

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Toowoomba Regional Council Number 2 Employees' Certified Agreement [2018] QIRC 130*

PARTIES: **Toowoomba Regional Council**

and

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

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

Plumbers & Gasfitters Employees' Union Queensland, Union of Employees

Queensland Nurses and Midwives' Union of Employees

The Australian Workers' Union of Employees, Queensland

The Electrical Trades Union of Employees Queensland

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

United Voice, Industrial Union of Employees, Queensland

CASE NO: CB/2018/143

PROCEEDING: Termination of an agreement

DELIVERED ON: 12 October 2018

HEARING DATE: 12 October 2018

MEMBER: Thompson IC

HEARD AT: Brisbane

ORDER: **1. The *Toowoomba Regional Council Number 2 Employees' Certified Agreement* 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, s 228

APPEARANCES: Ms S. Mitanis of the Local Government Association of Queensland for the Toowoomba Regional Council

Mr J. Harding for The Australian Workers' Union of Employees, Queensland

Mr B. McCreadie for the Transport Workers' Union of Australia, Union of Employees (Queensland Branch)

Reasons for Decision

- [1] The Toowoomba Regional Council has applied to terminate the *Toowoomba Regional Council Number 2 Employees' Certified Agreement* (CA/2011/343), it does so pursuant to s 228(1) of the *Industrial Relations Act* 2016.
- [2] The certified agreement had a nominal expiry date of 31 July 2014.
- [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 Toowoomba Regional Council have 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 *Toowoomba Regional Council Number 2 Employees' Certified Agreement* is terminated as and from 12 October 2018.⁵

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 *Toowoomba Regional Council Number 2 Employees' Certified Agreement* is terminated.**