

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Winton Shire Council Enterprise Bargaining Agreement 2012 - CA/2012/545 [2020] QIRC 011*

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

CASE NO: CB/2019/133

PROCEEDING: Termination of agreement after nominal expiry date

DELIVERED ON: 28 January 2020

HEARING DATE: 28 January 2020

HEARD AT: Brisbane

MEMBER: Industrial Commissioner Thompson

ORDER: **1. The Winton Shire Council Enterprise Bargaining Certified Agreement 2012 - CA/2012/545 is terminated.**

CATCHWORDS: INDUSTRIAL LAW - APPLICATION TO TERMINATE CERTIFIED AGREEMENT - where application for termination of agreement after nominal expiry date - where requirements for termination.

LEGISLATION: *Industrial Relations Act 2016, s 228*

APPEARANCES: Ms S. Wishart, Murdoch Lawyers for the Winton Shire Council.
Mr S. Boman for the Queensland Services, Industrial Union of Employees.

Reasons for Decision

- [1] The Winton Shire Council has applied to terminate the *Winton Shire Council Enterprise Bargaining Certified Agreement 2012 - CA/2012/545*, pursuant to s 228(1) of the *Industrial Relations Act 2016*.
- [2] The certified agreement had a nominal expiry date of 9 November 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 Winton Shire 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 *Winton Shire Council Enterprise Bargaining Certified Agreement 2012 - CA/2012/545*, is terminated as from 28 January 2020.⁵
- [4] I make the following order:
1. **The *Winton Shire Council Enterprise Bargaining Certified Agreement 2012 - CA/2012/545* 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).