

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the termination of the Torres Shire Council Certified Agreement 2010* [2019] QIRC 130

PARTIES: **Torres Shire Council**

AND

**The Australian Workers Union of Employees,  
Queensland**

AND

**Queensland Services, Industrial Union of  
Employees**

CASE NO: CB/2019/70

PROCEEDING: Termination of an agreement

DELIVERED ON: 6 September 2019

HEARING DATE: 6 September 2019

MEMBER: Industrial Commissioner Hartigan

HEARD AT: Brisbane

ORDER: **1. *The Torres Shire Council Certified Agreement 2010 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 N. Todd for the Torres Shire Council

Mr A. Santelises for The Australian Workers Union of Employees, Queensland

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

### Reasons for Decision

- [1] The Torres Shire Council has applied to terminate the *Torres Shire Council Certified Agreement 2010*, pursuant to s 228(1) of the *Industrial Relations Act 2016*.
- [2] The certified agreement has a nominal expiry date of 16 December 2013.
- [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 Torres 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 *Torres Shire Council Certified Agreement 2010* is terminated as and from 6 September 2019.<sup>5</sup>
- [4] I make the following order:
- 1. The *Torres Shire Council Certified Agreement 2010* 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).