

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Burdekin Shire Council Certified Agreement 2021 [2025] QIRC 012*

PARTIES: **Burdekin Shire Council**

AND

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

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

Plumbers & Gasfitters Employees' Union of Queensland, Union of Employees

Queensland Services, Industrial Union of Employees

The Australian Workers' Union of Employees, Queensland

CASE NO.: CB/2024/101

PROCEEDING: Termination of an agreement

DELIVERED ON: 20 January 2025

HEARING DATE: 20 January 2025

MEMBER: Hartigan DP

HEARD AT: Brisbane

ORDER: ***The Burdekin Shire Council Certified Agreement 2021 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 from the Local Government Association of Queensland for Burdekin Shire Council

Ms C. Sait for Queensland Services, Industrial Union of Employees

Mr G. Taylor for the Australian Workers' Union of Employees, Queensland

Mr E. Dagleish for the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

Reasons for Decision

- [1] On 20 December 2024, Burdekin Shire Council ('Council') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the IR Act'), to terminate the *Burdekin Shire Council Certified Agreement 2021* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 30 June 2024.
- [3] The application was filed in the Industrial Registry, together with an affidavit in support of Mr Matthew Magin, Chief Executive Officer Burdekin Shire Council and a Notice of intention to terminate a certified agreement.
- [4] Having regard to the material relied upon in support of the application, I am satisfied that:
- (a) the certified agreement does not include any provisions recording that any particular conditions need be met before it may be terminated;¹
 - (b) the Council has given notice of its intention to apply to terminate the certified agreement;²

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

² *Ibid* s 228(2).

(c) all parties to the certified agreement agree to it being terminated;³ and

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

[5] I have also had regard to an application having been made by the Council and Automotive Metals, Engineering, printing & Kindred Industries Industrial Union of Employees Queensland; Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland; Plumbers and Gasfitters Employees' Union of Queensland, Union of Employees; Queensland Services, Industrial Union of Employees; and the Australian Workers' Union of Employees, Queensland to certify the *Burdekin Shire Council Certified Agreement 2024*.⁵

[6] Section 228(4) of the IR Act provides that termination takes effect when the Commission's approval takes effect. I approve the termination of the certified agreement with effect from 20 January 2025.

[7] I make the following order:

The Burdekin Shire Council Certified Agreement 2021 is terminated.

³ Ibid s 228(3)(b)(i).

⁴ Ibid s 228(3)(b)(ii).

⁵ *In the making of the Burdekin Shire Council Certified Agreement 2024* [2025] QIRC 013.