

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Charters Towers Regional Council Union Collective Certified Agreement 2012 [2019] QIRC 109*

PARTIES: **Charters Towers Regional Council**

AND

The Australian Workers' Union of Employees, Queensland

Queensland Services, Industrial Union of Employees

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

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

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

The Electrical Trades Union of Employees Queensland

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

Plumbers & Gasfitters Employees' Union Queensland, Union of Employees

CASE NO: CB/2019/47

PROCEEDING: Termination of an agreement

DELIVERED ON: 19 July 2019

HEARING DATE: 19 July 2019

MEMBER: Merrell DP

HEARD AT: Brisbane

- ORDER: **1. The *Charters Towers Regional Council Union Collective Certified Agreement 2012* 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. Woolf for Charters Towers Regional Council
Ms M. Robertson for Queensland Services, Industrial Union of Employees

Reasons for Decision

- [1] On 24 June 2019, Charters Towers Regional Council applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* ('the Act'), to terminate the *Charters Towers Regional Council Union Collective Certified Agreement 2012* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 16 March 2015.
- [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] The certified agreement does not provide that particular conditions need to be met before it may be terminated.
- [5] I am satisfied that Charters Towers Regional Council has given the requisite notice of its intention to apply to terminate the certified agreement.
- [6] I have had regard to:
- the submissions made by the parties who appeared today; and

- the affidavit of Mr Aaron Johansson, Chief Executive Officer of Charters Towers Regional Council filed on 24 June 2019.

[7] On 24 June 2019, Charters Towers Regional Council made an application, pursuant to s 189 of the Act, to certify the *Charters Towers Regional Council Union Collective Certified Agreement 2019*.

[8] Charters Towers Regional Council and the following employee organisations have agreed to the terms of the *Charters Towers Regional Council Union Collective Certified Agreement 2019* which will replace the certified agreement:

- The Australian Workers' Union of Employees, Queensland;
- Queensland Services, Industrial Union of Employees;
- Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland;
- Transport Workers' Union of Australia, Union of Employees (Queensland Branch);
- Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland; and
- Plumbers & Gasfitters Employees' Union Queensland, 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 *Charters Towers Regional Council Union Collective Certified Agreement 2012* with effect from 19 July 2019

[12] I make the following order:

- 1. The *Charters Towers Regional Council Union Collective Certified Agreement 2012* is terminated.**