

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the termination of the Barcaldine Regional Council (BRC) Certified Agreement 2011 [2018] QIRC 134*

PARTIES: Barcaldine Regional Council

and

Australian Workers' Union of Employees, Queensland

and

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

and

Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees

and

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

and

Queensland Services, Industrial Union of Employees

and

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

CASE NO: CB/2018/168

PROCEEDING: Termination of a certified agreement after nominal expiry date

DELIVERED ON: 8 November 2018

HEARING DATE: 7 November 2018

HEARD AT: Brisbane

MEMBER: Black IC

- ORDER: **1. The *Barcaldine Regional Council (BRC) Certified Agreement 2011* is terminated.**
- CATCHWORDS: INDUSTRIAL LAW – Application for termination after nominal expiry date – Requirements for termination – Agreement terminated
- LEGISLATION: *Industrial Relations Act 2016*, s 228
- APPEARANCES: Mr Kenneth Hunt for the Barcaldine Regional Council  
Ms Michelle Robertson for the Queensland Services, Industrial Union of Employees

### Reasons for Decision

- [1] The Barcaldine Regional Council has applied to terminate the *Barcaldine Regional Council (BRC) Certified Agreement 2011*. It does so pursuant to s 228(1) of the *Industrial Relations Act 2016*.
- [2] The Agreement nominally expired on 1 September 2014 and the parties consent to its termination.
- [3] Having regard to the affidavit of Steven Kevin Boxall dated 31 October 2018; the exclusion from the agreement of any provisions recording that any particular conditions need to be met before it may be terminated; the Commission's satisfaction that the Council has given notice of its intention to apply to terminate the agreement; the agreement of other parties to the agreement to the termination of the agreement; and my view that the termination of the agreement is not contrary to the public interest; I have decided to terminate the *Barcaldine Regional Council (BRC) Certified Agreement 2011* with effect from 7 November 2018.
- [4] I make the following order:
1. ***The Barcaldine Regional Council (BRC) Certified Agreement 2011 is terminated.***