

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Cook Shire Council Certified Agreement 2011* [2018] QIRC 145

PARTIES: **Cook Shire Council**

and

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

CASE NO: CB/2018/174

PROCEEDING: Termination of an agreement

DELIVERED ON: 4 December 2018

HEARING DATE: 30 November 2018

MEMBER: Thompson IC

HEARD AT: Brisbane

ORDER: **1. The *Cook Shire 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 G. Newman of Peak Services for the Cook Shire Council

Ms S. Young of The Australian Workers' Union of Employees, Queensland

Reasons for Decision

- [1] The Cook Shire Council has applied to terminate the *Cook Shire Council Certified Agreement 2011* (CA/2011/24), it does so pursuant to s 228(1) of the *Industrial Relations Act 2016*.
- [2] The certified agreement had a nominal expiry date of 19 July 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 Cook Shire Council have 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 *Cook Shire Council Certified Agreement 2011* is terminated as and from 30 November 2018.⁵
- [4] I make the following order:
- 1. The *Cook Shire Council Certified Agreement 2011* 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).