

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Isaac Regional Council Certified Agreement 2021 [2023] QIRC 316*

PARTIES: **Isaac Regional Council**

AND

Automotive, Metals, Engineering, Printing and Kindred Industries Industrial 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

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

The Australian Workers' Union of Employees, Queensland

The Electrical Trades Union of Employees Queensland

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

CASE NO: CB/2023/118

PROCEEDING: Application for approval to terminate certified agreement after nominal expiry date

DELIVERED ON: 6 November 2023

HEARING DATE: 6 November 2023

HEARD AT: Brisbane

MEMBER: McLennan IC

- ORDER: **The Isaac Regional Council Certified Agreement 2021 is terminated.**
- CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – application for termination after nominal expiry date – requirements for termination – agreement terminated
- LEGISLATION: *Industrial Relations Act 2016* (Qld) ss 189, 228
- APPEARANCES: Ms J. Morrall, Local Government Association Queensland for Isaac Regional Council
- Mr P. Dunbar for the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland
- Mr J. Donaghy for Queensland Services, Industrial Union of Employees

Reasons for Decision

- [1] On 23 October 2023, the Isaac Regional Council ('the Council') applied to terminate the *Isaac Regional Council Certified Agreement 2021* ('the agreement') pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the IR Act').
- [2] The agreement has a nominal expiry date of 30 June 2023.
- [3] Section 228(3) of the IR 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] In making my decision I have had regard to s 228(3), the submissions made by the parties who appeared at the hearing today and the affidavit of Mr Darren Fettell, Acting Chief Executive Officer of the Council filed on 23 October 2023.

- [5] The agreement does not provide that particular conditions need to be met before it may be terminated.
- [6] On 23 October 2023, the Council notified the other parties to the agreement of its intention to terminate the agreement. Those parties are:
- Automotive, Metals, Engineering, Printing and Kindred Industries Industrial 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;
 - The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees;
 - The Australian Workers' Union of Employees, Queensland;
 - The Electrical Trades Union of Employees Queensland; and
 - Transport Workers' Union of Australia, Union of Employees (Queensland Branch).
- [7] I am satisfied that the Council has provided the requisite notice of its intention to apply to terminate the agreement.
- [8] Along with the Council, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland and Queensland Services, Industrial Union of Employees also appeared today and consented to the present application. No other person appeared or sought to make submissions.
- [9] The Plumbers & Gasfitters Employees' Union Queensland, Union of Employees, 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, and The Electrical Trades Union of Employees Queensland, wrote to the Commission seeking leave to be excused from attending. They each advised that they agree to the termination of the agreement.¹

¹ Correspondence from Mr Gary O'Halloran, State Secretary of the Plumbers & Gasfitters Employees' Union Queensland, Union of Employees dated 27 October 2023; Correspondence from Mr Rohan Webb, State Secretary QLD/NT of the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland dated 27 October 2023; Correspondence from Ms Jessica Hensman, Lead Organiser from The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees dated 27 October 2023; Correspondence from Mr Peter Ong, State Secretary of The Electrical Trades Union of Employees Queensland dated 1 November 2023.

- [10] No other person appeared or sought to make submissions. Having regard to the materials before me, I am satisfied that all parties to the agreement agree to it being terminated, and the termination of the agreement is not contrary to the public interest.
- [11] On 23 October 2023, the Council made an application under s 189 of the IR Act to certify the *Isaac Regional Council Certified Agreement 2023*.
- [12] The Council and the employee organisations listed below have agreed to the terms of the *Isaac Regional Council Certified Agreement 2023* which will replace the agreement:
- Automotive, Metals, Engineering, Printing and Kindred Industries Industrial 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;
 - The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees;
 - The Australian Workers' Union of Employees, Queensland;
 - The Electrical Trades Union of Employees Queensland; and
 - Transport Workers' Union of Australia, Union of Employees (Queensland Branch).
- [13] Section 228(4) of the IR Act provides that termination takes effect when the Commission's approval takes effect.
- [14] I approve the termination of the agreement with effect from 6 November 2023.
- [15] I make the following order:

The *Isaac Regional Council Certified Agreement 2021* is terminated.