

## QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Southern Downs Regional Council Certified Agreement 2018 – Operational Employees [2022] QIRC 062*

PARTIES: **Southern Downs Regional Council**

AND

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

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

**Transport Workers Union of Australia, Union of Employees**

CASE NO: CB/2021/66

PROCEEDING: Termination of an agreement

DELIVERED ON: 25 February 2022

HEARING DATE: 25 February 2022

MEMBER: Dwyer IC

HEARD AT: Brisbane

ORDER: **1. *The Southern Downs Regional Council Certified Agreement 2018 – Operational Employees 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 189, 228

APPEARANCES: Ms S Wishart and Ms B March for the Southern Downs Regional Council

Mr P Dunbar for the Construction, Forestry, Maritime, Mining & Energy, Industrial Union of Employees, Queensland

Mr G Taylor for the Australian Workers' Union of Employees, Queensland

### **Reasons for Decision**

- [1] On 23 December 2021, Southern Downs Regional Council ('the Applicant') applied, pursuant to s 228(2) of the *Industrial Relations Act 2016* (Qld) ('the Act'), to terminate the *Southern Downs Regional Council Certified Agreement 2018 – Operational Employees* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 1 July 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] The application was filed on 23 December 2021 in the Industrial Registry, together with an affidavit of Ms Brook March, Manager of Human Resources of Southern Downs Regional Council, and a Notice of Intention to terminate a Certified Agreement.

[5] Having regard to the material relied upon in support of the application, I am satisfied that:

- the certified agreement does not include any provisions recording that any particular conditions need to be met before it may be terminated;<sup>1</sup>
- the Council has given notice of its intention to apply to terminate the certified agreement;<sup>2</sup>
- all parties to the certified agreement agree to it being terminated;<sup>3</sup> and
- the termination of the certified agreement is not contrary to the public interest.<sup>4</sup>

[6] I have also had regard to an application, having been made by the Applicant pursuant to s 189 of the Act, to certify the *Southern Downs Regional Council Certified Agreement 2021 – Operational Employees*.<sup>5</sup>

[7] Section 228(4) of the Act provides that termination takes effect when the Commission's approval takes effect.

[8] Accordingly, I approve the termination of the *Southern Downs Regional Council Certified Agreement 2018 – Operational Employees* with effect from 25 February 2022.

[9] I make the following order:

- 1. The *Southern Downs Regional Council Certified Agreement 2018 – Operational Employees* is terminated.**

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<sup>1</sup> *Industrial Relations Act 2016* (Qld) s 228(3).

<sup>2</sup> *Ibid* s 228(2).

<sup>3</sup> *Ibid* s228(3)(b)(i).

<sup>4</sup> *Ibid* s228(3)(b)(ii).

<sup>5</sup> Matter CB/2022/67, filed on 23 December 2021.