

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Mareeba Shire Council Determination 2018 – 2021* [2024]
QIRC 291

PARTIES: **Mareeba Shire Council**

AND

The Australian Workers' Union of Employees, Queensland

AND

Queensland Services, Industrial Union of Employees

AND

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

AND

Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

AND

Plumbers and Gasfitters Employees' Union Queensland, Union of Employees

CASE NO: CB/2024/80

PROCEEDING: Termination of an agreement

DELIVERED ON: 12 December 2024

HEARING DATE: 12 December 2024

MEMBER: O'Neill IC

HEARD AT: Brisbane

ORDER: **1. The Mareeba Shire Council Determination 2018 - 2021 is terminated.**

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

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

APPEARANCES: Mr G Newman for the Mareeba Shire Council

Mr J Hall for the Queensland Services, Industrial Union of Employees

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

Reasons for Decision

- [1] On 25 November 2024, the Mareeba Shire Council ('the Council') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* ('the Act'), to terminate Mareeba Shire Council Determination 2018- 2021 ('the determination').
- [2] The determination has a nominal expiry date of 6 December 2022.
- [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 Mr Peter Franks, Chief Executive Officer filed on 25 November 2024.

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

[6] On 25 November 2024, the Council notified the other parties to the agreement of its intention to terminate the agreement. Those parties are (the employee organisations):

- The Australian Workers Union of Employees, Queensland ('AWU');
- Queensland Services, Industrial Union of Employees ('QSU');
- Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland ('AMEPKU');
- Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ('CFMEU'); and
- Plumbers & Gasfitters Employees' Union Queensland, Union of Employees ('PGEU').

[7] I am satisfied that the Council has given the requisite notice of its intention to apply to terminate the determination.

[8] The AWU and QSU appeared at the hearing and consented to the present application to terminate the determination.

[9] On 10 December 2024, the CFMEU wrote to the Commission and sought leave to be excused from appearing which was granted. In that correspondence the CFMEU confirmed that it supported the termination of the determination.

[10] On 11 December 2024, the PGEU and AMEPKU wrote to the Commission noting that neither organisation would be able to appear at the hearing. Leave was granted excusing the appearance of the PGEU and AMEPKU. In their correspondence both organisations confirmed their respective consent to the termination of the determination.

[11] On 25 November 2024 the Applicant made an application, pursuant to s 189 of the Act, to certify the Mareeba Shire Council Certified Agreement 2024 – 2027.

[12] The Applicant and the employee organisations listed at [6] above have agreed to the terms of the Mareeba Shire Council Certified Agreement 2024 - 2027 which will replace the determination.

[13] I am satisfied that:

- all parties to the determination agree to it being terminated; and
- the termination of the determination is not contrary to the public interest.

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

[15] I approve the termination of Mareeba Shire Council Determination 2018 – 2021 with the effect from 12 December 2024.

[16] I make the following order:

The Mareeba Shire Council Determination 2018 - 2021 is terminated.