

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Sunshine Coast Events Centre Certified Agreement 2011*
[2022] QIRC 413

PARTIES: **Sunshine Coast Events Centre Pty Ltd**

AND

The Australian Workers' Union of Employees, Queensland

Queensland Services, Industrial Union of Employees

CASE NO: CB/2022/97

PROCEEDING: Termination of an agreement

DELIVERED ON: 28 October 2022

HEARING DATE: 28 October 2022

MEMBER: Dwyer IC

HEARD AT: Brisbane

ORDER: **1. *The Sunshine Coast Events Centre Certified Agreement 2011* 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) ss 189, 228

APPEARANCES: Ms K Murphy of Katrina Murphy Industrial Relations Pty Ltd for the Sunshine Coast

Events Centre Pty Ltd with Ms s Hayes of the
Sunshine Coast Events Centre Pty Ltd

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

Reasons for Decision

- [1] On 27 September 2022, the Sunshine Coast Events Centre ('the Applicant') applied, pursuant to s 228(2) of the *Industrial Relations Act 2016* (Qld) ('the Act'), to terminate the *Sunshine Coast Events Centre Certified Agreement 2011* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 27 October 2014.
- [3] Section 228(3) of the Act provides:
- (3) The commission must approve the termination if, and must refuse to approve the termination unless, satisfied subsection (2) has been complied with and –
 - (a) for an agreement or determination that provides that it may be terminated if particular conditions are met-the conditions have been met; or
 - (b) for an agreement or determination that does not provide for the way it may be terminated –
 - (i) the other parties to the agreement or determination agree to it being terminated; and
 - (ii) termination of the agreement or determination is not contrary to the public interest.
- [4] The application was filed on 27 September 2022 in the Industrial Registry, together with an affidavit of Ms Jeanette Maree Burrows, Chair of the Board of the Sunshine Coast Events Centre Pty Ltd, and a Notice of Intention to terminate a Certified Agreement.
- [5] 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 to be met before it may be terminated;¹

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

- the Applicant 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

[6] I have also had regard to an application, having been made by the Applicant pursuant to s 189 of the Act, to certify the *Sunshine Coast Events Centre Pty Ltd Certified Agreement 2022*.⁵

[7] Section 228(4) of the Act provides that termination takes effect when the Commission's approval takes effect.

[8] Accordingly, I approve the termination of the *Sunshine Coast Events Centre Certified Agreement 2011* with effect from 28 October 2022.

[9] I make the following order:

- 1. The *Sunshine Coast Events Centre Certified Agreement 2011* is terminated.**

² Ibid s 228(2).

³ Ibid s228(3)(b)(i).

⁴ Ibid s228(3)(b)(ii).

⁵ Matter CB/2022/98, filed on 27 September 2022.