

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the termination of the Paroo Shire Council - Operational Staff Certified Agreement 2018 [2022] QIRC 043*

PARTIES: **Paroo Shire Council**

AND

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

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

**Transport Workers' Union of Australia, Union of Employees**

**Automotive, Metals, Engineering, Printing and Kindred Industries, Industrial Union of Employees, Queensland**

CASE NO: CB/2022/3

PROCEEDING: Termination of an agreement

DELIVERED ON: 17 February 2022

HEARING DATE: 17 February 2022

MEMBER: McLennan IC

HEARD AT: Brisbane

ORDER: **1. *The Paroo Shire Council - Operational Staff Certified Agreement 2018 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: Mr S Phipps for Paroo Shire Council

Mr G Taylor for The Australian Workers' Union  
of Employees, Queensland

### Reasons for Decision

- [1] On 24 January 2022, the Paroo Shire Council ('the Council') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the Act'), to terminate the *Paroo Shire Council - Operational Staff Certified Agreement 2018* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 30 June 2021.
- [3] The application was filed in the Industrial Registry together with an affidavit in support of Mr Simon Phipps, HR/WHS 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;<sup>1</sup>
  - (b) the Council has given notice of its intention to apply to terminate the certified agreement;<sup>2</sup>
  - (c) all parties to the certified agreement agree to it being terminated;<sup>3</sup> and
  - (d) the termination of the certified agreement is not contrary to the public interest.<sup>4</sup>
- [5] Section 228(4) of the Act provides that termination takes effect when the Commission's approval takes effect.
- [6] In this matter, an application was made to certify the *Paroo Shire Council – Operational Staff Certified Agreement 2021 - 2024*.<sup>5</sup>
- [7] Accordingly, I approve the termination of the certified agreement with effect from 17 February 2022.
- [8] I make the following order:
1. **The *Paroo Shire Council - Operational Staff Certified Agreement 2018* is terminated.**

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<sup>1</sup> *Industrial Relations Act 2016* (Qld) s 228(3).

<sup>2</sup> *Ibid* s 228(2).

<sup>3</sup> *Ibid* s 228(3)(b)(i).

<sup>4</sup> *Ibid* s 228(3)(b)(ii).

<sup>5</sup> Filed in the Industrial Registry on 24 January 2022.