

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

CITATION: *In the termination of McKinlay Shire Council  
Certified Agreement 2022-2024 [2025] QIRC  
009*

PARTIES: **McKinlay Shire Council**  
Applicant

v

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

&

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

&

**Queensland Services, Industrial Union of  
Employees**  
Third Respondent

CASE NO: CB/2024/86

PROCEEDING: Application to terminate an agreement

DELIVERED ON: 17 January 2025

HEARING DATE: 17 January 2025

MEMBER: Pratt IC

HEARD AT: Brisbane

ORDER: **1. *The McKinlay Shire Council Certified  
Agreement 2022-2024 is terminated.***

CATCHWORDS:	INDUSTRIAL LAW – COLLECTIVE BARGAINING – AGREEMENTS – application for termination of agreement – requirements for termination – agreement terminated.
LEGISLATION:	<i>Industrial Relations Act 2016</i> (Qld) s 189, s 228
APPEARANCES:	Mr P Spoto of the Local Government Association of Queensland appearing on behalf of McKinlay Shire Council  Mr G Taylor appearing on behalf of the Australian Workers' Union of Employees, Queensland  Mr E Dalglish appearing on behalf of Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland  Ms C Sait appearing on behalf of the Queensland Services, Industrial Union of Employees

### Reasons for Decision

- [1] On 2 December 2024, McKinlay Shire Council ('the Applicant') applied to terminate the *McKinlay Shire Council Certified Agreement 2022-2024* ('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 3 June 2024.
- [3] Section 228(3) of the IR Act provides:
- (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 the submissions made by the parties who appeared at the hearing on 17 January 2025 supporting the termination of the Agreement, and the affidavit of Trevor Williams, the Chief Executive Officer of the Applicant, filed on 2 December 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 the requisite notice of its intention to apply to terminate the Agreement.
- [7] On 2 December 2024, the Applicant made an application to certify the *McKinlay Shire Council Certified Agreement 2024-2027* pursuant to section 189 of the IR Act, which will replace the Agreement if certified and if the Agreement is terminated.
- [8] The Applicant and the following employee organisations have agreed to the terms of the *McKinlay Shire Council Certified Agreement 2024-2027* that will replace the Agreement:
  - (a) The Australian Workers' Union of Employees, Queensland;
  - (b) Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland; and
  - (c) Queensland Services, Industrial Union of Employees.
- [9] I am satisfied that all parties to the Agreement agree to it being terminated and that the termination of the Agreement is not contrary to the public interest.
- [10] Section 228(4) of the IR Act provides that the termination takes effect when the Commission's approval takes effect.
- [11] I approve the termination of the Agreement from 17 January 2025.
- [12] I make the following order:

### **Order**

- 1. The *McKinlay Shire Council Certified Agreement 2022-2024* is terminated.**