

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Northern Peninsula Area Regional Council Certified Agreement 2019 [2024] QIRC 047*

PARTIES: **Northern Peninsula Area Regional Council**

AND

The Australian Workers' Union of Employees, Queensland

Queensland Services, Industrial Union of Employees

CASE NO.: CB/2024/6

PROCEEDING: Application for termination of an agreement

DELIVERED ON: 21 February 2024

HEARING DATE: 21 February 2024

MEMBER: Merrell DP

HEARD AT: Brisbane

ORDER: ***The Northern Peninsula Area 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 189 and s 228

APPEARANCES: Ms S. Mitanis of MBA Lawyers for the Northern Peninsula Area Regional Council.

Mr B. McCreadie for The Australian Workers' Union of Employees, Queensland.

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

Reasons for Decision

- [1] On 29 January 2024, the Northern Peninsula Area Regional Council ('the Applicant') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* ('the Act'), to terminate the *Northern Peninsula Area Regional Council Certified Agreement 2019* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 20 December 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] I have had regard to:
- the submissions made by the parties who appeared today; and
 - the affidavit of Ms Kate Gallaway, Chief Executive Officer of the Applicant.
- [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 29 January 2024, the Applicant made an application, pursuant to s 189 of the Act, to certify the *Northern Peninsula Area Regional Council Certified Agreement - 2023*.
- [8] The Applicant and the following employee organisations have agreed to the terms of the *Northern Peninsula Area Regional Council Certified Agreement - 2023* which will replace the certified agreement:
- The Australian Workers' Union of Employees, Queensland; and
 - 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 *Northern Peninsula Area Regional Council Certified Agreement 2019* with effect from 21 February 2024.

[12] I make the following order:

The Northern Peninsula Area Regional Council Certified Agreement 2019 is terminated.