

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Hinchinbrook Shire Council Certified Agreement 2017 [2021] QIRC 337*

PARTIES: **Hinchinbrook Shire Council**

AND

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

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

Plumbers & Gasfitters Employees' Union Queensland, Union of Employees

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

The Australian Workers' Union of Employees, Queensland

Queensland Services, Industrial Union of Employees

CASE NO: CB/2021/43

PROCEEDING: Termination of an agreement

DELIVERED ON: 1 October 2021

HEARING DATE: 1 October 2021

MEMBER: O'Connor VP

HEARD AT: Brisbane

ORDER: **1. The *Hinchinbrook Shire Council 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 M. Martin, Local Government Association Queensland for the Hinchinbrook Shire Council.

Mr J. McGuire for Queensland Services, Industrial Union of Employees.

Mr D. Marr for The Australian Workers' Union of Employees, Queensland.

Reasons for Decision

- [1] On 21 September 2021, the Hinchinbrook Shire Council ('the Council') applied, pursuant to s 228(1) of the *Industrial Relations Act* 2016 (Qld) ('the Act'), to terminate the *Hinchinbrook Shire Council Certified 2017* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 30 June 2020.
- [3] The application was filed in the Industrial Registry together with an affidavit in support by Mr Kelvin Tytherleigh, 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

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).

- [5] Section 228(4) of the Act provides that termination takes effect when the Commission's approval takes effect.
- [6] In matter CB/2021/44 application was made by the Council, the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland; the Plumbers & Gasfitters Employees' Union Queensland, Union of Employees; The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees; The Australian Workers' Union of Employees, Queensland and the Queensland Services, Industrial Union of Employees to certify *the Hinchinbrook Shire Council Local Government Officers (Stream A) Certified Agreement 2021*.⁵
- [7] In matter CB/2021/45 application was made by the Council, the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland; Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland; the Plumbers & Gasfitters Employees' Union Queensland, Union of Employees; The Australian Workers' Union of Employees, Queensland and the Queensland Services, Industrial Union of Employees to certify *Hinchinbrook Shire Council Operational Employees (Stream B and C) Certified Agreement 2021*.⁶
- [8] Accordingly, I approve the termination of the certified agreement with effect from 1 October 2021.
- [9] I make the following order:
- 1. The *Hinchinbrook Shire Council Certified 2017* is terminated.**

⁵ Filed in the Industrial Registry on 21 September 2021.

⁶ Filed in the Industrial Registry on 21 September 2021.