

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Noosa Council
Certified Agreement 2018 [2021] QIRC 279*

PARTIES: **Noosa Shire Council**

AND

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

**Queensland Services, Industrial Union of
Employees**

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

**United Voice, Industrial Union of
Employees, Queensland**

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

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

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

**Electrical Trades Union of Employees,
Queensland**

CASE NO: CB/2021/23

PROCEEDING: Termination of an agreement

DELIVERED ON: 13 August 2021

HEARING DATE: 13 August 2021

MEMBER: Dwyer IC

HEARD AT: Brisbane

ORDER: ***The Noosa Council Certified Agreement 2018 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* (Qld) s 228

APPEARANCES:

Mr B Stephens for Noosa Shire Council

Ms M Robertson for Queensland Services, Industrial Union of Employees

Mr D Marr for Australian Workers' Union of Employees, Queensland

Ms A Jack for The Association of Professional Engineers, Scientists and Managers, Australia Queensland Branch, Union of Employees

Reasons for Decision

- [1] On 1 July 2021, Noosa Shire Council ('the Applicant') applied, pursuant to s 228(2) of the *Industrial Relations Act 2016* (Qld) ('the Act'), to terminate the *Noosa Council Certified Agreement 2018* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 26 February 2021.
- [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] I have had regard to:

- The submissions made by the parties who appeared today; and
- The Affidavit of Mr Brett de Chastel, Chief Executive Officer of Noosa Shire Council, filed on 1 July 2021.

[5] The certified agreement does not provide that particular conditions need to be met before it may be terminated.

[6] I am satisfied that the Applicant has given the requisite notice of its intention to apply to terminate the certified agreement.

[7] On 1 July 2021, the Applicant made an application, pursuant to s 189 of the Act, to certify the *Noosa Council Certified Agreement 2021*.

[8] The Applicant and the following employee organisations have agreed to the terms of the *Noosa Council Certified Agreement 2021* which will replace the certified agreement:

- Australian Workers' Union of Employees, Queensland;
- Queensland Services, Industrial Union of Employees;
- The Construction, Forestry, Maritime, Mining & Energy, Industrial Union of Employees, Queensland;
- United Voice, Industrial Union of Employees, Queensland;
- The Association of Professional Engineers, Scientists and Managers, Australia Queensland Branch, Union of Employees;
- Plumbers & Gasfitters Employees' Union Queensland, Union of Employees;
- Transport Workers' Union of Australia, Union of Employees (Queensland Branch); and
- Electrical Trades 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 *Noosa Council Certified Agreement 2018* with effect from 13 August 2021.

[12] I make the following order:

The Noosa Council Certified Agreement 2018 is terminated