

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the South Burnett Regional Council Certified Agreement – Officers 2020 [2023] QIRC 215*

PARTIES: **South Burnett Regional Council**

AND

Queensland Services, Industrial Union of Employees

AND

The Australian Workers’ Union of Employees, Queensland

AND

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

CASE NO: CB/2023/66

PROCEEDING: Termination of an agreement

DELIVERED ON: 28 July 2023

HEARING DATE: 28 July 2023

MEMBER: Pidgeon IC

HEARD AT: Brisbane

ORDER: ***The South Burnett Regional Council Certified Agreement – Officers 2020 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: Mr C. Lowe, Local Government Association of Queensland.

Ms R Humphrey, South Burnett Regional Council.

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

Ms J. Hensman, The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees.

Reasons for Decision

- [1] On 13 July 2023, the South Burnett Regional Council applied, pursuant to s 228(1) of the *Industrial Relations Act 2016 (Qld)* ('the Act'), to terminate the *South Burnett Regional Council Certified Agreement – Officers 2020* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 1 January 2023.
- [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 Mark Pitt PSM, Chief Executive Officer, South Burnett Regional Council, filed on 13 July 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 13 July 2023, the Applicant made an application, pursuant to s 189 of the Act, to certify the *South Burnett Regional Council Certified Agreement – Officers 2023*.
- [8] The Applicant; Queensland Services, Industrial Union of Employees; the Australian Workers' Union of Employees, Queensland; and the Association of Professional

Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees have agreed to the terms of the *South Burnett Regional Council Certified Agreement – Officers 2023* which will replace the certified agreement.

[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 *South Burnett Regional Council Certified Agreement – Officers 2020* with effect from 28 July 2023.

[12] I make the following order:

The *South Burnett Regional Council Certified Agreement – Officers 2020* is terminated.