

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Torres Strait Island Regional Council Certified Agreement 2015*
[2021] QIRC 303

PARTIES: **Torres Strait Island Regional Council**

AND

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

**Queensland Services, Industrial Union of
Employees**

CASE NO: CB/2021/29

PROCEEDING: Termination of an agreement

DELIVERED ON: 1 September 2021

HEARING DATE: 1 September 2021

MEMBER: McLennan IC

HEARD AT: Brisbane

ORDER: **1. *The Torres Strait Island Regional Council Certified Agreement 2015 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 T Burrell and Ms P. Sam for Torres Strait Island Regional Council

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

Mr S Boman for Queensland Services, Industrial Union of Employees

Reasons for Decision

- [1] On 3 August 2021, the Torres Strait Island Regional Council ('the Council') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the Act'), to terminate the *Torres Strait Island Regional Council Certified Agreement 2015* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 30 June 2017.
- [3] The application was filed in the Industrial Registry together with an affidavit in support of Mr David Baldwin, Acting 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
- [5] Section 228(4) of the Act provides that termination takes effect when the Commission's approval takes effect.
- [6] In matter CB/2021/30, an application was made by the Council, the Australian Workers' Union of Employees, Queensland and Queensland Services, Industrial Union of Employees to certify the *Torres Strait Island Regional Council Certified Agreement 2021*.⁵
- [7] Accordingly, I approve the termination of the certified agreement with effect from 1 September 2021.
- [8] I make the following order:
1. **The *Torres Strait Island Regional Council Certified Agreement 2015* is terminated.**

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 Filed in the Industrial Registry on 3 August 2021.