

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the termination of the Burdekin Shire Council Enterprise Bargaining Certified Agreement 2012 [2018] QIRC 073*

PARTIES: **Burdekin Shire Council**

and

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

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

**Queensland Services, Industrial Union of Employees**

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

**Plumbers & Gasfitters Employees' Union Queensland, Union of Employees**

CASE NO: CB/2018/64

PROCEEDING: Termination of agreement after nominal expiry date

DELIVERED ON: 15 June 2018

HEARING DATE: 12 June 2018

HEARD AT: Brisbane

MEMBER: Deputy President Bloomfield

ORDER: **1. *The Burdekin Shire Council Enterprise Bargaining Certified Agreement 2012 is terminated.***

CATCHWORDS: INDUSTRIAL LAW - APPLICATION TO TERMINATE CERTIFIED AGREEMENT - where application for termination of agreement after nominal expiry date - where requirements for termination

LEGISLATION: *Industrial Relations Act 2016*, s 228

APPEARANCES: Mr R. Beer, Local Government Association of Queensland for the Burdekin Shire Council.  
 Ms N. Sivakumar for The Australian Workers' Union of Employees, Queensland.  
 Ms C. Raftos for Queensland Services, Industrial Union of Employees.  
 Mr J. Blundell-Thornton for the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland.

### Reasons for Decision

- [1] The Burdekin Shire Council has applied to terminate the *Burdekin Shire Council Enterprise Bargaining Certified Agreement 2012*, 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;<sup>1</sup> that the Commission is satisfied that the Burdekin Shire Council has given notice of its intention to apply to terminate the agreement;<sup>2</sup> that the other parties to the agreement agree to it being terminated;<sup>3</sup> and, that the termination of the determination is not contrary to the public interest;<sup>4</sup> the *Burdekin Shire Council Enterprise Bargaining Certified Agreement 2012*, is terminated as from 12 June 2018.<sup>5</sup>
- [4] I make the following order:

1. **The *Burdekin Shire Council Enterprise Bargaining Certified Agreement 2012* is terminated.**

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<sup>1</sup> *Industrial Relations Act 2016* s 228(3).

<sup>2</sup> *Ibid* s 228(2).

<sup>3</sup> *Ibid* s 228(3)(b)(i).

<sup>4</sup> *Ibid* s 228(3)(b)(ii).

<sup>5</sup> *Ibid* s 228(4).