

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of Fraser Coast Regional Council Certified Agreement 2021 [2025] QIRC 42*

PARTIES: **Fraser Coast Regional Council**

AND

Queensland Services, Industrial Union of Employees

The Australian Workers' Union of Employees, Queensland

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

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

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

The Electrical Trades Union of Employees Queensland

Plumbers & Gasfitters Employees' Union Queensland, Union of Employees

CASE NO: CB/2024/94

PROCEEDING: Application for termination of an Agreement

DELIVERED ON: 12 February 2025

HEARING DATE: 11 February 2025

MEMBER: Knight IC

HEARD AT: Brisbane

ORDERS: ***The Fraser Coast Regional Council Certified Agreement 2021 is terminated.***

CATCHWORDS: INDUSTRIAL LAW – QUEENSLAND – AGREEMENTS – application for termination of a certified agreement after nominal expiry date – requirements for termination – agreement terminated

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

APPEARANCES: Ms A. Farmer from Peak Services, instructed by Ms C. Noble for Fraser Coast Regional Council

Mr D. Knight for Queensland Services, Industrial Union of Employees and for The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees

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

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

Reasons for Decision

- [1] On 17 December 2024 the Fraser Coast Regional Council ('the Council') applied to terminate the *Fraser Coast Regional Council Certified Agreement 2021* ('the agreement') pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the IR Act').
- [2] The agreement has a nominal expiry date of 15 March 2024.
- [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] In making my decision I have had regard to s 228(3), the submissions made by the parties who appeared at the hearing, and the affidavit of Ken Diehm, filed on 17 December 2024.

- [5] The agreement does not provide that particular conditions need to be met before it may be terminated.
- [6] On 17 December 2024 the Council notified the other parties to the agreement of its intention to terminate the agreement. Those parties are:
- Queensland Services, Industrial Union of Employees ('QSU')
 - The Australian Workers' Union of Employees, Queensland ('AWU')
 - Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland ('AMEPKU')
 - Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ('CFMEU')
 - The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees ('APESMA')
 - The Electrical Trades Union of Employees Queensland ('ETU')
 - Plumbers & Gasfitters Employees' Union Queensland, Union of Employees ('PGEU')
- [7] I am satisfied the Council has provided the requisite notice of its intention to apply to terminate the agreement.
- [8] The Council, QSU, AWU¹ and the CFMEU appeared at the hearing and consented to the present application.
- [9] The AMEPKU,² PGEU,³ and the ETU,⁴ wrote to the Commission and sought leave to be excused from appearing which was granted on the basis the AMEPKU, PGEU, and the ETU consented to the present application and would submit to any order or certification made in its absence.
- [10] APESMA wrote to the Commission and sought leave to be excused from appearing which was granted on the basis QSU would represent APESMA at the hearing.⁵

¹ The Australian Workers' Union of Employees, Queensland also appeared on behalf of the Association of Professional Engineers, Scientists and Managers Australia.

² Correspondence from the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees Queensland to the Industrial Registry dated 9 January 2025.

³ Correspondence from the Plumbers & Gasfitters Employees' Union Queensland, Union of Employees to the Industrial Registry dated 14 January 2025.

⁴ Correspondence from The Electrical Trade Union of Employees Queensland dated 28 January 2025.

⁵ Correspondence from The Association of Professional Engineers, Scientists and Managers Australia dated 6 February 2025.

- [11] No other person appeared or sought to make submissions. I am satisfied that all parties to the agreement agree to it being terminated, and the termination of the agreement is not contrary to the public interest.
- [12] On the 17 December 2024 Council made an application under s 189 of the IR Act to certify the *Fraser Coast Regional Council Certified Agreement 2024*.⁶
- [13] The Council and the employee organisations listed at [6] above have agreed to the terms of the *Fraser Coast Regional Council Certified Agreement 2024* which will replace the agreement.
- [14] Section 228(4) of the IR Act provides that termination takes effect when the Commission's approval takes effect.
- [15] I approve the termination of the *Fraser Coast Regional Council Certified Agreement 2021* with effect from today's date, being 12 February 2025.
- [16] I make the following order:

The Fraser Coast Regional Council Certified Agreement 2021 is terminated.

⁶ *In the making of the Fraser Coast Regional Council Certified Agreement 2024* [2025] QIRC 43.