

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Balonne Shire Council Certified Agreement (State) 2013* [2018] QIRC 151

PARTIES: Balonne Shire Council
and
Australian Workers' Union of Employees, Queensland
and
Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland
and
Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees
and
Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

CASE NO: CB/2018/187

PROCEEDING: Termination of a certified agreement after nominal expiry date

DELIVERED ON: 17 December 2018

HEARING DATE: 17 December 2018

HEARD AT: Brisbane

MEMBER: Black IC

ORDER: **1. The *Balonne Shire Council Certified Agreement (State) 2013* 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:

Mr R Beer with Ms D Green for the Balonne Shire Council

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

Mr K Sherf for the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland and for the Plumbers and Gasfitters Employees' Union Queensland

Reasons for Decision

- [1] The Balonne Shire Council has applied to terminate the *Balonne Shire Council Certified Agreement (State) 2013*. 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 Michelle Clark dated 7 December 2018; the exclusion from the agreement of any provisions recording that any particular conditions need to be met before it may be terminated; the Commission's satisfaction that the Council has given notice of its intention to apply to terminate the agreement; the agreement of the other parties to the agreement to the termination of the agreement; and my view that the termination of the agreement is not contrary to the public interest; I have decided to terminate the *Balonne Shire Council Certified Agreement - (State) 2013* with effect from 17 December 2018.
- [4] I make the following order:
 - 1. ***The Balonne Shire Council Certified Agreement (State) 2013 is terminated.***