEARANCES: Mr C. Dangerfield and Ms J. Jenkins for the Moreton Bay Regional Council

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

Mr N. Henderson for Queensland Services, Industrial Union of Employees

Reasons for Decision

- [1] On 4 July 2023, the Moreton Bay Regional Council ('the Council') applied to terminate *Moreton Bay Regional Council Certified Agreement 2019 EBA4* ('the agreement') pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the IR Act').
- [2] The agreement has a nominal expiry date of 30 June 2022.
- [3] Section 228(3) of the IR 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] In making my decision I have had regard to s 228(3), the submissions made by the parties who appeared at the hearing today and the affidavit of Mr Scott Waters, Chief Executive Officer of the Council, filed on 5 July 2023.
- [5] The agreement does not provide that particular conditions need to be met before it may be terminated.
- [6] On 4 July 2023, the Moreton Bay Regional Council notified the other parties to the agreement of its intention to terminate the agreement. Those parties are:
- The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees;
 - Automotive, Metals, Engineering, Printing and Kindred Industries, Industrial Union of Employees, Queensland;
 - The Australian Workers' Union of Employees, Queensland;

- Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
 - Queensland Services, Industrial Union of Employees; and
 - Queensland Nurses and Midwives' Union of Employees.
- [7] I am satisfied that the Council has provided the requisite notice of its intention to apply to terminate the agreement.
- [8] Along with the Council, The Australian Workers' Union of Employees, Queensland and the Queensland Services, Industrial Union of Employees also appeared today and consented to the present application.
- [9] The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland wrote to the Commission and advised they supported the present application and the certification of the new agreement, despite being unable to appear.¹
- [10] No other person appeared or sought to make submissions. Having regard to the materials before me, I am satisfied that all parties to the agreement agree to it being terminated, and the termination of the agreement is not contrary to the public interest.
- [11] On 4 July 2023, the Council made an application under s 189 of the IR Act to certify the *Moreton Bay Regional Council Certified Agreement 2022 EBA5*.
- [12] The Council and the employee organisations listed below have agreed to the terms of the *Moreton Bay Regional Council Certified Agreement 2022 EBA5* which will replace the agreement:
- The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees;
 - Automotive, Metals, Engineering, Printing and Kindred Industries, Industrial Union of Employees, Queensland;
 - The Australian Workers' Union of Employees, Queensland;
 - Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
 - Transport Workers' Union of Australia, Union of Employees (Queensland Branch); and
 - Queensland Services, Industrial Union of Employees.
- [13] Section 228(4) of the IR Act provides that termination takes effect when the Commission's approval takes effect.

¹ Correspondence received on 19 July 2023.

[14] I approve the termination of the *Moreton Bay Regional Council Certified Agreement 2019 EBA4* with effect from today's date, being 20 July 2023.

[15] I make the following order:

The *Moreton Bay Regional Council Certified Agreement 2019 EBA4* is terminated.