

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Western Downs Regional Council Personal Carers and Support Workers Certified Agreement 2012 [2021] QIRC 291*

PARTIES: **Western Downs Regional Council**

AND

Australian Workers Union of Employees, Queensland

United Voice, Industrial Union of Employees, Queensland

CASE NO: CB/2021/35

PROCEEDING: Termination of an agreement

DELIVERED ON: 27 August 2021

HEARING DATE: 27 August 2021

MEMBER: Hartigan IC

HEARD AT: Brisbane

ORDER: **1. *The Western Downs Regional Council Personal Carers and Support Workers Certified Agreement 2012 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: Ms E. McGovern for Western Downs Regional Council

Mr D. Marrs for Australian Workers Union of Employees, Queensland

Mr J. Marks for United Voice, Industrial Union of Employees, Queensland

Reasons for Decision

- [1] On 16 August 2021, the Western Downs Regional Council ('the Council') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the Act'), to terminate the *Western Downs Regional Council Personal Carers and Support Workers Certified Agreement 2012* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 30 June 2015.
- [3] The application was filed in the Industrial Registry together with an affidavit in support of Mr Ross Musgrove, Chief Executive Officer of the Council, and a Notice of Intention to terminate a Certified Agreement.
- [4] Having regard to the material relied upon in support of the application, I am satisfied that:
- (a) the certified agreement does not include any provisions recording that any particular conditions need be met before it may be terminated;¹
 - (b) the Council has given notice of its intention to apply to terminate the certified agreement;²
 - (c) all parties to the certified agreement agree to it being terminated;³ and
 - (d) the termination of the certified agreement is not contrary to the public interest.⁴
- [5] Section 228(4) of the Act provides that termination takes effect when the Commission's approval takes effect.
- [6] In this matter, an application was made by the Council, the Australian Workers Union of Employees, Queensland and United Voice, Industrial Union of Employees, Queensland to certify the *Western Downs Regional Council Personal Carers and Support Workers Certified Agreement 2021*.⁵
- [7] Accordingly, I approve the termination of the certified agreement with effect from 27 August 2021.
- [8] I make the following order:

1. The Western Downs Regional Council Personal Carers and Support Workers Certified Agreement 2012 is terminated.

¹ *Industrial Relations Act 2016* (Qld) s 228(3).

² *Ibid* s 228(2).

³ *Ibid* s 228(3)(b)(i).

⁴ *Ibid* s 228(3)(b)(ii).

⁵ Filed in the Industrial Registry on 16 August 2021.