

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Hinchinbrook Shire Council Certified Agreement 2012 [2018] QIRC 078*

PARTIES: Hinchinbrook Shire Council

and

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

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

Plumbers & Gasfitters Employees Union Queensland, Union of Employees

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

The Australian Workers' Union of Employees, Queensland

Queensland Services, Industrial Union of Employees

CASE NO: CB/2018/58

PROCEEDING: Termination of an agreement

DELIVERED ON: 28 June 2018

HEARING DATE: 28 June 2018

HEARD AT: Brisbane

MEMBER: Deputy President O'Connor

ORDER: **1. *The Hinchinbrook Shire Council Certified Agreement 2012 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, s 228

APPEARANCES: Ms D Jackson and Mr R Ferguson for the Hinchinbrook Shire Council

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

Reasons for Decision

- [1] The Hinchinbrook Shire Council has applied to terminate the *Hinchinbrook Shire Council Certified Agreement 2012*, it does so pursuant to s 228(1) of the *Industrial Relations Act* 2016.
- [2] The certified agreement had a nominal expiry date of 30 June 2015.
- [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 Hinchinbrook Shire 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 *Hinchinbrook Shire Council Certified Agreement 2012* is terminated as from 28 June 2018.⁵
- [4] I make the following order:
- 1. The *Hinchinbrook Shire Council Certified Agreement 2012* 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).