

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the termination of the North Burnett Regional Council Certified Agreement 2018 [2023] QIRC 330*

PARTIES: **North Burnett Regional Council**

AND

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

**Queensland Services, Industrial Union of Employees**

**The Australian Workers' Union of Employees, Queensland**

CASE NO: CB/2023/122

PROCEEDING: Termination of an agreement

DELIVERED ON: 20 November 2023

HEARING DATE: 20 November 2023

MEMBER: Dwyer IC

HEARD AT: Brisbane

ORDER: ***The North Burnett Regional Council Certified Agreement 2018 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: Mr C. Lowe of Local Government Association  
Queensland for North Burnett Regional  
Council

Mr P. Dunbar for the Construction, Forestry,  
Mining & Energy, Industrial Union of  
Employees, Queensland

Mr J. Donaghy for the Queensland Services,  
Industrial Union of Employees

Mr B. McCreadie for The Australian Workers'  
Union of Employees, Queensland

### **Reasons for Decision**

- [1] On 25 October 2023, the North Burnett Regional Council ('the Council') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the IR Act'), to terminate the *North Burnett Regional Council Certified Agreement 2018* ('the certified agreement') ('the application').
- [2] The certified agreement has a nominal expiry date of 29 August 2021.
- [3] The application was filed in the Industrial Registry, together with an affidavit in support of Ms Margot Stork, Chief Executive Officer of the Council, and a Form 50 – Notice of intention to terminate a certified agreement or arbitration determination.
- [4] After considering all of the material relied upon in support of the application, the Commission is satisfied that:
- (a) the certified agreement does not include any provisions recording that any particular conditions need to be met before it may be terminated;<sup>1</sup>
  - (b) the Council has given notice of its intention to apply to terminate the certified agreement;<sup>2</sup>
  - (c) all parties to the certified agreement agree to it being terminated;<sup>3</sup> and

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<sup>1</sup> *Industrial Relations Act 2016* (Qld) s 228(3).

<sup>2</sup> *Ibid* s 228(2).

<sup>3</sup> *Ibid* s 228(3)(b)(i).

(d) the termination of the certified agreement is not contrary to the public interest.<sup>4</sup>

[5] The Commission has also had regard to an application to certify the *North Burnett Regional Council Certified Agreement 2023*.<sup>5</sup>

[6] Section 228(4) of the IR Act provides that termination takes effect when the Commission's approval takes effect. The Commission approves the termination of the certified agreement with effect from 20 November 2023.

**Order**

[7] The Commission makes the following order:

***The North Burnett Regional Council Certified Agreement 2018 is terminated.***

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<sup>4</sup> Ibid s 228 (3)(b)(ii).

<sup>5</sup> Matter CB/2023/123 filed 25 October 2023.