

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the termination of the City of Gold Coast Certified Agreement 2019 [2024] QIRC 178*

PARTIES: **Council of the City of Gold Coast**

AND

**Queensland Services, Industrial Union of Employees**

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

**The Australian Workers' Union of Employees, Queensland**

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

**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)**

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

CASE NO: CB/2024/40

PROCEEDING: Termination of an agreement

DELIVERED ON: 23 July 2024

HEARING DATE: 23 July 2024

MEMBER: Dwyer IC

HEARD AT: Brisbane

ORDER: **The City of Gold Coast Certified Agreement 2019 is terminated**

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

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

APPEARANCES: Mr D Stoddart for Council of the City of Gold Coast

Mr Murphy for Queensland Services, Industrial Union of Employees

Mr E Dalgliesh for the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

Mr T Stephens for The Australian Workers' Union of Employees, Queensland

### **Reasons for Decision**

- [1] On 2 July 2024, the Council of the City of Gold Coast ('the Applicant') applied, pursuant to s 228 of the *Industrial Relations Act 2016 (Qld)* ('IR Act'), to terminate the *City of Gold Coast Certified Agreement 2019* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 16 October 2022.
- [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:

- The submissions made by the parties who appeared today; and
- The Affidavit of Ms Nadine Harden filed on 2 July 2024.

[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 2 July 2024, the Applicant made an application, pursuant to s 189 of the Act, to certify the *City of Gold Coast Certified Agreement 2024*.

[8] The following employee organisations have agreed to the terms of the *City of Gold Coast Certified Agreement 2024* which will replace the certified agreement:

- Queensland Services, Industrial Union of Employees; and
- Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland; and
- The Australian Workers' Union of Employees, Queensland; and
- Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland; and
- Plumbers & Gasfitters Employees' Union Queensland, Union of Employees; and
- The Electrical Trades Union of Employees Queensland; and

- Transport Workers' Union of Australia, Union of Employees (Queensland Branch); and
- The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, 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 *City of Gold Coast Certified Agreement 2019* from 23 July 2024.

[12] I make the following order:

***The City of Gold Coast Certified Agreement 2019 is terminated.***