

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the termination of the Sunshine Coast Council Salaried Officers Certified Agreement 2020 (No.4) [2024] QIRC 039*

PARTIES: **Sunshine Coast Council**

AND

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

**The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees**

**Queensland Services, Industrial Union of Employees**

CASE NO: CB/2024/4

PROCEEDING: Termination of an agreement

DELIVERED ON: 14 February 2024

HEARING DATE: 14 February 2024

MEMBER: Dwyer IC

HEARD AT: Brisbane

ORDER: **The is *Sunshine Coast Council Salaried Officers Certified Agreement 2020 (No.4)* 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 P Spoto for Sunshine Coast Council

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

Ms J Wiggan for Queensland Services,  
Industrial Union of Employees

No appearance for The Association of  
Professional Engineers, Scientists and  
Managers, Australia, Queensland Branch,  
Union of Employees

### **Reasons for Decision**

- [1] On 12 January 2024, Sunshine Coast Council ('the Applicant') applied, pursuant to s 228(2) of the *Industrial Relations Act 2016 (Qld)* ('the Act'), to terminate the *Sunshine Coast Council Salaried Officers Certified Agreement 2020 (No.4)* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 30 June 2023.
- [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] I have had regard to:
- The submissions made by the parties who appeared today; and

- The Affidavit of Ms Emma Thomas, Chief Executive Officer of Sunshine Coast Council, filed on 12 January 2024.

[5] The certified agreement does not provide that particular conditions need to be met before it may be terminated.

[6] I am satisfied that the Applicant has given the requisite notice of its intention to apply to terminate the certified agreement.

[7] On 12 January 2024, the Applicant made an application, pursuant to s 189 of the Act, to certify the *Sunshine Coast Council Salaried Officers Certified Agreement 2023 (No.5)*.

[8] The following employee organisations have agreed to the terms of the *Sunshine Coast Council Salaried Officers Certified Agreement 2023 (No.5)* which will replace the certified agreement:

- The Australian Workers' Union of Employees, Queensland; and
- The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch Union of Employees; and
- Queensland Services, Industrial Union of Employees

[9] I am satisfied that:

- All parties to the certified agreement agree to it being terminated; and
- The termination of the certified agreement is not contrary to the public interest.

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

[11] I approve the termination of the *Sunshine Coast Council Salaried Officers Certified Agreement 2020 (No.4)* from 14 February 2024.

[12] I make the following order:

**The *Sunshine Coast Council Salaried Officers Certified Agreement 2020 (No.4)* is terminated.**