

# QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Rockhampton Regional Council Waste and Recycling Certified Agreement 2012* [2020] QIRC 059

PARTIES: Rockhampton Regional Council

and

The Australian Workers' Union of Employees Queensland

and

Transport Workers' Union of Australia, Queensland Branch

CASE NO: CB/2020/16

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

DELIVERED ON: 29 April 2020

HEARING DATE: 29 April 2020

HEARD AT: Brisbane

MEMBER: McLennan IC

ORDER: **1. The *Rockhampton Regional Council Waste and Recycling 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 N. Todd of the Local Government Association Queensland / Peak Services on behalf of the Rockhampton Regional Council

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

Ms M Cerrato of the Transport Workers' Union  
of Australia, Queensland Branch

### Reasons for Decision

- [1] The Rockhampton Regional Council has applied to terminate the *Rockhampton Regional Council Waste and Recycling 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 25 March 2020.
- [4] I am satisfied that:
- the agreement does not provide any particular conditions that must be met before it may be terminated;<sup>1</sup>
  - the Commission is satisfied that the Rockhampton Regional Council has given notice of its intention to apply to terminate the agreement;<sup>2</sup>
  - the other parties to the agreement agree to its being terminated;<sup>3</sup> and
  - the termination of the agreement is not contrary to the public interest.<sup>4</sup>
- [5] On that basis, I terminate the *Rockhampton Regional Council Waste and Recycling Certified Agreement 2012* with effect from 29 April 2020.<sup>5</sup>
- [6] I make the following order:
1. **The *Rockhampton Regional Council Waste and Recycling Certified Agreement 2012* is terminated.**

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<sup>1</sup> *Industrial Relations Act 2016* s 228(3).

<sup>2</sup> Ibid s 228(2).

<sup>3</sup> Ibid s 228(3)(b)(i).

<sup>4</sup> Ibid s 228(3)(b)(ii).

<sup>5</sup> Ibid s 228(4).