

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Charters Towers Regional Council Union Collective Certified Agreement - 2021 [2024] QIRC 059.*

PARTIES: **Charters Towers Regional Council**

AND

The Australian Workers' Union of Employees, Queensland

Queensland Services, Industrial Union of Employees

Plumbers & Gasfitters Employees' Union Queensland, Union of Employees

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

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

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

CASE NO: CB/2024/13

PROCEEDING: Termination of an agreement

DELIVERED ON: 7 March 2024

HEARING DATE: 7 March 2024

MEMBER: Pratt IC

HEARD AT: Brisbane

ORDER: **The *Charters Towers Regional Council Collective Union Certified Agreement – 2021* is terminated.**

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – AGREEMENTS – application for termination of agreement after nominal expiry date – requirements for termination – agreement terminated.

LEGISLATION: *Industrial Relations Act 2016 (Qld)* s 189 and 228

APPEARANCES: Mrs N. Hope, Local Government Association of Queensland, for Charters Towers Regional Council

Mr B. McCreadie and Mr T. Stephens for The Australian Workers’ Union of Employees, Queensland

Mr J. Donaghy and Mrs C. Sait for Queensland Services, Industrial Union of Employees

Mr P. Dunbar and Mr E. Dalglish for Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

Reasons for Decision

- [1] On 22 February 2024, Charters Towers Regional Council (‘the Applicant’) applied to terminate the *Charters Towers Regional Council Union Collective Certified Agreement – 2021* (‘the Agreement’) pursuant to section 228(2) 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] I have had regard to:

- (a) the submissions made by the parties who appeared today supporting the termination of the Agreement;
- (b) correspondence in support of the termination of the Agreement from the union parties who were excused from appearing at the 7 March 2024 hearing;¹ and
- (c) the affidavit of Mr Martin Drydale, Chief Executive Officer of the Applicant filed 22 February 2024.

[5] The 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 Agreement.

[7] On 22 February 2024, the Applicant made an application to certify the *Charters Towers Regional Council Union Collective Certified Agreement – 2023* pursuant to section 189 of the IR Act.

[8] The Applicant and the following employee organisations have agreed to the terms of the *Charters Towers Regional Council Union Collective Certified Agreement – 2023* that will replace the Agreement:

- (a) The Australian Workers' Union of Employees, Queensland;
- (b) Queensland Services, Industrial Union of Employees;

¹ The unions who were excused are the Plumbers & Gasfitters Employees' Union Queensland, Union of Employees, the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland, and the Transport Workers' Union of Australia, Union of Employees (Queensland Branch).

- (c) Plumbers & Gasfitters Employees' Union Queensland, Union of Employees;
- (d) Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
- (e) Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland; and
- (f) Transport Workers' Union of Australia, Union of Employees (Queensland Branch).

[9] I am satisfied that:

- (a) all parties to the Agreement agree to it being terminated; and
- (b) the termination of the Agreement is not contrary to the public interest.

[10] Section 228(4) of the IR Act provides that the termination takes effect when the Commission's approval takes effect.

[11] I approve the termination of the *Charters Towers Regional Council Union Collective Certified Agreement – 2021* from 7 March 2024.

[12] I make the following order:

The Charters Towers Regional Council Union Collective Certified Agreement – 2021 is terminated.