

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Goondiwindi Regional Council Certified Agreement 2019-2021 OUTDOOR* [2023] QIRC 278

PARTIES: **Goondiwindi Regional Council**

AND

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

AND

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

AND

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

AND

The Australian Workers' Union of Employees, Queensland

CASE NO: CB/2023/92

PROCEEDING: Termination of an agreement

DELIVERED ON: 27 September 2023

HEARING DATE: 27 September 2023

MEMBER: Pidgeon IC

HEARD AT: Brisbane

ORDER: ***The Goondiwindi Regional Council Certified Agreement 2019-2021 OUTDOOR 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: Ms K. Roberts, Goondiwindi Regional Council.

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

Reasons for Decision

- [1] On 30 August 2023, the Goondiwindi Regional Council applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the Act'), to terminate the *Goondiwindi Regional Council Certified Agreement 2019-2021 OUTDOOR* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 21 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 affidavits of Mr Carl Manton, Chief Executive Officer, Goondiwindi Regional Council filed on 31 August 2023, 4 September 2023 and 7 September 2023 and 12 September 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 excused from appearing the following unions who wrote to the Industrial Registry to advise that they supported the applications but could not attend the hearing: the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland ('AMEPKU'), the Transport Workers' Union of Australia, Union of Employees (Queensland Branch) ('TWU'), and the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ('CFMEU').

[7] On 30 August 2023, the Applicant made an application, pursuant to s 189 of the Act, to certify the *Goondiwindi Regional Council Certified Agreement 2023-2025 OUTDOOR*.

[8] The Applicant; Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland; Transport Workers' Union of Australia, Union of Employees (Queensland Branch); Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland; and The Australian Workers' Union of Employees, Queensland have agreed to the terms of the *Goondiwindi Regional Council Certified Agreement 2023-2025 OUTDOOR* 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 *Goondiwindi Regional Council Certified Agreement 2019-2021 OUTDOOR* with effect from 27 September 2023.

[12] I make the following order:

The *Goondiwindi Regional Council Certified Agreement 2019-2021 OUTDOOR* is terminated.