

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Cassowary Coast Regional Council Certified Agreement 2019*
[2023] QIRC 313

PARTIES: **Cassowary Coast Regional Council**

AND

**The Australian Workers' Union of Employees,
Queensland**

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

**Plumbers & Gasfitters Employees' Union
Queensland, Union of Employees**

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

**Queensland Services, Industrial Union of
Employees**

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

CASE NO: CB/2023/113

PROCEEDING: Termination of an agreement

DELIVERED ON: 3 November 2023

HEARING DATE: 3 November 2023

MEMBER: Merrell DP

HEARD AT: Brisbane

ORDER: **1. *The Cassowary Coast 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, s 228

APPEARANCES:

Mr A. Graffen of Local Government Association
Queensland for Cassowary Coast Regional
Council

Ms N. Frisken for the Automotive, Metals,
Engineering, Printing and Kindred Industries
Industrial Union of Employees, Queensland

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

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

Reasons for Decision

- [1] On 11 October 2023, the Cassowary Coast Regional Council applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* ('the Act'), to terminate the *Cassowary Coast Regional Council Certified Agreement 2019* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 1 July 2022.
- [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] The certified agreement does not provide that particular conditions need to be met before it may be terminated.
- [5] I am satisfied that the Cassowary Coast Regional Council has given the requisite notice of its intention to apply to terminate the certified agreement.
- [6] I have had regard to:
- an email dated 23 October 2023 from the Plumbers & Gasfitters Employees' Union Queensland, Union of Employees ('the PGEU'), an email dated 31 October 2023 from the Association of Professional Engineers, Scientists

and Managers, Australia, Queensland Branch, Union of Employees ('the APESMA'), and an email dated 3 November 2023 from the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ('the CFMEU') to the Industrial Registry in which the PGEU, the APESMA and the CFMEU stated that those organisations did not object to the termination of the certified agreement;

- the submissions made by the parties who appeared today; and
- the affidavit of Mr Andrew Graffen, Chief Executive Officer of the Cassowary Coast Regional Council, filed on 16 October 2023.

[7] On 11 October 2023, the Cassowary Coast Regional Council made an application, pursuant to s 189 of the Act, to certify the *Cassowary Coast Regional Council Certified Agreement 2023*.

[8] The Cassowary Coast Regional Council and the following employee organisations have agreed to the terms of the *Cassowary Coast Regional Council Certified Agreement 2023* which will replace the certified agreement:

- The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees;
- Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland;
- The Australian Workers' Union of Employees, Queensland;
- Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
- Plumbers & Gasfitters Employees' Union Queensland, Union of Employees
- Queensland Services, Industrial Union of Employees.

[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 *Cassowary Coast Regional Council Certified Agreement 2019* with effect from 3 November 2023.

[12] I make the following order:

- 1. The *Cassowary Coast Regional Council Certified Agreement 2019* is terminated.**