

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Townsville City Council (Field and Other Employees) Certified Agreement 2019 [2022] QIRC 180*

PARTIES: **Townsville City Council**

AND

The Australian Workers' Union of Employees, Queensland

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

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

The Electrical Trades Union of Employees Queensland

Queensland Services, Industrial Union of Employees

Plumbers and Gasfitters Employees' Union Queensland, Union of Employees

CASE NO: CB/2022/38

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 (Field and Other 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 D. Marr of The Australian Workers' Union of Employees, Queensland

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

Reasons for Decision

- [1] On 5 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 (Field and Other 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

¹ *Industrial Relations Act 2016* (Qld) s 228(3).

² *Ibid* s 228(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 Australian Workers' Union of Employees, Queensland, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland, The Electrical Trades Union of Employees Queensland, and the Plumbers and Gasfitters Employees' Union Queensland, Union of Employees to certify the *Townsville City Council (Field and Other 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 (Field and Other Employees) Certified Agreement 2019 is terminated.

³ Ibid s 228(3)(b)(i).

⁴ Ibid s 228(3)(b)(ii).

⁵ Matter CB/2022/39 filed on 5 May 2022.