

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the termination of the Boulia Shire Council Certified Agreement 2019 [2024]*  
QIRC 180

PARTIES: **Boulia Shire Council**

AND

**Queensland Services, Industrial Union of Employees**

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

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

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

CASE NO: CB/2024/43

PROCEEDING: Termination of an agreement

DELIVERED ON: 26 July 2024

HEARING DATE: 26 July 2024

MEMBER: Pratt IC

HEARD AT: Brisbane

ORDER: ***The Boulia Shire Council Certified Agreement 2019 is terminated.***

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – AGREEMENTS –

application for termination of agreement  
after nominal expiry date – requirements for  
termination

LEGISLATION: *Industrial Relations Act 2016 (Qld) s 189, s  
228*

APPEARANCES: Ms S Mitanis of HR Law for Boulia Shire  
Council

Mr J Hall for Queensland Services, Industrial  
Union of Employees

Mr T Stephens for The Australian Workers'  
Union of Employees, Queensland

Mr E Dalgleish for Construction, Forestry,  
Mining & Energy, Industrial Union of  
Employees, Queensland

### **Reasons for Decision**

[1] On 4 July 2024, Boulia Shire Council ('the Applicant') applied to terminate the *Boulia Shire Council Certified Agreement 2019* ('the Agreement') pursuant to section 228(2) of the *Industrial Relations Act 2016 (Qld)* ('the IR Act').

[2] The Agreement has a nominal expiry date of 30 June 2023.

[3] Section 228(3) of the IR Act says:

(3) The commission must approve the termination if, and must refuse to approve the termination unless, satisfied subsection (2) has been complied with and—

(a) for an agreement or determination that provides that it may be terminated if particular conditions are met—the conditions have been met; or

(b) for an agreement or determination that does not provide for the way it may be terminated—

(i) the other parties to the agreement or determination agree to it being terminated;  
and

(ii) termination of the agreement or determination is not contrary to the public interest.

- [4] I have had regard to:
- a. the submissions made by the parties who appeared at the hearing on 26 July 2024 supporting the termination of the Agreement;
  - b. correspondence in support of the termination of the Agreement from the union parties who were excused from appearing at the 26 July 2024 hearing; and
  - c. the affidavit of Ms Lynn Moore, Chief Executive Officer of the Applicant filed 4 July 2024.
- [5] The Agreement does not provide that particular conditions need to be met before it may be terminated.
- [6] I am satisfied that the Applicant has given requisite notice of its intention to apply to terminate the Agreement.
- [7] On 4 July 2024, the Applicant made an application to certify the *Boulia Shire Council Certified Agreement 2024-2027* pursuant to section 189 of the IR Act.
- [8] The Applicant and the following employee organisations have agreed to the terms of the *Boulia Shire Council Certified Agreement 2024-2027* that will replace the Agreement:
- a. Queensland Services, Industrial Union of Employees;
  - b. The Australian Workers' Union of Employees, Queensland;
  - c. Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland; and
  - d. Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland
- [9] I am satisfied that:
- a. all parties to the Agreement agree to it being terminated; and
  - b. the termination of the Agreement is not contrary to the public interest.
- [10] Section 228(4) of the IR Act says that termination takes effect when the Commission's approval take effects.

[11] I approve the termination of the *Boulia Shire Council Certified Agreement 2019* from 26 July 2024.

[12] I make the following order:

**Order**

**The *Boulia Shire Council Certified Agreement 2019* is terminated.**