

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Gladstone Regional Council Certified Agreement 2021 [2025]*
QIRC 039

PARTIES: **Gladstone Regional Council**

AND

The Australian Workers' Union of Employees, Queensland

Queensland Services, Industrial Union of Employees

Construction, Forestry, Mining & Energy, Industrial 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

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

CASE NO: CB/2024/96

PROCEEDING: Termination of an agreement

DELIVERED ON: 7 February 2025

HEARING DATE: 7 February 2025

MEMBER: Dwyer IC

HEARD AT: Brisbane

ORDER: **The Gladstone Regional Council Certified Agreement 2021 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:

A. Farmer and N. Hope, Local Government Association of Queensland, on behalf of the Gladstone Regional Council

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

J. Hall for the Queensland Services, Industrial Union of Employees

Reasons for Decision

- [1] On 17 December 2024, the Gladstone Regional Council ('the Applicant') applied, pursuant to s 228 of the *Industrial Relations Act 2016* (Qld) ('IR Act'), to terminate the *Gladstone Regional Council Certified Agreement 2021* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 8 November 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] I have had regard to:

- The submissions made by the parties who appeared today; and
- The Affidavit of Ms Leisa Dowling filed on 17 December 2024.

[5] I am satisfied that the Applicant has given the requisite notice of its intention to apply to terminate the certified agreement.

[6] On 17 December 2024, the Applicant made an application, pursuant to s 189 of the Act, to certify the *Gladstone Regional Council Certified Agreement 2024*.

[7] The following employee organisations have agreed to the terms of the *Gladstone Regional Council Certified Agreement 2024* which will replace the certified agreement:

- The Australian Workers' Union of Employees, Queensland
- Queensland Services, Industrial Union of Employees
- Construction, Forestry, Mining & Energy, Industrial 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; and
- The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees.

[8] 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.

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

[10] I approve the termination of the *Gladstone Regional Council Certified Agreement 2021* from 7 February 2025.

[11] I make the following order:

The Gladstone Regional Council Certified Agreement 2021 is terminated.