

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Cloncurry Shire Council Certified Agreement 2015* [2020] QIRC 182

PARTIES: **Cloncurry Shire Council**

AND

The Australian Workers' Union of Employees, Queensland

Queensland Services, Industrial Union of Employees

CASE NO: CB/2020/76

PROCEEDING: Termination of an agreement

DELIVERED ON: 21 October 2020

HEARING DATE: 21 October 2020

HEARD AT: On the papers

MEMBER: Industrial Commissioner Dwyer

ORDER: **1. The *Cloncurry Shire Council Certified Agreement 2015* 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

Reasons for Decision

- [1] On 29 September 2020, the Chief Executive Officer of the Cloncurry Shire Council applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* ('the Act'), to terminate the *Cloncurry Shire Council Certified Agreement 2015* ('the Agreement').
- [2] The Agreement has a nominal expiry date of 31 December 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] Having regard to the affidavit of David Jacobus Bezuidenhout filed 29 September 2020, I am satisfied that the Cloncurry Shire Council has given the requisite notice of its intention to apply to terminate the Agreement.

[5] On 29 September 2020, the Chief Executive Officer of the Cloncurry Shire Council applied, pursuant to s 189 of the Act, to certify the *Cloncurry Shire Council Certified Agreement 2019*.

[6] The Cloncurry Shire Council and the following employee organisations have agreed to the terms of the *Cloncurry Shire Council Certified Agreement 2019*, which will replace the Agreement:

- The Australian Workers' Union of Employees, Queensland; and
- Queensland Services, Industrial Union of Employees.

[7] I am satisfied that:

- all parties to the Agreement agree to it being terminated; and
- the termination of the Agreement is not contrary to the public interest.

[8] Section 228(4) of the Act provides that termination takes effect when the Commission's approval takes effect.

[9] I approve the termination of the *Cloncurry Shire Council Certified Agreement 2015* with effect from 21 October 2020.

[10] I make the following order:

1. **The *Cloncurry Shire Council Certified Agreement 2015* is terminated.**