

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Townsville City Council (Field and Other Employees) Certified Agreement 2017 [2019] QIRC 191*

PARTIES: **Townsville City Council**

and

The Australian Workers' Union of Employees, Queensland

and

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

and

Transport Workers' Union of Australia, Union of Employees (Queensland Branch)

and

The Electrical Trades Union of Employees Queensland

and

Plumbers & Gasfitters Employees' Union Queensland, Union of Employees

and

Queensland Services, Industrial Union of Employees

CASE NO: CB/2019/117

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

DELIVERED ON: 11 December 2019

HEARING DATE: 11 December 2019

HEARD AT: Brisbane

MEMBER: McLennan IC

ORDER:	1. The Townsville City Council (<i>Field and Other Employees</i>) Certified Agreement 2017 is terminated.
CATCHWORDS:	INDUSTRIAL LAW – COLLECTIVE BARGAINING – Application for termination after nominal expiry date – Requirements for termination – Agreement terminated
LEGISLATION:	<i>Industrial Relations Act 2016</i>
APPEARANCES:	Ms. S. Coburn for the Townsville City Council Mr. D. Cutler for Queensland Services, Industrial Union of Employees Ms. S. Young of The Australian Workers' Union of Employees, Queensland

Reasons for Decision

- [1] The Townsville City Council has applied to terminate the *Townsville City Council (Field and Other Employees) Certified Agreement 2017*. It does so pursuant to s 228(1) of the *Industrial Relations Act 2016*.
- [2] The Agreement nominally expired on 31 December 2018 and the parties consent to its termination.
- [3] I have considered the affidavit of Ms. Stacey Lea Coburn, Director of Business Services of Townsville City Council, sworn 18 November 2019.
- [4] I am satisfied that:
- the agreement does not provide any particular conditions that must be met before it may be terminated;¹
 - the Commission is satisfied that the Townsville City Council has given notice of its intention to apply to terminate the agreement;²
 - the other parties to the agreement agree to its being terminated;³ and
 - the termination of the agreement is not contrary to the public interest.⁴

¹ *Industrial Relations Act 2016* s 228(3).

² Ibid s 228(2).

³ Ibid s 228(3)(b)(i).

⁴ Ibid s 228(3)(b)(ii).

[5] On that basis, I terminate the *Townsville City Council (Field and Other Employees) Certified Agreement 2017* with effect from 11 December 2019.⁵

[6] I make the following order:

1. **The *Townsville City Council (Field and Other Employees) Certified Agreement 2017* is terminated.**

⁵ Ibid s 228(4).