

# QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Ipswich City Council Officers' Certified Agreement 2018 [2022] QIRC 374*

PARTIES: **Ipswich City Council**

AND

**Queensland Services, Industrial Union of Employees**

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

CASE NO.: CB/2022/87

PROCEEDING: Termination of an agreement

DELIVERED ON: 5 October 2022

HEARING DATE: 5 October 2022

MEMBER: Power IC

HEARD AT: Brisbane

ORDER: ***The Ipswich City Council Officers' Certified Agreement 2018 is terminated.***

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

LEGISLATION: *Industrial Relations Act 2016 (Qld)*, ss 189 and 228

APPEARANCES: Mr N. Sheehan for the Ipswich City Council.

Mr D. Murphy for the Queensland Services, Industrial Union of Employees.

Mr L. Kjeldal for The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees.

### Reasons for Decision

- [1] On 9 September 2022, the Ipswich City Council ('the Applicant') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the Act'), to terminate the *Ipswich City Council Officers' Certified Agreement 2018* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 1 October 2021.
- [3] Section 228 of the Act provides:

#### **228 Termination after nominal expiry date**

- (1) After the nominal expiry date of a certified agreement or arbitration determination, the following persons may apply to the commission to terminate the agreement or determination—
  - (a) the employer;
  - (b) a valid majority of the relevant employees;
  - (c) an employee organisation to which the agreement or determination applies and that has at least 1 member who is a relevant employee.
- (2) The person who intends to apply to terminate the agreement or determination must give all other persons to whom the agreement or determination applies notice of the intention.
- (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 termination takes effect when the commission's approval takes effect.

- [4] I have had regard to:
  - (a) the submissions made by the parties who appeared today; and
  - (b) the affidavit of Mr Nicholas Sheehan, Workplace Relations Manager of the Applicant.
- [5] The certified agreement does not provide that particular conditions need to be met before it may be terminated.
- [6] I am satisfied that the Applicant has given the requisite notice of its intention to apply to terminate the certified agreement.
- [7] On 9 September 2022, the Applicant made an application, pursuant to s 189 of the Act, to certify the *Ipswich City Council Officers Certified Agreement 2021*.

[8] The Applicant and the following employee organisations have agreed to the terms of the *Ipswich City Council Officers Certified Agreement 2021* which will replace the certified agreement:

- (a) Queensland Services, Industrial Union of Employees; and
- (b) The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees.

[9] I am satisfied that:

- (a) all parties to the certified agreement agree to it being terminated; and
- (b) the termination of the certified agreement is not contrary to the public interest.

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

[11] I approve the termination of the *Ipswich City Council Officers' Certified Agreement 2018* with effect from 5 October 2022.

[12] I make the following order:

**The *Ipswich City Council Officers' Certified Agreement 2018* is terminated.**