

## QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the McKinlay Shire Council – Certified Agreement 2012 – 2014 [2018] QIRC 121*

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

CASE NO: CB/2018/125

PROCEEDING: Termination of a certified agreement after  
nominal expiry date

DELIVERED ON: 20 September 2018

HEARING DATE: 20 September 2018

HEARD AT: Brisbane

MEMBER: Black IC

ORDER: **1. The McKinlay Shire Council – Certified  
Agreement 2012 – 2015 is terminated.**

CATCHWORDS: INDUSTRIAL LAW – Application for  
termination after nominal expiry date –  
Requirements for termination – Agreement  
terminated

LEGISLATION: *Industrial Relations Act 2016, s 228*

APPEARANCES: Ms N Todd for the McKinlay Shire Council  
Mr A Santelises for The Australian Workers'  
Union of Employees, Queensland  
Mr J Donaghy for Queensland Services,  
Industrial Union of Employees

### Reasons for Decision

- [1] The McKinlay Shire Council has applied to terminate the *McKinlay Shire Council – Certified Agreement 2012 – 2015*. It does so pursuant to s 228(1) of the *Industrial Relations Act 2016*.
- [2] The Agreement nominally expired on 30 June 2015 and the parties consent to its termination.
- [3] Having regard to the affidavit of John Kelly dated 20 August 2018 and 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; that the Commission is satisfied that the Council has given notice of its intention to apply to terminate the agreement; that the other parties to the agreement agree to it being terminated; and that the termination of the agreement is not contrary to the public interest; the *McKinlay Shire Council – Certified Agreement 2012 – 2015* is terminated as from 20 September 2018.
- [4] I make the following order:
  1. ***The McKinlay Shire Council – Certified Agreement 2012 – 2015 is terminated.***