

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the termination of the Gold Coast City Council  
Certified Agreement 2012 [2019] QIRC 152*

PARTIES: **Council of the City of Gold Coast**

**AND**

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

**Queensland Services, Industrial Union of  
Employees**

**Electrical Trades Union of Employees  
Queensland**

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

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

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

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

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

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

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

CASE NO: CB/2019/92

PROCEEDING: Termination of an agreement

DELIVERED ON: 16 October 2019

HEARING DATE: 16 October 2019

MEMBER: Power IC

HEARD AT: Brisbane

ORDER: **1. The *Gold Coast City Council 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:

Mr G. Newman for the City of Gold Coast

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

Ms S. Young for the Australian Workers' Union of Employees, Queensland

Mr K. Scherf for the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland

### **Reasons for Decision**

- [1] On 16 October 2019, Council of the City of Gold Coast applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* ('the Act'), to terminate the *Gold Coast City Council Certified Agreement 2012* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 30 June 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 Council of the City of Gold Coast 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 Joe McCabe, Acting Chief Executive Officer of Council of the City of Gold Coast filed on 26 September 2019.

[7] On 26 September 2019, Council of the City of Gold Coast made an application, pursuant to s 189 of the Act, to certify the *City of Gold Coast Certified Agreement 2019*.

[8] Council of the City of Gold Coast and the following employee organisations have agreed to the terms of the *City of Gold Coast Certified Agreement 2019* which will replace the certified agreement:

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

[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 *Gold Coast City Council Certified Agreement 2012* with effect from 16 October 2019

[12] I make the following order:

- 1. The *Gold Coast City Council Certified Agreement 2012* is terminated.**