

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Gympie Regional Council Certified Agreement 2012 [2019] QIRC 052*

PARTIES: **Gympie Regional Council**

and

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

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

United Voice, Industrial Union of Employees, Queensland

Automotive, Metals, Engineering, Printing and Kindred Industries Industrial 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/2019/15

PROCEEDING: Termination of an agreement

DELIVERED ON: 26 March 2019

HEARING DATE: 25 March 2019

MEMBER: Pidgeon IC

HEARD AT: Brisbane

ORDER: **1. The *Gympie City Council 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 (Qld)*, s 228

APPEARANCES: Ms B. Howard and Ms K. Russell, for the Gympie Regional Council.

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

Reasons for Decision

- [1] The Gympie Regional Council has applied to terminate the *Gympie Regional Council Certified Agreement 2012*, it does so pursuant to s 228(1) of the *Industrial Relations Act 2016* (the Act).
- [2] The Agreement nominally expired on 28 February 2015 and the parties consent to its termination.
- [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 Gympie Regional 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 agreement is not contrary to the public interest;⁴ the *Gympie Regional Council Certified Agreement 2012* is terminated as from 25 March 2019.⁵

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)

[4] I make the following order:

1. **The *Gympie Regional Council Certified Agreement 2012* is terminated.**