

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Lockyer Valley Regional Council Certified Agreement – Officers 2021 [2024] QIRC 125*

PARTIES: **Lockyer Valley Regional Council**

AND

The Australian Workers’ Union of Employees, Queensland

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

Queensland Services, Industrial Union of Employees

United Workers’ Union, Industrial Union of Employees, Queensland

CASE NO: CB/2024/34

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 – Officers 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.

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

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 – Officers 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 9 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) The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees ('APESMA');
 - (c) Queensland Services, Industrial Union of Employees ('QSU'); and
 - (d) United Workers' Union, Industrial Union of Employees, Queensland ('UWUQ').
- [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 – Officers 2023*.¹
- [6] The Council and the employee organisations have agreed to the terms of the *Lockyer Valley Regional Council Certified Agreement – Officers 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 – Officers 2023* [2024] QIRC 126.

- (a) AWU;²
- (b) APESMA;³ and
- (c) UWUQ.⁴

[9] Having regard to the submissions made by the parties who appeared today, and 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;⁵
- the certified agreement does not provide that any particular conditions need to be met before it may be terminated;⁶
- all parties to the certified agreement agree to it being terminated;⁷ and
- the termination of the certified agreement is not contrary to the public interest.⁸

[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 – Officers 2021 is terminated.

² Affidavit of Mr Michael Ian Church, Chief Executive Officer of the Council filed 30 April 2024, 67.

³ Ibid, 73.

⁴ Ibid, 77

⁵ *Industrial Relations Act 2016* (Qld) s 228(2).

⁶ Ibid s 228(3(a)).

⁷ Ibid s 228(3)(b)(i).

⁸ Ibid s 228(3)(b)(ii).