

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Quilpie Shire Council Certified Agreements 2012 and 2012-2015*
[2018] QIRC 059

PARTIES: Quilpie Shire Council
and
The Australian Workers' Union of Employees,
Queensland
Construction, Forestry, Mining & Energy,
Industrial Union of Employees, Queensland
Queensland Services, Industrial Union of
Employees

CASE NO: CB/2018/48

PROCEEDING: Termination of agreement after nominal expiry
date

DELIVERED ON: 11 May 2018

HEARING DATE: 11 May 2018

HEARD AT: Brisbane

MEMBER: Deputy President O'Connor

ORDER:

- 1. The *Quilpie Shire Council, Administration, Community Services, Environmental Services and Technical Stream, Certified Agreement 2012* is terminated.**
- 2. The *Quilpie Shire Council Certified Agreement 2012-2015* 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 N Sivakumar for The Australian Workers' Union of Employees, Queensland

Mr G Newman of the Local Government Association of Queensland Ltd, for the Quilpie Shire Council

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

Reasons for Decision

- [1] The Quilpie Shire Council has applied to terminate the *Quilpie Shire Council, Administration, Community Services, Environmental Services and Technical Stream, Certified Agreement 2012* and the *Quilpie Shire Council Certified Agreement 2012-2015*, it does so pursuant to s 228(1) of the *Industrial Relations Act 2016*.
- [2] Both certified agreements had a nominal expiry date of 11 November 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 Quilpe 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 determination is not contrary to the public interest;⁴ the *Quilpie Shire Council, Administration, Community Services, Environmental Services and Technical Stream, Certified Agreement 2012* and the *Quilpie Shire Council Certified Agreement 2012-2015*, is terminated as from 11 May 2018.⁵
- [4] I make the following order:

- 1. The *Quilpie Shire Council, Administration, Community Services, Environmental Services and Technical Stream, Certified Agreement 2012* is terminated.**
- 2. The *Quilpie Shire Council Certified Agreement 2012-2015* 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).