

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Barcoo Shire Council
Local Government Operational Employees'
Certified Agreement 2018 - 2021 [2021] QIRC
409*

PARTIES: **Barcoo Shire Council**

AND

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

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

CASE NO: CB/2021/53

PROCEEDING: Termination of an agreement

DELIVERED ON: 1 December 2021

HEARING DATE: 1 December 2021

MEMBER: Dwyer IC

HEARD AT: Brisbane

ORDER: **1. The *Barcoo Shire Council Local
Government Operational Employees'
Certified Agreement 2018 - 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 189, 228

APPEARANCES: Mr K Hunt and Mr P Hockings for Barcoo Shire Council

Mr D Marr for Australian Workers' Union of Employees, Queensland

Reasons for Decision

- [1] On 21 October 2021, Barcoo Shire Council ('the Applicant') applied, pursuant to s 228(2) of the *Industrial Relations Act 2016* (Qld) ('the Act'), to terminate the *Barcoo Shire Council Local Government Operational Employees' Certified Agreement 2018 – 2021* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 30 June 2021.
- [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 Paul Hockings, Chief Executive Officer of Barcoo Shire Council, filed on 1 July 2021.
- [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 21 October 2021, the Applicant made an application, pursuant to s 189 of the Act, to certify the *Barcoo Shire Council Local Government Operational Employees' Certified Agreement 2021 – 2024*.
- [8] The Applicant and the following employee organisations have agreed to the terms of the *Barcoo Shire Council Local Government Operational Employees' Certified Agreement 2021 – 2024* which will replace the certified agreement:
- Australian Workers' Union of Employees, Queensland; and
 - The Construction, Forestry, Maritime, Mining & Energy, Industrial Union of Employees, Queensland.
- [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 *Barcoo Shire Council Local Government Operational Employees' Certified Agreement 2018 – 2021* with effect from 1 December 2021.
- [12] I make the following order:
1. **The *Barcoo Shire Council Local Government Operational Employees' Certified Agreement 2018 – 2021* is terminated.**