

If the agreement you have filed for approval is replacing an earlier enterprise agreement (s), then you will need to terminate the agreement (s) in accordance with section 44 of the Industrial Relations Act 1996, which requires that:

- (1) An enterprise agreement can be terminated only in accordance with this section.
- (2) An enterprise agreement can be terminated at any time with the approval of all the parties to it, whether during or after its nominal term.
- (3) An enterprise agreement can also be terminated at or after the end of its nominal term by any one of the parties giving at least 3 months' written notice of intention to terminate to each other party. The notice may be served before the end of the nominal term.
- (4) In the case of an enterprise agreement in which the employees are a party, the proposed termination of the agreement by the employees must be approved in a secret ballot by not less than 65% of the employees covered by the agreement at the time the ballot is conducted.
- (5) Termination of the enterprise agreement is not effective until the Industrial Registrar has been given written notice of the approval to terminate or of service of the notice of intention to terminate.

Attached is a sample of a termination letter for your information. In order to facilitate the registration of the proposed agreement the earlier enterprise agreement needs to be terminated in accordance with the abovementioned section.

## UNION AGREEMENT

### **NOTICE OF TERMINATION OF AN ENTERPRISE AGREEMENT BY APPROVAL OF THE PARTIES PURSUANT TO SECTION 44(2) OF THE INDUSTRIAL RELATIONS ACT 1996.**

Notice is hereby given by the parties of their approval for the termination of the (TITLE OF AGREEMENT & EA REFERENCE) which was approved on (DATE OF AGREEMENT).

The agreement has been succeeded by a new enterprise agreement which was approved by (JUDGE OR COMMISSIONER NAME) on (DATE OF APPROVAL) in matter no. (IRC .....)

Signed by the parties

- 1      Company
  
  
  
  
  
  
  
  
  
  
2.      Industrial Organisation of Employees
  
  
  
  
  
  
  
  
  
  
3.      Industrial Organisation of Employees

## NON UNION AGREEMENT

### NOTICE OF TERMINATION OF AN ENTERPRISE AGREEMENT BY APPROVAL OF THE PARTIES PURSUANT TO SECTIONS 44(2) & 44(4) OF THE INDUSTRIAL RELATIONS ACT 1996.

Notice is hereby given by the parties of their approval for the termination of the (TITLE OF AGREEMENT & EA REFERENCE) which was approved on (DATE OF AGREEMENT). This was approved in a secret ballot by (GIVE % OF BALLOT RESULT) employees covered by the agreement. (PROVIDE INFORMATION ON SECRET BALLOT)

The agreement has been succeeded by a new enterprise agreement which was approved by (JUDGE OR COMMISSIONER NAME) on (DATE OF APPROVAL) in matter no. (IRC.....)

Signed by the parties

1 . Company

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2. Employees

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