

# QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Torres Shire Council Certified Agreement 2019 [2024] QIRC 216*

PARTIES: **Torres Shire Council**

AND

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

AND

**Queensland Services, Industrial Union of Employees**

CASE NO: CB/2024/50

PROCEEDING: Application for approval to terminate certified agreement after nominal expiry date

DELIVERED ON: 3 September 2024

HEARING DATE: 3 September 2024

HEARD AT: Brisbane

MEMBER: McLennan IC

ORDER: ***The Torres Shire Council Certified Agreement 2019 is terminated.***

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – application for termination after nominal expiry date – requirements for termination – agreement terminated

LEGISLATION: *Industrial Relations Act 2016 (Qld) ss 189, 228*

APPEARANCES: Mr P. Spoto of Local Government Association of Queensland for the Torres Shire Council

Mr T. Stephens for The Australian Workers'  
Union of Employees, Queensland

Ms C. Sait for Queensland Services, Industrial  
Union of Employees

### **Reasons for Decision**

- [1] On 13 August 2024, the Torres Shire Council ('the Council') applied to terminate the *Torres Shire Council Certified Agreement 2019* ('the agreement') pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the IR Act').
- [2] The agreement has a nominal expiry date of 6 September 2022.
- [3] Section 228(3) of the IR 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] In making my decision I have had regard to s 228(3), the submissions made by the parties who appeared at the hearing today and the affidavit of Ms Dalassa Yorkston, Chief Executive Officer of the Council.
- [5] The agreement does not provide that particular conditions need to be met before it may be terminated.
- [6] On 13 August 2024, the Council notified the other parties to the agreement of its intention to terminate the agreement. Those parties are:
- The Australian Workers' Union of Employees, Queensland; and
  - Queensland Services, Industrial Union of Employees.
- [7] I am satisfied that the Council has provided the requisite notice of its intention to apply to terminate the agreement.
- [8] Along with the Council, The Australian Workers' Union of Employees, Queensland, and the Queensland Services, Industrial Union of Employees also appeared today and

consented to the present application. No other person appeared or sought to make submissions.

- [9] Having regard to the materials before me, I am satisfied that all parties to the agreement agree to it being terminated, and the termination of the agreement is not contrary to the public interest.
- [10] On 13 August 2024, the Council made an application under s 189 of the IR Act to certify the *Torres Shire Council Certified Agreement 2022*.
- [11] The Council and the employee organisations listed below have agreed to the terms of the *Torres Shire Council Certified Agreement 2022* which will replace the agreement:
- The Australian Workers' Union of Employees, Queensland; and
  - Queensland Services, Industrial Union of Employees.
- [12] Section 228(4) of the IR Act provides that termination takes effect when the Commission's approval takes effect.
- [13] I approve the termination of the agreement with effect from 3 September 2024.
- [14] I make the following order:

**The *Torres Shire Council Certified Agreement 2019* is terminated.**