

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Lockyer Valley Regional Council Certified Agreement (Field) 2018 [2021] QIRC 423*

PARTIES: **Lockyer Valley Regional Council**
and
The Australia Workers' Union of Employees, Queensland
Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Automotive, Metals, Engineering, Printing and Kindred Industries, Industrial Union of Employees, Queensland
Transport Workers' Union of Australia, Union of Employees (Queensland Branch)
United Voice, Industrial Union of Employees, Queensland

CASE NO: CB/2021/56

PROCEEDING: Termination of an agreement

DELIVERED ON: 10 December 2021

HEARING DATE: 9 December 2021

MEMBER: Hartigan IC

HEARD AT: Brisbane

ORDER: ***The Lockyer Valley Regional Council Certified Agreement (Field) 2018 is terminated***

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – application for termination of agreement after nominal expiry date – requirements for termination of agreement – agreement terminated

LEGISLATION: *Industrial Relations Act 2016, s 228*

APPEARANCES: Mr C. Drew, Mr D. Mcpherson and Ms K. Natalier for Lockyer Valley Regional Council

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

Reasons for Decision

- [1] On 22 November 2021, the Lockyer Valley Regional Council ('the Council') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the Act'), to terminate the *Lockyer Valley Regional Council Certified Agreement (Field) 2018* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 2 August 2021.
- [3] The application was filed in the Industrial Registry, together with an affidavit in support of Mr Ian Church, Chief Executive Officer of the Council, and a notice of intention to terminate certified agreement.
- [4] Having regard to the material relied on in support of the application, I am satisfied that:
- (a) the certified agreement does not include any provisions recording that any particular conditions need to 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 Commissioner's approval takes effect.
- [6] In this matter, an application was made by the Council, The Australian Workers' Union of Employees, Queensland, the Construction, Forestry, Mining and Energy Industrial Union of Employees, the Automotive, Metals, Engineering, Printing and Kindred Industries, Industrial Union of Employees, Queensland and the Transport Workers' Union of Australia, Union of Employees (Queensland Branch) to certify the *Lockyer Valley Regional Council Certified Agreement (Field) 2021*.⁵

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(2)(b)(ii).

⁵ Filed on 22 November 2021.

- [7] Accordingly, I approve the termination of the certified agreement with effect from 10 December 2021.
- [8] I make the following order:

The Lockyer Valley Regional Council Certified Agreement (Field) 2018 is terminated.