

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *Queensland Services, Industrial Union of Employees v Mareeba Shire Council & Ors (No. 2) [2022] QIRC 465*

PARTIES: **Queensland Services, Industrial Union of Employees**
(Applicant)

v

Mareeba Shire Council
(First Respondent)

AND

Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland
(Second Respondent)

AND

Plumbers & Gasfitters Employees' Union Queensland, Union of Employees
(Third Respondent)

AND

Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland
(Fourth Respondent)

AND

The Australian Workers' Union of Employees, Queensland
(Fifth Respondent)

CASE NO: CB/2019/99

PROCEEDING: Arbitration – Request for Help

DELIVERED ON: 30 November 2022

MEMBERS: Knight IC, Hartigan IC and Power IC

- HEARD AT: On the papers
- ORDERS:
1. **The *Mareeba Shire Council Certified Agreement 2014 – 2017* is terminated.**
 2. **The arbitration determination, being the *Mareeba Shire Council Determination 2018 – 2021*, is issued in terms attached to these reasons.**
 3. **The *Mareeba Shire Council Determination 2018 – 2021* shall operate from 5 December 2022 until its nominal expiry date of 6 December 2022.**
- CATCHWORDS: INDUSTRIAL LAW — QUEENSLAND — AGREEMENTS — parties directed to settle terms of determination – arbitration determination issued
- LEGISLATION: *Industrial Relations Act 2016* (Qld), ss 180, 227 and 228
- CASES: *Queensland Services, Industrial Union of Employees v Mareeba Shire Council & Ors* [2022] QIRC 389

Reasons for Decision

- [1] On 26 March 2020, this matter was referred to a full bench of the Queensland Industrial Relations Commission ('the Commission') for an arbitration determination. The matter was subsequently heard by a Full Bench of the Commission on 11 August 2020 and 20 November 2020.
- [2] On 11 October 2022, the Full Bench, as currently constituted, published its reasons with respect to the disputed matters which were the subject of the arbitration hearing,¹ and issued a direction in the following terms:
- The parties are directed to jointly file in the Industrial Registry, a draft agreed determination that reflects the full and complete terms of the clauses of each matter agreed between the parties and the determination of the matters in dispute as contained in these reasons by 4.00 pm on 25 October 2022.
- [3] The parties have subsequently provided a draft agreed Determination, the *Mareeba Shire Council Determination 2018 – 2021* ('the Determination').

¹ *Queensland Services, Industrial Union of Employees v Mareeba Shire Council & Ors* [2022] QIRC 389.

**Termination of Mareeba Shire Council Certified Agreement 2014 – 2017²
(‘the 2017 Agreement’)**

- [4] It is appropriate that the 2017 Agreement be terminated.
- [5] The 2017 Agreement has a nominal expiry date of 30 September 2017. We are satisfied that the 2017 Agreement does not include any provisions recording that any particular conditions need be met before it may be terminated.³ We are further satisfied that all parties to the 2017 Agreement agree to it being terminated and that the termination of the 2017 Agreement is not contrary to the public interest.⁴
- [6] Accordingly, the 2017 Agreement is terminated with effect from 5 December 2022.

Arbitration Determination

- [7] Attached to these reasons is the Determination reflecting the full and complete terms of the clauses of each matter agreed to between the parties and reflecting the determination of the matters in dispute by the Full Bench.
- [8] Section 180(3) of the *Industrial Relations Act 2016* (Qld) (‘the Act’) provides that the Full Bench must ensure an arbitration determination includes the following:
- (a) includes the provisions and other matters it would be required to include if the determination were a proposed bargaining instrument the subject of a part 5 application; and
 - (b) includes any increase in wages ordered by the commission under subsection (2)(b) or agreed by the parties during the arbitration.
- [9] Having regard to the terms of the agreed matters, together with the determination of the disputed matters, we are satisfied that the Determination includes all matters required to be included in a proposed bargaining instrument, the subject of a part 5 application.
- [10] The parties have agreed that the Determination be operative from the date of certification, namely, 5 December 2022 until its nominal expiry date of 6 December 2022. The Determination continues to operate until it is terminated under ss 227 or 228 of the Act.

Orders

- [11] We make the following orders:
- 1. The Mareeba Shire Council Certified Agreement 2014 – 2017 is terminated.**
 - 2. The arbitration determination, being the Mareeba Shire Council Determination 2018 – 2021, is issued in terms attached to these reasons.**

² CA/2015/2.

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

⁴ *Ibid* s 228(3)(b).

3. **The *Mareeba Shire Council Determination 2018 – 2021* shall operate from 5 December 2022 until its nominal expiry date of 6 December 2022.**