

# QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Scenic Rim Regional Council Enterprise Bargaining Certified Agreement 2012-2014 [2022] QIRC 273*

PARTIES: **Scenic Rim Regional Council**

AND

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

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

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

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

**Queensland Services, Industrial Union of Employees**

**Transport Workers Union of Australia, Union of Employees (Queensland Branch)**

CASE NO: CB/2022/56

PROCEEDING: Termination of an agreement

DELIVERED ON: 21 July 2022

HEARING DATE 21 July 2022

MEMBER: Hartigan IC

HEARD AT: Brisbane

ORDER: ***The Scenic Rim Regional Council Enterprise Bargaining Certified Agreement 2012-2014 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 N. Hope and Ms C. McMahon of the Local Government Association Queensland for the Scenic Rim Regional Council

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

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

Mr D. Murphy and Ms M. Robertson of the Queensland Services, Industrial Union of Employees

### Reasons for Decision

- [1] On 21 June 2022, the Scenic Rim Regional Council ('the Council'), applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the IR Act'), to terminate the *Scenic Rim Regional Council Enterprise Bargaining Certified Agreement 2012-2014* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 30 December 2014.
- [3] The application was filed in the Industrial Registry, together with an affidavit in support of Mr Jon Gibbons, 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;<sup>1</sup>

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

- (b) the Council has given notice of its intention to apply to terminate the certified agreement;<sup>2</sup>
- (c) all parties to the certified agreement agree to it being terminated;<sup>3</sup> and
- (d) the termination of the certified agreement is not contrary to the public interest.<sup>4</sup>

- [5] I have also had regard to an application having been made by the Council, The Australian Workers' Union of Employees, Queensland, The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland, Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland, The Association of Professional Engineers, Scientists and Managers Australia, Queensland Branch, Union of Employees, Queensland Services, Industrial Union of Employees and the Transport Workers Union of Australia, Union of Employees (Queensland Branch to certify the *Scenic Rim Regional Council Certified Agreement 2022*.<sup>5</sup>
- [6] Section 228(4) of the IR Act provides that termination takes effect when the Commission's approval takes effect. I approve the termination of the certified agreement with effect from 21 July 2022.
- [7] I make the following order:

***The Scenic Rim Regional Council Enterprise Bargaining Certified Agreement 2012-2014 is terminated.***

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

<sup>3</sup> Ibid s 228(3)(b)(i).

<sup>4</sup> Ibid s 228(3)(b)(ii).

<sup>5</sup> Matter CB/2022/57 filed on 21 June 2022.