

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Maranoa Regional Council Certified Agreement 2019 [2023] QIRC 232*

PARTIES: **Maranoa Regional Council**

AND

The Australian Workers' Union of Employees, Queensland

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

Queensland Services, Industrial Union of Employees

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

Plumbers & Gasfitters Employees' Union Queensland, Union of Employees

CASE NO.: CB/2023/77

PROCEEDING: Application for termination of an agreement

DELIVERED ON: 11 August 2023

HEARING DATE: 11 August 2023

MEMBER: Power IC

HEARD AT: Brisbane

ORDER: ***The Maranoa Regional Council Certified Agreement 2019 is terminated.***

CATCHWORDS: INDUSTRIAL LAW – QUEENSLAND – AGREEMENTS – application for termination of agreement after nominal expiry date – requirements for termination – agreement terminated

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

APPEARANCES: Ms S. Mitanis of MBA Lawyers, for the Maranoa Regional Council

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

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

Reasons for Decision

- [1] On 25 July 2023, the Maranoa Regional Council ('the Applicant') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the Act'), to terminate the *Maranoa Regional Council Certified Agreement 2019* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 4 February 2023.
- [3] Section 228 of the Act provides:

228 Termination after nominal expiry date

- (1) After the nominal expiry date of a certified agreement or arbitration determination, the following persons may apply to the commission to terminate the agreement or determination—
 - (a) the employer;
 - (b) a valid majority of the relevant employees;
 - (c) an employee organisation to which the agreement or determination applies and that has at least 1 member who is a relevant employee.
 - (2) The person who intends to apply to terminate the agreement or determination must give all other persons to whom the agreement or determination applies notice of the intention.
 - (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) The termination takes effect when the commission's approval takes effect.
- [4] I have had regard to:
- (a) the submissions made by the parties who appeared today; and
 - (b) the affidavit of Ms Edwina Marks, Chief Executive Officer of the Applicant.

- [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 25 July 2023, the Applicant made an application, pursuant to s 189 of the Act, to certify the *Maranoa Regional Council Certified Agreement 2023*.
- [8] The Applicant and the following employee organisations have agreed to the terms of the *Maranoa Regional Council Certified Agreement 2023* which will replace the certified agreement:
- (a) The Australian Workers' Union of Employees, Queensland;
 - (b) Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
 - (c) Queensland Services, Industrial Union of Employees
 - (d) Transport Workers' Union of Australia, Union of Employees (Queensland Branch); and
 - (e) Plumbers & Gasfitters Employees' Union Queensland, Union of Employees.
- [9] I am satisfied that:
- (a) all parties to the certified agreement agree to it being terminated; and
 - (b) 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 *Maranoa Regional Council Certified Agreement 2019* with effect from 11 August 2023.
- [12] I make the following order:

The *Maranoa Regional Council Certified Agreement 2019* is terminated.