

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the termination of the Bundaberg Regional Council Certified Agreement 2017 [2022] QIRC 006*

PARTIES: **Bundaberg Regional Council**

AND

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

**Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland**

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

**Electrical Trades Union, Queensland and Northern Territory**

**Construction, Forestry, Mining and Energy, Industrial Union of Employees (CFMEU) Queensland & Northern Territory Branch**

**Queensland Services, Industrial Union of Employees**

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

CASE NO: CB/2021/64

PROCEEDING: Application for termination of an Agreement

DELIVERED ON: 13 January 2022

HEARING DATE: 13 January 2022

MEMBER: Knight IC

HEARD AT: Brisbane

ORDERS: ***The Bundaberg Regional Council Certified Agreement 2017 is terminated.***

CATCHWORDS:	INDUSTRIAL LAW – QUEENSLAND – AGREEMENTS – application for termination of a certified agreement after nominal expiry date – requirements for termination – agreement terminated
LEGISLATION:	<i>Industrial Relations Act 2016</i> (Qld) ss 189, 228
APPEARANCES:	Ms M Martin off the Local Government Association of Queensland for the Bundaberg Regional Council  Mr D Marr of the Australian Workers' Union of Employees, Queensland  Mr J Donaghy and Ms J Wiggan of Queensland Services, Industrial Union of Employees  Ms A Jack of the Association of Professional Engineers, Scientists and Managers Australia, Queensland Branch, Union of Employees

### Reasons for Decision

- [1] On 13 December 2021, the Bundaberg Regional Council ('the Council') applied to terminate the *Bundaberg Regional Council Certified Agreement 2017* ('the agreement') pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the IR Act').
- [2] The agreement has a nominal expiry date of 4 May 2021.
- [3] Section 228(3) of the IR 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] In making my decision I have had regard to s 228(3), the submissions made by the parties who appeared at the hearing today and the affidavit of Mr Stephen Johnston, Chief Executive Officer of the Council, filed on 13 December 2021.

- [5] The agreement does not provide that particular conditions need to be met before it may be terminated.
- [6] On 19 November 2021, the Council notified the other parties to the agreement of its intention to terminate the agreement. Those parties are:
- The Australian Workers' Union of Employees, Queensland ('AWU');
  - Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland ('AMWU');
  - The Plumbers & Gasfitters Employees' Union of Queensland, Union of Employees ('PGEU');
  - Electrical Trades Union, Queensland and Northern Territory ('ETU');
  - The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ('CFMEUQ');
  - Queensland Services, Industrial Union of Employees ('QSU'); and
  - The Association of Professional Engineers, Scientists and Managers Australia, Queensland Branch, Union of Employees ('Professionals Australia').
- [7] I am satisfied the Council has provided the requisite notice of its intention to apply to terminate the agreement.
- [8] The AWU, QSU and Professionals Australia appeared today and consented to the present application. The ETU,<sup>1</sup> AMWU,<sup>2</sup> PGEU<sup>3</sup> and CFMEUQ<sup>4</sup> each sought and obtained leave to be excused from appearing on the basis those organisations also consent to the application and will submit to any order made in their absence. The PGEU and CFMEUQ did not appear at the hearing but have separately indicated to the Commission that those organisations consent to the present application. No other person appeared or sought to make submissions. 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.
- [9] On 13 December 2021, the Council made an application under s 189 of the IR Act to certify the *Bundaberg Regional Council Certified Agreement 2021*.<sup>5</sup>
- [10] The Council and the employee organisations listed at [6] above have agreed to the terms of the *Bundaberg Regional Council Certified Agreement 2021* which will replace the agreement.

---

<sup>1</sup> Letter from the ETU signed by State Secretary Peter Ong and dated 15 December 2021.

<sup>2</sup> Letter from the AMWU signed by State Secretary Rohan Webb and dated 20 December 2021.

<sup>3</sup> Correspondence from the PGEU received 13 January 2022.

<sup>4</sup> Correspondence from the CFMEUQ received 13 January 2022.

<sup>5</sup> *In the making of the Bundaberg Regional Council Certified Agreement 2021* [2022] QIRC 007.

- [11] Section 228(4) of the IR Act provides that termination takes effect when the Commission's approval takes effect.
- [12] I approve the termination of the *Bundaberg Regional Council Certified Agreement 2017* with effect from today's date, being 13 January 2022.
- [13] I make the following order:

**The *Bundaberg Regional Council Certified Agreement 2017* is terminated.**