

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the termination of the Moreton Bay Regional Council Certified Agreement 2014 EBA3 [2019] QIRC 160*

PARTIES: **Moreton Bay Regional Council**

AND

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

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

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

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

**Queensland Services, Industrial Union of  
Employees**

**Queensland Nurses and Midwives' Union of  
Employees**

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

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

**The Electrical Trades Union of Employees  
Queensland**

CASE NO: CB/2019/95

PROCEEDING: Termination of an agreement

DELIVERED ON: 28 October 2019

HEARING DATE: 28 October 2019

MEMBER: Merrell DP

HEARD AT: Brisbane

ORDER:

**1. The Moreton Bay Regional Council Certified Agreement 2014 EBA3 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 Moreton Bay Regional Council.

Mr A. Santelises for The Australian Workers' Union of Employees, Queensland

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

Mr C. Murray for Queensland Nurses and Midwives' Union of Employees

**Reasons for Decision**

- [1] On 26 September 2019, the Moreton Bay Regional Council applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* ('the Act'), to terminate the *Moreton Bay Regional Council Certified Agreement 2014 EBA3* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 30 June 2018.
- [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 the Moreton Bay Regional Council has given the requisite notice of its intention to apply to terminate the certified agreement.
- [6] I have had regard to:
- an email dated 9 October 2019 from The Electrical Trades Union of Employees Queensland ('the ETU') to the Industrial Registry in which the ETU stated that it did not object to the termination of the certified agreement;
  - the submissions made by the parties who appeared today; and
  - the affidavit of Mr Anthony Martini, Acting Chief Executive Officer of the Moreton Bay Regional Council, filed on 26 September 2019.
- [7] On 26 September 2019, the Moreton Bay Regional Council made an application, pursuant to s 189 of the Act, to certify the *Moreton Bay Regional Council Certified Agreement 2019 EBA4*.
- [8] The Moreton Bay Regional Council and the following employee organisations have agreed to the terms of the *Moreton Bay Regional Council Certified Agreement 2019 EBA4* which will replace the certified agreement:
- The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees;
  - Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland;
  - The Australian Workers' Union of Employees, Queensland;
  - Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
  - Queensland Nurses and Midwives' Union of Employees; 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 *Moreton Bay Regional Council Certified Agreement 2014 EBA3* with effect from 28 October 2019.

[12] I make the following order:

1. **The *Moreton Bay Regional Council Certified Agreement 2014 EBA3* is terminated.**