

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Quilpie Shire Council
Certified Agreement 2018 [2022] QIRC 050*

PARTIES: **Quilpie Shire Council**

AND

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

**Queensland Services, Industrial Union of
Employees**

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

CASE NO: CB/2022/5

PROCEEDING: Termination of an agreement

DELIVERED ON: 22 February 2022

HEARING DATE: 22 February 2022

MEMBER: Hartigan IC

HEARD AT: Brisbane

ORDER: ***The Quilpie 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 S. Mitanis of MBA Lawyers for the
Quilpie Shire Council

Mr P. Dunbar for the Construction, Forestry,
Mining & Energy, Industrial Union of
Employees, Queensland

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

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

Reasons for Decision

- [1] On 3 February 2022, the Quilpie Shire Council ('the Council'), applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the IR Act'), to terminate the *Quilpie 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 Justin Hancock, 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] I have also had regard to an application having been made by the Council, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland, the Queensland Services, Industrial Union of Employees and The Australian Workers Union of Employees, Queensland to certify the *Quilpie Shire Council Certified Agreement 2021*.⁵
- [6] Section 228(4) of the IR Act provides that termination takes effect when the Commission's approval takes effect, accordingly, I approve the termination of the certified agreement with effect from 22 February 2022.
- [7] I make the following order:

The *Quilpie Shire Council Certified Agreement 2018* is terminated.

⁵ Matter CB/2022/6, filed on 3 February 2022.