

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Lockyer Valley Regional Council Certified Agreement (Field) 2021 [2024] QIRC 123*

PARTIES: **Lockyer Valley Regional Council**

AND

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

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

CASE NO: CB/2024/32

PROCEEDING: Termination of an agreement

DELIVERED ON: 20 May 2024

HEARING DATE[S]: 20 May 2024

MEMBER: Gazenbeek IC

HEARD AT: Brisbane

ORDER: ***The Lockyer Valley Regional Council Certified Agreement (Field) 2021 is terminated.***

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

LEGISLATION: *Industrial Relations Act 2016* (Qld) ss 189, 228

APPEARANCES: Ms E Mayr of Ashurst Australia for Lockyer Valley Regional Council.

Reasons for Decision

- [1] On 30 April 2024, Lockyer Valley Regional Council ('the Council') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* ('the Act'), to terminate the *Lockyer Valley Regional Council Certified Agreement (Field) 2021* ('the certified agreement').
- [2] The application to terminate was filed in the Industrial Registry together with an affidavit in support of Mr Ian Michael Church, Chief Executive Officer of the Council, and a notice of intention to terminate the certified agreement.
- [3] The certified agreement has a nominal expiry date of 10 December 2023.
- [4] The named parties to the certified agreement are the Council and the following employee organisations ('the employee organisations'):
- (a) The Australian Workers' Union of Employees, Queensland ('AWU');
 - (b) Transport Workers' Union of Australia, Union of Employees (Queensland Branch) ('TWU');
 - (c) Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland ('AMEPKU'); and
 - (d) Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ('CFMEU').
- [5] On 30 April 2024, the Council also applied, pursuant to s 189 of the Act, to certify the *Lockyer Valley Regional Council Certified Agreement – Field 2023*.¹
- [6] The Council and the employee organisations have agreed to the terms of the *Lockyer Valley Regional Council Certified Agreement – Field 2023*, which will replace the certified agreement.
- [7] The hearing of this application was listed before the Commission on 20 May 2024.
- [8] The following employee organisations sought leave to be excused from attending the hearing, on the basis that they supported the application and consented to the certification of the agreement:

¹ *In the making of the Lockyer Valley Regional Council Certified Agreement - Field 2023* [2024] QIRC 124.

- (a) AWU;²
- (b) TWU;³
- (c) AMEPKU;⁴ and
- (d) CFMEU.⁵

[9] Having regard to the material relied upon in support of the application, I am satisfied that:

- the Council has given the requisite notice of its intention to apply to terminate the certified agreement;⁶
- the certified agreement does not provide that any particular conditions need to be met before it may be terminated;⁷
- all parties to the certified agreement agree to it being terminated;⁸ and
- the termination of the certified agreement is not contrary to the public interest.⁹

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

[11] Accordingly, I approve the termination of the certified agreement with effect from today's date, being 20 May 2024.

[12] I make the following order:

The Lockyer Valley Regional Council Certified Agreement (Field) 2021 is terminated.

² Affidavit of Mr Michael Ian Church, Chief Executive Officer of the Council filed 30 April 2024, 69.

³ Ibid, 72.

⁴ Ibid, 63.

⁵ Ibid, 66.

⁶ *Industrial Relations Act 2016* (Qld) s 228(2).

⁷ Ibid s 228(3(a)).

⁸ Ibid s 228(3)(b)(i).

⁹ Ibid s 228(3)(b)(ii).