

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Southern Downs Regional Council Employee Enterprise Bargaining Certified Agreement 2011-2014*
[2018] QIRC 106

PARTIES: **Southern Downs Regional Council**

and

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

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

**Transport Workers' Union of Australia, Union
of Employees (Queensland Branch)**

CASE NO: CB/2018/101

PROCEEDING: Termination of an agreement

DELIVERED ON: 10 August 2018

HEARING DATE: 10 August 2018

MEMBER: Thompson IC

HEARD AT: Brisbane

ORDER: **1. *The Southern Downs Regional Council Employee Enterprise Bargaining Certified Agreement 2011-2014 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 S. Mitanis of the Local Government Association of Queensland for the Southern Downs Regional Council

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

Mr B. McCreadie for the Transport Workers' Union of Australia, Union of Employees (Queensland Branch)

Reasons for Decision

- [1] The Southern Downs Regional Council has applied to terminate the *Southern Downs Regional Council Employee Enterprise Bargaining Certified Agreement 2011-2014*, 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;¹ that the Commission is satisfied that the Southern Downs Regional 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 *Southern Downs Regional Council Employee Enterprise Bargaining Certified Agreement 2011-2014* is terminated as and from 10 August 2018.⁵
- [4] I make the following order:
1. **The *Southern Downs Regional Council Employee Enterprise Bargaining Certified Agreement 2011-2014* 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).