

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Longreach Regional Council Certified Agreement 2018-2022*
[2023] QIRC 249

PARTIES: **Longreach Regional Council**

AND

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

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

The Australian Workers' Union of Employees, Queensland

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

The Electrical Trades Union of Employees Queensland

Queensland Services, Industrial Union of Employees

Plumbers & Gasfitters Employees' Union Queensland, Union of Employees

United Workers' Union, Industrial Union of Employees, Queensland

CASE NO.: CB/2023/86

PROCEEDING: Termination of an agreement

DELIVERED ON: 31 August 2023

HEARING DATE: 31 August 2023

MEMBER: Hartigan DP

HEARD AT: Brisbane

ORDER: **The Longreach Regional Council Certified Agreement 2018-2022 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* (Qld) s 228

APPEARANCES: Ms S. Mitanis with Ms C. Chacko for the Longreach Regional Council

Mr P. Dunbar for the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

Mr J. Donaghy with Mr J. Hall for Queensland Services, Industrial Union of Employees

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

Reasons for Decision

- [1] On 11 August 2023, Longreach Regional Council ('the Council') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the IR Act'), to terminate the *Longreach Regional Council Certified Agreement 2018-2022* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 21 November 2022.
- [3] The application was filed in the Industrial Registry, together with an affidavit in support of Mr Brett Walsh, Chief Executive Officer, Longreach Regional Council and a Notice of intention to terminate a certified agreement.
- [4] Having regard to the material relied upon in support of the application, I am satisfied that:

- (a) the certified agreement 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 certified agreement;²
- (c) all parties to the certified agreement agree to it being terminated;³ and
- (d) the termination of the certified agreement is not contrary to the public interest.⁴

[5] I have also had regard to an application having been made by the Council, the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland, The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees, The Australian Workers' Union of Employees, Queensland, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland, The Electrical Trades Union of Employees Queensland, and the Queensland Services, Industrial Union of Employees to certify the *Longreach Regional Council Certified Agreement 2023*.⁵

[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 certified agreement with effect from 31 August 2023.

[7] I make the following order:

The Longreach Regional Council Certified Agreement 2018-2022 is terminated.

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/2023/87 filed on 11 August 2023.