

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Balonne Shire Council Certified Agreement 2021 [2025] QIRC 019*

PARTIES: **Balonne Shire Council**

AND

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

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

**Queensland Services, Industrial Union of
Employees**

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

CASE NO.: CB/2024/103

PROCEEDING: Termination of an agreement

DELIVERED ON: 24 January 2025

HEARING DATE: 24 January 2025

HEARD AT: Brisbane

MEMBER: Power IC

ORDER: ***The Balonne Shire Council Certified Agreement 2021 is terminated.***

CATCHWORDS: INDUSTRIAL LAW – QUEENSLAND – AGREEMENTS – application for termination of agreement after nominal expiry date – requirements for termination – agreement terminated.

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

APPEARANCES: Mr P. Spoto for the Balonne Shire Council.

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

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

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

Reasons for Decision

- [1] On 20 December 2024, the Balonne Shire Council ('the Applicant') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the Act'), to terminate the *Balonne Shire Council Certified Agreement 2021* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 31 August 2024.
- [3] Section 228 of the Act provides:

228 Termination after nominal expiry date

- (1) After the nominal expiry date of a certified agreement or arbitration determination, the following persons may apply to the commission to terminate the agreement or determination—
 - (a) the employer;
 - (b) a valid majority of the relevant employees;
 - (c) an employee organisation to which the agreement or determination applies and that has at least 1 member who is a relevant employee.
 - (2) The person who intends to apply to terminate the agreement or determination must give all other persons to whom the agreement or determination applies notice of the intention.
 - (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) The termination takes effect when the commission's approval takes effect.
- [4] I have had regard to:
- (a) the submissions made by the parties who appeared today; and
 - (b) the affidavit of Mr Graeme Kanofski, Interim Chief Executive Officer of the Applicant.
- [5] The certified 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 the requisite notice of its intention to apply to terminate the certified agreement.
- [7] On 20 December 2024, the Applicant made an application, pursuant to s 189 of the Act, to certify the *Balonne Shire Council Certified Agreement 2024*.
- [8] The Applicant and the following employee organisations have agreed to the terms of the *Balonne Shire Council Certified Agreement 2024* which will replace the certified agreement:
- (a) Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
 - (b) Queensland Services, Industrial Union of Employees;
 - (c) The Australian Workers' Union of Employees, Queensland; and
 - (d) Plumbers & Gasfitters Employees' Union Queensland, Union of Employees.
- [9] I am satisfied that:
- (a) all parties to the certified agreement agree to it being terminated; and
 - (b) the termination of the certified agreement is not contrary to the public interest.
- [10] Section 228(4) of the Act provides that termination takes effect when the Commission's approval takes effect.
- [11] I approve the termination of the *Balonne Shire Council Certified Agreement 2021* with effect from 24 January 2025.

Order

- [12] I make the following order:

- 1. The *Balonne Shire Council Certified Agreement 2021* is terminated.**