

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Western Downs Regional Council Nurses Certified Agreement 2011 [2021] QIRC 281*

PARTIES: **Western Downs Regional Council**

and

Queensland Nurses and Midwives Union

CASE NO: CB/2021/26

PROCEEDING: Termination of an agreement

DELIVERED ON: 16 August 2021

HEARING DATE: 16 August 2021

MEMBER: Pidgeon IC

HEARD AT: Brisbane

ORDER: **1. *The Western Downs Regional Council Nurses Certified Agreement 2011 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 E McGovern for the Western Downs Regional Council.

Ms C Trevascus for the Queensland Nurses and Midwives Union.

Reasons for Decision

- [1] The Western Downs Regional Council has applied to terminate the *Western Downs Regional Nurses Certified Agreement 2011*. It does so pursuant to s 228(1) of the *Industrial Relations Act 2016* ('the Act').
- [2] The certified agreement nominally expired on 12 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 Western Downs 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 *Western Downs Regional Council Nurses Certified Agreement 2011* is terminated as from 16 August 2021.⁵
- [4] I make the following order:

The *Western Downs Regional Council Nurses Certified Agreement 2011* 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)