

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Banana Shire Council
Certified Agreement 2018 [2022] QIRC 114*

PARTIES: **Banana Shire Council**

AND

**Queensland Services, Industrial Union of
Employees**

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

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

**The Construction, Forestry, Mining and
Energy, Union of Employees, Queensland**

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

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

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

**Queensland Nurses and Midwives Union of
Employees**

CASE NO: CB/2022/25

PROCEEDING: Termination of an agreement

DELIVERED ON: 29 March 2022

HEARING DATE: 29 March 2022

MEMBER: McLennan IC

HEARD AT: Brisbane

ORDER: ***The Banana Shire Council Certified Agreement
2018 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 LGAQ for Banana Shire Council

Mr D Marr and Mr P Osborne for The Australian Workers' Union of Employees, Queensland

Mr D Murphy for the Queensland Services, Industrial Union of Employees

Reasons for Decision

- [1] On 3 March 2022, the Banana Shire Council ('the Council') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016 (Qld)* ('the Act'), to terminate the *Banana Shire Council Certified Agreement 2018* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 30 June 2021.
- [3] The application was filed in the Industrial Registry together with an affidavit in support of Mr Tom Upton, 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:
- the certified agreement does not include any provisions recording that any particular conditions need be met before it may be terminated;¹
 - the Council has given notice of its intention to apply to terminate the certified agreement;²
 - all parties to the certified agreement agree to it being terminated;³ and
 - the termination of the certified agreement is not contrary to the public interest.⁴
- [5] Section 228(4) of the Act provides that termination takes effect when the Commission's approval takes effect.

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).*

- [6] In this matter, an application was made to certify the *Banana Shire Council Certified Agreement 2021*.⁵
- [7] Accordingly, I approve the termination of the certified agreement with effect from 29 March 2022.
- [8] I make the following order:
- 1. The *Banana Shire Council Certified Agreement 2018* is terminated.**

⁵ Filed in the Industrial Registry on 3 March 2022.