

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of Bulloo Shire Council Operational Employees Certified Agreement 2018 [2022] QIRC 082*

PARTIES: **Bulloo Shire Council**

AND

**Construction, Forestry, Mining and Energy,
Industrial Union of Employees (CFMEU)
Queensland & Northern Territory Branch**

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

CASE NO: CB/2022/21

PROCEEDING: Application for termination of an Agreement

DELIVERED ON: 14 March 2022

HEARING DATE: 14 March 2022

MEMBER: Knight IC

HEARD AT: Brisbane

ORDERS: ***The Bulloo Shire Council Operational Employees Certified Agreement 2018 is terminated.***

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

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

APPEARANCES: Ms S Mitanis of MBA Lawyers for the Bulloo Shire Council

Mr P Dunbar of the Construction, Forestry, Mining and Energy, Industrial Union of Employees (CFMEU) Queensland & Northern Territory Branch

Mr G Taylor of the Australian Workers' Union

Reasons for Decision

- [1] On 24 February 2022, the Bulloo Shire Council ('the Council') applied to terminate the *Bulloo Shire Council Operational Employees Certified Agreement 2018* ('the agreement') pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the IR Act').
- [2] The agreement has a nominal expiry date of 30 June 2021.
- [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] In making my decision I have had regard to s 228(3), the submissions made by the parties who appeared at the hearing today and the affidavit of Mr Amer Tawfik, Chief Executive Officer of the Council, filed on 24 February 2022.
- [5] The agreement does not provide that particular conditions need to be met before it may be terminated.
- [6] On 24 February 2022, the Council notified the other parties to the agreement of its intention to terminate the agreement. Those parties are:
 - The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ('CFMEUQ'); and
 - The Australian Workers' Union of Employees, Queensland ('AWU').
- [7] I am satisfied the Council has provided the requisite notice of its intention to apply to terminate the agreement.
- [8] The CFMEUQ and AWU appeared today and consented to the present application. No other person appeared or sought to make submissions. I am satisfied that all parties to the agreement agree to it being terminated, and the termination of the agreement is not contrary to the public interest.

- [9] On 24 February 2022, the Council made an application under s 189 of the IR Act to certify the *Bulloo Shire Council Operational Employees Certified Agreement 2021*.¹
- [10] The Council and the employee organisations listed at [6] above have agreed to the terms of the *Bulloo Shire Council Operational Employees Certified Agreement 2021* which will replace the agreement.
- [11] Section 228(4) of the IR Act provides that termination takes effect when the Commission's approval takes effect.
- [12] I approve the termination of the *Bulloo Shire Council Operational Employees Certified Agreement 2018* with effect from today's date, being 14 March 2022.
- [13] I make the following order:

The *Bulloo Shire Council Operational Employees Certified Agreement 2018* is terminated.

¹ *In the making of the Bulloo Shire Council Operational Employees Certified Agreement 2021* [2022] QIRC 083.