

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Banana Shire Council
Certified Agreement 2021 [2025] QIRC 194*

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**

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

**Plumbers & Gasfitters Employees' Union
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/2025/30

PROCEEDING: Termination of an agreement

DELIVERED ON: 30 July 2025

HEARING DATE: 29 July 2025

MEMBER: Gazenbeek IC

HEARD AT: Brisbane

ORDER: ***The Banana Shire Council Certified Agreement 2021 is terminated***

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – application for termination of agreement after nominal expiry date – requirements for termination of agreement – agreement terminated

LEGISLATION: *Industrial Relations Act 2016* (Qld) ss 189, 228

APPEARANCES:

A. Farmer (of LGAQ) and A. Nichols for Banana Shire Council

D. Skelton for Queensland Services, Industrial Union of Employees

T. Stephens for The Australian Workers' Union of Employees, Queensland

D. Lorraway for the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland

E. Eaves for Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

C. McJannett for Plumbers & Gasfitters Employees' Union Queensland, Union of Employees

Reasons for Decision

- [1] On 14 May 2025, 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 2021* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 30 June 2024.

- [3] The application was filed in the Industrial Registry together with an affidavit in support of Mr Thomas Upton, Chief Executive Officer of the Council, and a notice of intention to terminate the certified agreement.
- [4] The named parties to the certified agreement are the Council and the following employee organisations ('the employee organisations'):
- (a) Queensland Services, Industrial Union of Employees ('QSU');
 - (b) The Australian Workers' Union of Employees, Queensland ('AWU');
 - (c) Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland ('AMEPKU');
 - (d) Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ('CFMEU');
 - (e) Plumbers & Gasfitters Employees' Union of Queensland, Union of Employees ('PGEU');
 - (f) Transport Workers' Union of Australia, Union of Employees (Queensland Branch) ('TWU');
 - (g) The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees ('APESMA'); and
 - (h) Queensland Nurses and Midwives' Union of Employees ('QNMU').
- [5] On 14 May 2025, the Council also applied, pursuant to s 189 of the Act, to certify the *Banana Shire Council Certified Agreement 2024*.¹
- [6] The Council and the employee organisations have agreed to the terms of the *Banana Shire Council Certified Agreement 2024*, which will replace the certified agreement.
- [7] The hearing of this application was listed before the Commission on 29 July 2025, at which the Council, QSU, AWU, AMEPKU, CFMEU, and PGEU each confirmed their support of the application to terminate the certified agreement.
- [8] The TWU², APESMA,³ and QNMU⁴ each sought leave to be excused from attending the hearing prior to its commencement, on the basis that they supported the application and consented to the termination of the certified agreement.
- [9] Having regard to the material relied upon in support of the application, and the submissions made at the hearing before me, I am satisfied that:

¹ *In the making of the Banana Shire Council Certified Agreement 2024* [2025] QIRC 195.

² Letter of Mr R. Olsen (Branch Secretary) to the Industrial Registry, dated 11 July 2025.

³ Email of Ms M. Heidari (Organiser) to the Industrial Registry, dated 13 July 2025.

⁴ Email of Ms C. Trevascus (Industrial Officer) to the Industrial Registry, dated 15 July 2025.

- the Council has given the requisite notice of its intention to apply to terminate the certified agreement;⁵
- the certified agreement does not provide that any particular conditions need to be met before it may be terminated;⁶
- all parties to the certified agreement agree to it being terminated;⁷ and
- the termination of the certified agreement is not contrary to the public interest.⁸

[10] Section 228(4) of the 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 today's date, being 30 July 2025.

[11] I make the following order:

The Banana Shire Council Certified Agreement 2021 is terminated

⁵ *Industrial Relations Act 2016* (Qld) s 228(2); Affidavit of Mr T. Upton (Chief Executive Officer), filed 14 May 2025, 3.

⁶ *Industrial Relations Act 2016* (Qld) s 228(3)(a); *Banana Shire Council Certified Agreement 2021*, cl 1.7.

⁷ *Industrial Relations Act 2016* (Qld) s 228(3)(b)(i).

⁸ *Ibid*, s 228(3)(b)(ii).