

# QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Rockhampton Regional Council Treatment Plant Operators Certified Agreement 2018 [2025] QIRC 049*

PARTIES: **Rockhampton Regional Council**

AND

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

CASE NO: CB/2024/36

PROCEEDING: Application to terminate an agreement

DELIVERED ON: 14 February 2025

HEARING DATE: 14 February 2025

MEMBER: Caddie IC

HEARD AT: Brisbane

ORDER: ***The Rockhampton Regional Council Treatment Plant Operators Certified Agreement 2018 is terminated.***

CATCHWORDS: INDUSTRIAL LAW – QUEENSLAND – AGREEMENTS – 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: Mr P. Spoto of the Local Government Association of Queensland for Rockhampton Regional Council.

Mr G. Taylor for the Australian Workers' Union of Employees, Queensland.

### Reasons for Decision

- [1] On 3 June 2024, Rockhampton Regional Council ('the Council') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* ('the Act'), to terminate the *Rockhampton Regional Council Treatment Plant Operators Certified Agreement 2018* ('the 2018 Certified Agreement'). An amended application was filed on 12 February 2025.
- [2] The 2018 Certified Agreement has a nominal expiry date of 1 July 2022.
- [3] The applications were filed in the Industrial Registry together with an affidavit of Mr Evan Pardon, Chief Executive Officer of the Council, and a Notice of intention to terminate the 2018 Certified Agreement.
- [4] The named parties to the 2018 Certified Agreement are the Council and the Australian Workers' Union of Employees, Queensland ('AWU').
- [5] 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.
- [6] The 2018 Certified Agreement does not include any provisions requiring particular conditions to be met before it may be terminated.
- [7] All parties to the 2018 Certified Agreement agree to it being terminated.
- [8] The termination of the 2018 Certified Agreement is not contrary to the public interest.
- [9] The Council has given the requisite notice of its intention to apply to terminate the 2018 Certified Agreement.<sup>1</sup>
- [10] On 3 June 2024, the Council also applied, pursuant to s 189 of the Act, to certify the *Rockhampton Regional Council Treatment Plant Operators Certified Agreement 2022*.<sup>2</sup>

<sup>1</sup> *Industrial Relations Act 2016* (Qld) s 228(2).

<sup>2</sup> A further application was also filed on 12 February 2025.

[11] The Council and the AWU have agreed to the terms of the *Rockhampton Regional Council Treatment Plant Operators Certified Agreement 2022*, which will replace the 2018 Certified Agreement.

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

[13] Accordingly, I approve the termination of the 2018 Certified Agreement with effect from today's date, being 14 February 2025.

[14] I make the following order:

- 1. The *Rockhampton Regional Council Treatment Plant Operators Certified Agreement 2018* is terminated.**