

## QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Western Downs Regional Council Enterprise Bargaining Certified Agreement - Internal 2012 (CA/2013/21) [2020] QIRC 045*

PARTIES: **Western Downs Regional Council**

AND

**Queensland Services, Industrial Union of Employees**

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

CASE NO: CB/2020/8

PROCEEDING: Termination of an agreement

DELIVERED ON: 26 March 2020

HEARING DATE: 26 March 2020

HEARD AT: Brisbane

MEMBER: Dwyer IC

ORDER: **1. The Western Downs Regional Council Enterprise Bargaining Certified Agreement - Internal 2012 (CA/2013/21) 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 S. Thompson for the Western Downs Regional Council.

Mr J. Harding for the Australian Workers' Union of Employees, Queensland.

Mr S. Boman for the Queensland Services, Industrial Union of Employees.

## Reasons for Decision

- [1] On 4 March 2020, the Chief Executive Officer of the Western Downs Regional Council applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* ('the Act'), to terminate the *Western Downs Regional Council Enterprise Bargaining Certified Agreement - Internal 2012 (CA/2013/21)* ('the Agreement').
- [2] The Agreement has a nominal expiry date of 13 February 2016.
- [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 Agreement does not provide that particular conditions need to be met before it may be terminated.
- [5] Having regard to the two affidavits of Mr Ross Musgrove both filed 4 March 2020, I am satisfied that the Western Downs Regional Council has given the requisite notice of its intention to apply to terminate the Agreement.
- [6] I have had regard to:
- the submissions made by the parties who appeared today; and
  - the two affidavits of Mr Ross Musgrove of the Western Downs Regional Council both filed 4 March 2020.
- [7] On 4 March 2020, the Chief Executive Officer of the Western Downs Regional Council made an application, pursuant to s 189 of the Act, to certify the *Western Downs Regional Council Non-Operational Staff Certified Agreement - 2020*.
- [8] The Western Downs Regional Council and the following employee organisations have agreed to the terms of the *Western Downs Regional Council Non-Operational Staff Certified Agreement - 2020* which will replace the Agreement:
- Queensland Services, Industrial Union of Employees; and
  - Australian Workers' Union of Employees, Queensland.

[9] 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.

[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 *Western Downs Regional Council Enterprise Bargaining Certified Agreement - Internal 2012 (CA/2013/21)* with effect from 26 March 2020.

[12] I make the following order:

1. ***The Western Downs Regional Council Enterprise Bargaining Certified Agreement - Internal 2012 (CA/2013/21) is terminated.***