

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of Carpentaria Shire Council – Certified Agreement 2011 [2024] QIRC 191*

PARTIES: **Carpentaria Shire Council**

AND

The Australian Workers' Union of Employees, Queensland

The Plumbers & Gasfitters Employees' Union Queensland, Union of Employees

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

Queensland Services, Industrial Union of Employees

CASE NO: CB/2024/45

PROCEEDING: Application for termination of an Agreement

DELIVERED ON: 6 August 2024

HEARING DATE: 6 August 2024

MEMBER: Knight IC

HEARD AT: Brisbane

ORDERS: ***The Carpentaria Shire Council – Certified Agreement 2011 is terminated.***

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

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

- APPEARANCES:
- Mr C Lowe for the Local Government Association on behalf of Queensland for Carpentaria Shire Council
- Mr G Taylor for the Australian Workers' Union of Employees, Queensland
- Mr E Dalgleish for the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland
- Mr D Knight for the Queensland Services, Industrial Union of Employees

Reasons for Decision

- [1] On 5 July 2024, the Carpentaria Shire Council ('the Council') applied to terminate the *Carpentaria Shire Council – Certified Agreement 2011* ('the agreement') pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the IR Act').
- [2] The agreement has a nominal expiry date of 23 January 2014.
- [3] Section 228(3) of the IR 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] In making my decision, I have had regard to s 228(3), the submissions made by the parties who appeared at the hearing today and the affidavit of Mr Mark Crawley, Chief Executive Officer, Carpentaria Shire Council, filed on 5 July 2024.
- [5] The agreement does not provide that particular conditions need to be met before it may be terminated.
- [6] On 5 July 2024, the Council notified the other parties to the agreement of its intention to terminate the agreement. Those parties are:
- The Australian Workers' Union of Employees, Queensland ('AWU');

- The Plumbers & Gasfitters Employees' Union Queensland, Union of Employees ('PGEU');
- The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ('CFMEU'); and
- Queensland Services, Industrial Union of Employees ('QSU').

[7] I am satisfied the Council has provided the requisite notice of its intention to apply to terminate the agreement.

[8] The AWU, CFMEU and QSU appeared today and consented to the present application.

[9] On 12 July 2024, the PGEU wrote to the Commission and sought leave to be excused from appearing which was granted on the basis the PGEU consented to the present application and would submit to any order or certification made in its absence.¹ No other person appeared or sought to make submissions. I am satisfied that all parties to the agreement agree to it being terminated, and the termination of the agreement is not contrary to the public interest.

[10] On 5 July 2024, the Council made an application under s 189 of the IR Act to certify the *Carpentaria Shire Council Certified Agreement 2023*.²

[11] The Council and the employee organisations listed at [6] above have agreed to the terms of the *Carpentaria Shire Council Certified Agreement 2023* which will replace the agreement.

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

[13] I approve the termination of the *Carpentaria Shire Council – Certified Agreement 2011* with effect from today's date, being 6 August 2024.

[14] I make the following order:

The Carpentaria Shire Council – Certified Agreement 2011 is terminated.

¹ Correspondence sent by the Plumbers & Gasfitters Employees' Union Queensland, Union of Employees on 12 July 2024.

² *In the making of the Carpentaria Shire Council Certified Agreement 2023* [2024] QIRC 192.