

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the termination of the Banana Shire Council  
Certified Agreement 2012 [2019] QIRC 040*

PARTIES: **Banana Shire Council**

**and**

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

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

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

**Queensland Services, Industrial Union of  
Employees**

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

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

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

CASE NO: CB/2019/6

PROCEEDING: Termination of an agreement

DELIVERED ON: 6 March 2019

HEARING DATE: 6 March 2019

MEMBER: Thompson IC

HEARD AT: Brisbane

ORDER: **1. The *Banana Shire Council Certified Agreement 2012* 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*, s 228

APPEARANCES: Ms N. Todd of Peak Services for the Banana Shire Council

Ms S. Young of The Australian Workers' Union of Employees, Queensland

Ms M. Robertson of Queensland Services, Industrial Union of Employees

### Reasons for Decision

- [1] The Banana Shire Council has applied to terminate the *Banana Shire Council Certified Agreement 2012* (CA/2012/20), it does so pursuant to s 228(1) of the *Industrial Relations Act 2016*.
- [2] The certified agreement had a nominal expiry date of 30 June 2014.
- [3] On the basis that the agreement does not include any provisions recording that any particular conditions need to be met before it may be terminated;<sup>1</sup> that the Commission is satisfied that Banana Shire Council have given notice of its intention to apply to terminate the agreement;<sup>2</sup> that the other parties to the agreement agree to it being terminated;<sup>3</sup> and, that the termination of the agreement is not contrary to the public interest;<sup>4</sup> the *Banana Shire Council Certified Agreement 2012* is terminated as and from 6 March 2019.<sup>5</sup>

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<sup>1</sup> *Industrial Relations Act 2016* s 228(3).

<sup>2</sup> *Ibid* s 228(2).

<sup>3</sup> *Ibid* s 228(3)(b)(i).

<sup>4</sup> *Ibid* s 228(3)(b)(ii).

<sup>5</sup> *Ibid* s 228(4).

[4] I make the following order:

1. **The *Banana Shire Council Certified Agreement 2012* is terminated.**