

## QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the NPARC Certified Agreement, 2012-2014* [2019] QIRC 199

PARTIES: **Northern Peninsula Area Regional Council**

AND

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

**Queensland Services, Industrial Union of Employees**

CASE NO: CB/2019/126

PROCEEDING: Termination of an agreement

DELIVERED ON: 20 December 2019

HEARING DATE: 20 December 2019

MEMBER: Merrell DP

HEARD AT: Brisbane

ORDER: ***The NPARC Certified Agreement, 2012-2014 is terminated.***

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

LEGISLATION: *Industrial Relations Act 2016*, s 228

APPEARANCES: Ms S. Mitanis of Local Government Association Queensland for the Northern Peninsula Area Regional Council

Ms M. Robertson for Queensland Services, Industrial Union of Employees

### Reasons for Decision

- [1] On 2 December 2019, the Northern Peninsula Area Regional Council applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* ('the Act'), to terminate the *NPARC Certified Agreement, 2012-2014* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 30 June 2014.
- [3] Section 228(3) of the 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 Mr Graeme Gillam, Chief Executive Officer of the Northern Peninsula Area Regional Council, filed on 2 December 2019.
- [5] The certified agreement does not provide that particular conditions need to be met before it may be terminated.
- [6] I am satisfied that the Northern Peninsula Area Regional Council has given the requisite notice of its intention to apply to terminate the certified agreement.
- [7] On 2 December 2019, the Northern Peninsula Area Regional Council made an application, pursuant to s 189 of the Act, to certify the *Northern Peninsula Area Regional Council Certified Agreement 2019*.
- [8] The Northern Peninsula Area Regional Council and the following employee organisations have agreed to the terms of the *Northern Peninsula Area Regional Council Certified Agreement 2019* which will replace the certified agreement:
- The Australian Workers' Union of Employees, Queensland; and
  - Queensland Services, Industrial Union of Employees.
- [9] 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.

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

[11] I approve the termination of the *NPARC Certified Agreement, 2012-2014* with effect from 20 December 2019.

[12] I make the following order:

**The *NPARC Certified Agreement, 2012-2014* is terminated.**