

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Blackall-Tambo Regional Council Enterprise Bargaining Agreement 2021-2024 [2024] QIRC 303*

PARTIES: **Blackall Tambo Regional Council**

AND

The Australian Workers' Union of Employees, Queensland

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

Queensland Services, Industrial Union of Employees

CASE NO.: CB/2024/92

PROCEEDING: Application for termination of an agreement

DELIVERED ON: 24 December 2024

HEARING DATE: 24 December 2024

MEMBER: Merrell DP

HEARD AT: Brisbane

ORDER: ***The Blackall-Tambo Regional Council Enterprise Bargaining Agreement 2021-2024 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*, s 189 and s 228

APPEARANCES: Ms S. Mitanis of HR Law for the Blackall Tambo Regional Council.

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

Mr. N Henderson for the Queensland Services,
Industrial Union of Employees.

Reasons for Decision

- [1] On 10 December 2024, the Blackall Tambo Regional Council ('the Applicant') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* ('the Act'), to terminate the *Blackall-Tambo Regional Council Enterprise Bargaining Agreement 2021-2024* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 30 June 2024.
- [3] Section 228(3) of the 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 today; and
 - the affidavit of Mr Mike Lollback, 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 10 December 2024, the Applicant made an application, pursuant to s 189 of the Act, to certify the *Blackall-Tambo Regional Council Certified Agreement 2024-2028*.
- [8] The Applicant and the following employee organisations have agreed to the terms of the *Blackall-Tambo Regional Council Certified Agreement 2024-2028* which will replace the certified agreement:
- The Australian Workers' Union of Employees, Queensland;

- Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland; and
- Queensland Services, Industrial Union of Employees.

[9] I am satisfied that:

- all parties to the certified agreement agree to it being terminated; and
- 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 *Blackall-Tambo Regional Council Enterprise Bargaining Agreement 2021-2024* with effect from 24 December 2024.

[12] I make the following order:

The Blackall-Tambo Regional Council Enterprise Bargaining Agreement 2021-2024 is terminated.