

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Western Downs Regional Council Operational Staff Certified Agreement 2020 [2023] QIRC 351*

PARTIES: **Western Downs Regional Council**

AND

Queensland Services, Industrial Union of Employees

AND

The Australian Workers' Union of Employees, Queensland

AND

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

AND

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

AND

The Electrical Trades Union of Employees Queensland

AND

Plumbers & Gasfitters Employees' Union Queensland, Union of Employees

AND

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

CASE NO: CB/2023/134

PROCEEDING: Termination of an agreement

DELIVERED ON: 5 December 2023

HEARING DATE: 5 December 2023

MEMBER: Pidgeon IC

HEARD AT: Brisbane

ORDER: **The Western Downs Regional Council Operational Staff Certified Agreement 2020 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. Terera of the Local Government Association of Queensland for the Applicant.

Mr J. Donaghy of the Queensland Services, Industrial Union of Employees.

Ms C. Taylor of The Australian Workers' Union of Employees, Queensland.

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

Reasons for Decision

- [1] On 17 November 2023, the Western Downs Regional Council ('the Council') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the Act'), to terminate the *Western Downs Regional Council Operational Staff Certified Agreement 2020* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 1 July 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 affidavit of Ms Jodie Taylor, Chief Executive Officer, Western Downs Regional Council, affirmed 13 November 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.

[7] On 17 November 2023, the Applicant made an application, pursuant to s 189 of the Act, to certify the *Western Downs Regional Council Operational Staff Certified Agreement 2023*.

[8] The Applicant; Queensland Services, Industrial Union of Employees; The Australian Workers' Union of Employees, Queensland; Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland; Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland; The Electrical Trades Union of Employees Queensland; Plumbers & Gasfitters Employees' Union Queensland, Union of Employees; and Transport Workers' Union of Australia, Union of Employees (Queensland Branch) have agreed to the terms of the *Western Downs Regional Council Operational Staff Certified Agreement 2023* 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.

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: Plumbers & Gasfitters Employees' Union Queensland, Union of Employees; The Electrical Trades Union of Employees Queensland; Transport Workers' Union of Australia, Union of Employees (Queensland Branch); and Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland.

[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 *Western Downs Regional Council Operational Staff Certified Agreement 2020* with effect from 5 December 2023.

[12] I make the following order:

- 1. The *Western Downs Regional Council Operational Staff Certified Agreement 2020* is terminated.**