

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Townsville City Council (Trade Employees) Certified Agreement 2019* [2022] QIRC 178

PARTIES: **Townsville City Council**

AND

**The Electrical Trades Union of Employees
Queensland**

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

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

**Plumbers and Gasfitters Employees' Union
Queensland, Union of Employees**

CASE NO: CB/2022/36

PROCEEDING: Termination of an agreement

DELIVERED ON: 24 May 2022

HEARING DATE 24 May 2022

MEMBER: Hartigan IC

HEARD AT: Brisbane

ORDER: ***The Townsville City Council (Trade Employees) Certified Agreement 2019 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 of the Local Government Association Queensland for the Townsville City Council

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

Reasons for Decision

- [1] On 4 May 2022, the Townsville City Council ('the Council'), applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the IR Act'), to terminate the *Townsville City Council (Trade Employees) Certified Agreement 2019* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 30 November 2021.
- [3] The application was filed in the Industrial Registry, together with an affidavit in support of Dr Prins Ralston, 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] I have also had regard to an application having been made by the Council, The Electrical Trades Union of Employees Queensland, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland, the Automotive, Metals, Engineering,

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).

Printing and Kindred Industries Industrial Union of Employees, Queensland and the Plumbers and Gasfitters Employees' Union Queensland, Union of Employees to certify the *Townsville City Council (Trades Employees) Certified Agreement 2022*.⁵

- [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 24 May 2022.

- [7] I make the following order:

The Townsville City Council (Trade Employees) Certified Agreement 2019 is terminated.

⁵ Matter CB/2022/37 filed on 4 May 2022.