

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Rockhampton Regional Council Treatment Plant Operators Certified Agreement 2012* [2019] QIRC 156

PARTIES: Rockhampton Regional Council

and

The Australian Workers' Union of Employees Queensland

and

Transport Workers' Union of Australia, Queensland Branch

CASE NO: CB/2019/86

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

DELIVERED ON: 25 October 2019

HEARING DATE: 25 October 2019

HEARD AT: Brisbane

MEMBER: McLennan IC

ORDER: **1. The Rockhampton Regional Council Treatment Plant Operators Certified Agreement 2012 is terminated.**

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – Application for termination after nominal expiry date – Requirements for termination – Agreement terminated

LEGISLATION: *Industrial Relations Act 2016*

APPEARANCES: Ms S. Mitanis of the Local Government Association Queensland on behalf of the Rockhampton Regional Council

Ms S. Young of The Australian Workers' Union of Employees Queensland

Reasons for Decision

- [1] The Rockhampton Regional Council has applied to terminate the *Rockhampton Regional Council Treatment Plant Operators Certified Agreement 2012*. It does so pursuant to s 228(1) of the *Industrial Relations Act 2016*.
- [2] The Agreement nominally expired on 16 December 2014 and the parties consent to its termination.
- [3] I have considered the affidavit of Mr. Evan Anthony Pardon, Chief Executive Officer of Rockhampton Regional Council, sworn 2 September 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 Rockhampton Regional 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
- [5] On that basis, I terminate the *Rockhampton Regional Council Treatment Plant Operators Certified Agreement 2012* with effect from 25 October 2019.⁵
- [6] I make the following order:
1. **The *Rockhampton Regional Council Treatment Plant Operators Certified Agreement 2012* is terminated.**

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 *Ibid* s 228(4).