

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the termination of the Cook Shire Council - Certified Agreement 2012 [2019] QIRC 066*

PARTIES: **Cook Shire Council**

v

**Queensland Services, Industrial Union of Employees**

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

CASE NO: CB/2019/20

PROCEEDING: Termination of an agreement

DELIVERED ON: 7 May 2019

HEARING DATE: 3 March 2019

MEMBER[S]: Pidgeon IC

HEARD AT: Brisbane

ORDER: **1. *The Cook Shire 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 S Woolf of LGAQ for the Applicant

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

Ms S Young for *Australian Workers' Union of  
Employees, Queensland* (interested party)

### **Reasons for Decision**

- [1] The Cook Shire Council has applied to terminate the *Cook Shire Council Certified Agreement 2012*. It does so pursuant to s 228(1) of the *Industrial Relations Act 2016*.
- [2] The Agreement nominally expired on 20 April 2015 upon the certification of the proposed *Cook Shire Council Indoor Certified Agreement 2018* and the parties consent to its termination.
- [3] On the basis that the agreement does not include any provisions recording that any particularly conditions need to be met before it may be terminated;<sup>1</sup> that the Commission is satisfied that the Cook Shire 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 *Cook Shire Council Certified Agreement 2012* is terminated as from 3 May 2019.
- [4] I make the following order: **The *Cook Shire Council Certified Agreement 2012* 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).