

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Mackay Regional Council Certified Agreement 2011 [2017] QIRC 109*

PARTIES: Mackay Regional Council

and

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

and

The Australian Workers' Union of Employees, Queensland

and

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

and

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

and

The Electrical Trades Union of Employees Queensland

and

Plumbers and Gasfitters Employees' Union Queensland, Union of Employees

and

Queensland Services, Industrial Union of Employees

and

United Voice, Industrial Union of Employees, Queensland

CASE NO: CB/2017/79

PROCEEDING: Termination of a certified agreement after nominal expiry date

DELIVERED ON: 8 December 2017

HEARING DATE: 8 December 2017

HEARD AT: Brisbane

MEMBER: Deputy President O'Connor

ORDER: **1. The Mackay Regional Council Certified Agreement 2011 is terminated.**

CATCHWORDS: INDUSTRIAL LAW – Application for termination after nominal expiry date – Requirements for termination – Agreement terminated

LEGISLATION: *Industrial Relations Act 2016*, s 228

APPEARANCES: Mr R Beer for the Mackay Regional Council

Ms K Scott for The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees

Mr B Watson for The Australian Workers' Union of Employees, Queensland

Mr J Blundell-Thronton for the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland

Ms M Robertson for the Queensland Services, Industrial Union of Employees

Reasons for Decision

- [1] The Mackay Regional Council has applied to terminate the *Mackay Regional Council Certified Agreement 2011*, it does so pursuant to s 228(1) of the *Industrial Relations Act 2016*.
- [2] The Agreement nominally expired on 30 June 2014 and the parties consent to its termination.

[3] On the basis that the agreement does not include any provisions recording that any particular conditions need to be met before it may be terminated;¹ that the Commission is satisfied that the Council has given notice of its intention to apply to terminate the agreement;² that the other parties to the agreement agree to it being terminated;³ and that the termination of the agreement is not contrary to the public interest;⁴ the *Mackay Regional Council Certified Agreement 2011* is terminated as from 8 December 2017.⁵

[4] I make the following order:

- 1. The *Mackay Regional Council Certified Agreement 2011* is terminated.**

¹ *Industrial Relations Act 2016* s 228(3).

² *Ibid* s 228(2).

³ *Ibid* s 228(3)(b)(i).

⁴ *Ibid* s 228(3)(b)(ii).

⁵ *Ibid* s 228(4).