

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Townsville City Council (Field and Other Employees) Certified Agreement 2012 [2018] QIRC 032*

PARTIES: Townsville City Council

and

Australian Workers' Union of Employees, Queensland

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

The Electrical Trades Union of Employees Queensland

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

Plumbers & Gasfitters Employees Union Queensland, Union of Employees

CASE NO: CB/2018/3

PROCEEDING: Termination of an agreement

DELIVERED ON: 15 March 2018

HEARING DATE: 15 March 2018

HEARD AT: Brisbane

MEMBER: Deputy President O'Connor

ORDER: **1. The *Townsville City Council (Field and Other Employees) Certified Agreement 2012* 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. Coburn, for the Townsville City Council

Ms N. Sivakumar, for the Australian Workers' Union

Reasons for Decision

- [1] The Townsville City Council has applied to terminate the *Townsville City Council (Field and Other Employees) Certified Agreement 2012*, it does so pursuant to s 228(1) of the *Industrial Relations Act 2016*.
- [2] The certified agreement had a nominal expiry date of 1 April 2015.
- [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 Townsville City 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 determination is not contrary to the public interest;⁴ the *Townsville City Council (Field and Other Employees) Certified Agreement 2012* is terminated as from 15 March 2018.⁵
- [4] I make the following order:

- 1. The Townsville City Council (*Field and Other Employees*) Certified Agreement 2012 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).