

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Lockyer Valley Regional Council Certified Agreement (Officers) 2018*
[2021] QIRC 419

PARTIES: **Lockyer Valley Regional Council**

AND

Queensland Services, Industrial Union of Employees

United Voice, Industrial Union of Employees, Queensland

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

The Australian Workers' Union of Employees, Queensland

CASE NO: CB/2021/58

PROCEEDING: Termination of an agreement

DELIVERED ON: 9 December 2021

HEARING DATE: 9 December 2021

MEMBER: McLennan IC

HEARD AT: Brisbane

ORDER: **1. The *Lockyer Valley Regional Council Certified Agreement (Officers) 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 C Drew, Mr D McPherson and Ms K Natalier
for Lockyer Valley Regional Council

Mr D Cutler and Ms S Wilson for Queensland
Services, Industrial Union of Employees

Mr D Peverill for United Voice, Industrial Union
of Employees, Queensland

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 (Officers) 2018* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 27 September 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 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 to certify the *Lockyer Valley Regional Council Certified Agreement – Officers 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(3)(b)(ii).

⁵ Filed in the Industrial Registry on 22 November 2021.

[7] Accordingly, I approve the termination of the certified agreement with effect from 9 December 2021.

[8] I make the following order:

1. **The *Lockyer Valley Regional Council Certified Agreement (Officers) 2018* is terminated.**