

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the South Burnett Regional Council Certified Agreement – Field Staff 2020 [2023] QIRC 217*

PARTIES: **South Burnett Regional Council**

AND

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

AND

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

AND

The Australian Workers' Union of Employees, Queensland

AND

Transport Workers' Union of Australia, Union of Employees (Queensland Branch)

CASE NO: CB/2023/68

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 – Field Staff 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.
- Mr. B. McReadie, The Australian Workers' Union of Employees, Queensland.

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 – Field Staff 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;¹ 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.

¹ I also note the correspondence from Mr Richard Olsen, Branch Secretary, Transport Workers' Union, Queensland Branch dated 26 July 2023 and Mr Paul Dunbar, Construction Forestry, Mining & Energy, Industrial Union of Employees dated 28 July 2023 expressing their agreement to the termination and certification.

[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 – Field Staff 2023*.

[8] The Applicant; the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland; the Construction, Forestry, Mining & Energy, Industrial Union of Employees; the Australian Workers' Union of Employees, Queensland; and the Transport Workers' Union of Australia, Union of Employees (Queensland Branch) have agreed to the terms of the *South Burnett Regional Council Certified Agreement – Field Staff 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 – Field Staff 2020* with effect from 28 July 2023.

[12] I make the following order:

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