

## QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Burke Shire Council Certified Agreement 2017* [2022] QIRC 337

PARTIES: **Burke Shire Council**

AND

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

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

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

**Queensland Services, Industrial Union of  
Employees**

CASE NO: CB/2022/65

PROCEEDING: Termination of an agreement

DELIVERED ON: 29 August 2022

HEARING DATE: 29 August 2022

MEMBER: McLennan IC

HEARD AT: Brisbane

ORDER: **1. The *Burke Shire Council Certified Agreement 2017* 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 D McKinlay and Ms C Nelson for Burke Shire Council

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

Mr J Maguire for Queensland Services, Industrial  
Union of Employees

### Reasons for Decision

- [1] On 5 August 2022, the Burke Shire Council ('the Council') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the Act'), to terminate the *Burke Shire Council Certified Agreement 2017* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 29 January 2022.
- [3] The application was filed in the Industrial Registry together with affidavits in support of Mr Daniel McKinlay, Chief Executive Officer of the 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:
- the certified agreement does not include any provisions recording that any particular conditions need be met before it may be terminated;<sup>1</sup>
  - the Council has given notice of its intention to apply to terminate the certified agreement;<sup>2</sup>
  - all parties to the certified agreement agree to it being terminated;<sup>3</sup> and
  - the termination of the certified agreement is not contrary to the public interest.<sup>4</sup>
- [5] Section 228(4) of the Act provides that termination takes effect when the Commission's approval takes effect.
- [6] In this matter, an application was made to certify the *Burke Shire Council Certified Agreement 2022*.<sup>5</sup>
- [7] Accordingly, I approve the termination of the certified agreement with effect from 29 August 2022.
- [8] I make the following order:
- 1. The *Burke Shire Council Certified Agreement 2017* is terminated.**

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<sup>1</sup> *Industrial Relations Act 2016* (Qld) s 228(3).

<sup>2</sup> *Ibid* s 228(2).

<sup>3</sup> *Ibid* s 228(3)(b)(i).

<sup>4</sup> *Ibid* s 228(3)(b)(ii).

<sup>5</sup> Filed in the Industrial Registry on 5 August 2022.