

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Bundaberg Regional Council Certified Agreement 2011 [2018] QIRC 054*

PARTIES: Bundaberg Regional Council
and
The Australian Workers' Union of Employees, Queensland
Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland
Plumbers & Gasfitters Employees' Union Queensland, Union of Employees
Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland
Transport Workers' Union of Australia, Union of Employees (Queensland Branch)
The Electrical Trades Union of Employees Queensland
The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees
Queensland Services, Industrial Union of Employees

CASE NO: CB/2018/34

PROCEEDING: Termination of agreement after nominal expiry date

DELIVERED ON: 4 May 2018

HEARING DATE: 4 May 2018

HEARD AT: Brisbane

MEMBER: Deputy President O'Connor

ORDER:

1. The *Bundaberg Regional Council 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, s 228

APPEARANCES:

Ms N Sivakumar for The Australian Workers' Union of Employees, Queensland

Ms N Todd of the Local Government Association of Queensland Ltd, for the Bundaberg Regional Council

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

Ms K Fiedler for the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland and Plumbers & Gasfitters Employees' Union Queensland, Union of Employees

Reasons for Decision

- [1] The Bundaberg Regional Council has applied to terminate the *Bundaberg Regional Council Certified Agreement 2011*, it does so pursuant to s 228(1) of the *Industrial Relations Act* 2016.
- [2] The certified agreement had a nominal expiry date of 3 September 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 the Bundaberg 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 determination is not contrary to the public

¹ *Industrial Relations Act* 2016 s 228(3).

² *Ibid* s 228(2).

³ *Ibid* s 228(3)(b)(i).

interest;⁴ the *Bundaberg Regional Council Certified Agreement 2011* is terminated as from 4 May 2018.⁵

[4] I make the following order:

- 1. The *Bundaberg Regional Council Certified Agreement 2011* is terminated.**

⁴ Ibid s 228(3)(b)(ii).

⁵ Ibid s 228(4).