

## QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Brisbane City Council Certified Agreement 2013 (EB8) [2018] QIRC 084*

PARTIES: Brisbane City Council

and

Australian Rail, Tram and Bus Industry Union of Employees, Queensland Branch

Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland

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

Plumbers & Gasfitters Employees' Union Queensland, Union of Employees

Queensland Services, Industrial Union of Employees

The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees

The Australian Workers' Union of Employees, Queensland

The Electrical Trades Union of Employees Queensland

Together Queensland, Industrial Union of Employees

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

United Voice, Industrial Union of Employees, Queensland

CASE NO: CB/2018/84

PROCEEDING: Termination of an agreement

DELIVERED ON: 2 July 2018

HEARING DATE: 2 July 2018

HEARD AT: Brisbane

MEMBER: Deputy President O'Connor

ORDER: **1. The *Brisbane City Council Certified Agreement 2013 (EB8)* 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 L Cruwys for the Brisbane City Council

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

Ms K Fiedler for the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland

Mr P Allen for the Transport Workers' Union of Australia, Union of Employees (Queensland Branch)

Mr S Ong for the United Voice, Industrial Union of Employees, Queensland

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

### **Reasons for Decision**

- [1] The Brisbane City Council has applied to terminate the *Brisbane City Council Certified Agreement 2013 (EB8)*, it does so pursuant to s 228(1) of the *Industrial Relations Act 2016*.

[2] The certified agreement had a nominal expiry date of 7 October 2016.

[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;<sup>1</sup> that the Commission is satisfied that the Brisbane City Council has given notice of its intention to apply to terminate the agreement;<sup>2</sup> that the other parties to the agreement agree to it being terminated;<sup>3</sup> and, that the termination of the agreement is not contrary to the public interest;<sup>4</sup> the *Brisbane City Council Certified Agreement 2013 (EB8)* is terminated as and from 2 July 2018.<sup>5</sup>

[4] I make the following order:

- 1. The *Brisbane City Council Certified Agreement 2013 (EB8)* is terminated.**

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<sup>1</sup> *Industrial Relations Act 2016* s 228(3).

<sup>2</sup> *Ibid* s 228(2).

<sup>3</sup> *Ibid* s 228(3)(b)(i).

<sup>4</sup> *Ibid* s 228(3)(b)(ii).

<sup>5</sup> *Ibid* s 228(4).