

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;¹ that the Commission is satisfied that Banana Shire Council have given notice of its intention to apply to terminate the agreement;² that the other parties to the agreement agree to it being terminated;³ and, that the termination of the agreement is not contrary to the public interest;⁴ the *Banana Shire Council Certified Agreement 2012* is terminated as and from 6 March 2019.⁵

¹ *Industrial Relations Act 2016* s 228(3).

² *Ibid* s 228(2).

³ *Ibid* s 228(3)(b)(i).

⁴ *Ibid* s 228(3)(b)(ii).

⁵ *Ibid* s 228(4).

[4] I make the following order:

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