

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Somerset Regional Council - Field Staff Certified Agreement 2017*
[2021] QIRC 431

PARTIES: **Somerset Regional Council**

v

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

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

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

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

CASE NO: CB/2021/62

PROCEEDING: Termination of an agreement

DELIVERED ON: 21 December 2021

HEARING DATE: 21 December 2021

MEMBER: Pidgeon IC

HEARD AT: Brisbane

ORDER: **1. *The Somerset Regional Council - Field Staff Certified Agreement 2017 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 Todd of LGAQ

Mr McQuillan of the AWU

Reasons for Decision

- [1] The Somerset Regional Council has applied to terminate the *Somerset Regional Council - Field Staff Certified Agreement 2017*. It does so pursuant to s 228(1) of the *Industrial Relations Act 2016*.
- [2] The Agreement nominally expired on 30 June 2020 and the parties consent to its termination.
- [3] On the basis that the agreement does not include any provisions recording that any particularly conditions need to be met before it may be terminated;¹ that the Commission is satisfied that the Somerset Regional Council has given notice of its intention to apply to terminate the agreement;² that the other parties to the agreement agree to it being terminated;³ and, that the termination of the agreement is not contrary to the public interest;⁴ the *Somerset Regional Council - Field Staff Certified Agreement 2017* is terminated as from 21 December 2021.⁵
- [4] I make the following order: **The *Somerset Regional Council - Field Staff Certified Agreement 2017* is terminated.**

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

² *Ibid* s 228(2).

³ *Ibid* s 228(3)(b)(i).

⁴ *Ibid* s 228(3)(b)(ii).

⁵ *Ibid* s 228(4)