

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the termination of the Whitsunday Regional Council Certified Agreement 2011 [2018] QIRC 028*

PARTIES: Whitsunday Regional Council  
,  
and  
The Australian Workers' Union of Employees, Queensland  
Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland  
Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees Queensland Services, Industrial Union of Employees  
Plumbers & Gasfitters Employees' Union Queensland, Union of Employees  
Queensland Services, Industrial Union of Employees  
Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland  
The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees

CASE NO: CB/2018/13

PROCEEDING: Termination of agreement after nominal expiry date

DELIVERED ON: 07 March 2018

HEARING DATE: 06 March 2018

HEARD AT: Brisbane

MEMBER: Deputy President O'Connor

ORDER:

**1. The *Whitsunday Regional Council Certified Agreement 2011* 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:

Mr R. Beer of the Local Government Association of Queensland Ltd, for the Whitsunday Regional Council

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

Ms K. Fiedler for the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland

Mr N. Henderson for the Queensland Services, Industrial Union of Employees

### **Reasons for Decision**

- [1] The Whitsunday Regional Council has applied to terminate the *Whitsunday Regional Council Certified Agreement 2011*, 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 2014.
- [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 Whitsunday Regional 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

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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).

interest;<sup>4</sup> the *Whitsunday Regional Council Certified Agreement 2011* is terminated as from 6 March 2018.<sup>5</sup>

[4] I make the following order:

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

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

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