

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the North Burnett Regional Council Certified Agreement 2008 [2018] QIRC 111*

PARTIES: **North Burnett Regional Council**

and

The Australian Workers' Union of Employees, Queensland

Queensland Services, Industrial Union of Employees

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

CASE NO: CB/2018/103

PROCEEDING: Termination of an agreement

DELIVERED ON: 29 August 2018

HEARING DATE: 29 August 2018

MEMBER: Swan DP

HEARD AT: Brisbane

ORDER: **1. *The North Burnett Regional Council Certified Agreement 2008 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 J. Sharpe of Sharpe Workplace Solutions for the North Burnett Regional Council

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

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

Reasons for Decision

- [1] The North Burnett Regional Council has applied to terminate the *North Burnett Regional Council Certified Agreement 2008*, it does so pursuant to s 228(1) of the *Industrial Relations Act 2016*.
- [2] The certified agreement had a nominal expiry date of 24 September 2011.
- [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 North Burnett 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 *North Burnett Regional Council Certified Agreement 2008* is terminated as and from 29 August 2018.⁵
- [4] I make the following order:
- 1. The North Burnett Regional Council Certified Agreement 2008 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).