

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the termination of the Tablelands Regional Council 2011 – 2014 – Certified Agreement [2019] QIRC 002*

PARTIES: Tablelands Regional Council

and

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

and

Australian Workers' Union of Employees, Queensland

and

Plumbers & Gasfitters Employees' Union Queensland, Union of Employees

and

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

and

Queensland Services, Industrial Union of Employees

and

Electrical Trades Union of Employees Queensland

and

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

and

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

CASE NO: CB/2019/1

PROCEEDING: Termination of a certified agreement after nominal expiry date

DELIVERED ON: 2 January 2019

HEARING DATE: 2 January 2019

HEARD AT: Brisbane

MEMBER: Black IC

ORDER: **1. The *Tablelands Regional Council 2011 – 2014 – Certified Agreement* 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: Ms S Wishart for the Tablelands Regional Council  
 Mr N Henderson for the Queensland Services, Industrial Union of Employees  
 Ms S Fogarty for the Plumbers & Gasfitters Employees' Union Queensland, Union of Employees and Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland  
 Ms S Young for the Australian Workers' Union of Employees, Queensland

### **Reasons for Decision**

- [1] The Tablelands Regional Council has applied to terminate the *Tablelands Regional Council 2011 – 2014 – Certified Agreement*. It does so pursuant to s 228(1) of the *Industrial Relations Act 2016*.
- [2] The Agreement nominally expired on 30 June 2014. The coverage of this Agreement was, in part, replaced by the *Mareeba Shire Council Certified Agreement 2014-2017* in a decision of the Commission given on 1 April 2015. It is the remaining areas of coverage of the 2011 – 2014 Tablelands Agreement that is now replaced by the *Tablelands Regional Council Certified Agreement 2018*. The effect of the operation of the replacement agreements is that the *Tablelands Regional Council 2011 – 2014 – Certified Agreement* no longer has any effect, and the relevant parties consent to its termination.
- [3] Having regard to the affidavit of Kelly Edwards dated 18 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 *Tablelands Regional Council 2011 – 2014 – Certified Agreement* with effect from 2 January 2019.

[4] I make the following order:

1. ***The Tablelands Regional Council 2011 – 2014 – Certified Agreement is terminated.***