

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Mackay Regional Council Determination 2022 [2025] QIRC 091*

PARTIES: **Mackay Regional Council**

AND

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

AND

**Queensland Services, Industrial Union of
Employees**

AND

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

AND

**Plumbers & Gasfitters Employees' Union
Queensland, Union of Employees**

AND

**The Electrical Trades Union of Employees
Queensland**

AND

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

AND

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

CASE NO: CB/2025/7

PROCEEDING: Application for approval to terminate certified agreement after nominal expiry date

DELIVERED ON: 26 March 2025

HEARING DATE: 26 March 2025

HEARD AT: Brisbane

MEMBER: McLennan IC

ORDER: ***The Mackay Regional Council Determination 2022 is terminated.***

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – application for termination after nominal expiry date – requirements for termination – agreement terminated

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

APPEARANCES: Mr C. Lowe of Local Government Association of Queensland for the Mackay Regional Council

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

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

Reasons for Decision

- [1] On 4 March 2025, the Mackay Regional Council ('the Council') applied to terminate the *Mackay Regional Council Determination 2022* ('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 30 June 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 today and the affidavit of Mr David John McKendry, Acting Chief Executive Officer of the Council affirmed 19 February 2025.
- [5] The agreement does not provide that particular conditions need to be met before it may be terminated.
- [6] On 4 March 2025, the Council notified the other parties to the agreement of its intention to terminate the agreement. Those parties are:
 - The Australian Workers' Union of Employees, Queensland;
 - Queensland Services, Industrial Union of Employees;
 - Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
 - Plumbers & Gasfitters Employees' Union Queensland, Union of Employees;
 - The Electrical Trades Union of Employees Queensland;
 - Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland; and
 - The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees.
- [7] I am satisfied that the Council has provided the requisite notice of its intention to apply to terminate the agreement.
- [8] Along with the Council, The Australian Workers' Union of Employees, Queensland and the Queensland Services, Industrial Union of Employees also appeared today and consented to the present application. No other person appeared or sought to make submissions.
- [9] Having regard to the materials before me, 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.
- [10] On 4 March 2025, the Council made an application under s 189 of the IR Act to certify the *Mackay Regional Council Certified Agreement 2024*.

[11] The Council and the employee organisations listed below have agreed to the terms of the *Mackay Regional Council Certified Agreement 2024* which will replace the agreement:

- The Australian Workers' Union of Employees, Queensland;
- Queensland Services, Industrial Union of Employees;
- Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
- Plumbers & Gasfitters Employees' Union Queensland, Union of Employees;
- The Electrical Trades Union of Employees Queensland;
- Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland; and
- The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees.

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

[13] I approve the termination of the agreement with effect from 26 March 2025.

[14] I make the following order:

The Mackay Regional Council Determination 2022 is terminated.