

# QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Bulloo Shire Council Officers Certified Agreement 2018* [2022] QIRC 103

PARTIES: **Bulloo Shire Council**

AND

**Queensland Services, Industrial Union of Employees**

CASE NO: CB/2022/23

PROCEEDING: Termination of an agreement

DELIVERED ON: 24 March 2022

HEARING DATE 24 March 2022

MEMBER: Hartigan IC

HEARD AT: Brisbane

ORDER: ***The Bulloo Shire Council Officers Certified Agreement 2018 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: Ms S. Mitanis of MBA Lawyers for the Bulloo Shire Council

Ms S. Wilson for the Queensland Services, Industrial Union of Employees

### Reasons for Decision

- [1] On 24 February 2022, the Bulloo Shire Council ('the Council'), applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the IR Act'), to terminate the *Bulloo Shire Council Officers Certified Agreement 2018* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 30 June 2021.
- [3] The application was filed in the Industrial Registry, together with an affidavit in support of Mr Amer Tawfik, 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:
- (a) the certified agreement does not include any provisions recording that any particular conditions need be met before it may be terminated;<sup>1</sup>
  - (b) the Council has given notice of its intention to apply to terminate the certified agreement;<sup>2</sup>
  - (c) all parties to the certified agreement agree to it being terminated;<sup>3</sup> and
  - (d) the termination of the certified agreement is not contrary to the public interest.<sup>4</sup>
- [5] I have also had regard to an application having been made by the Council and the Queensland Services, Industrial Union of Employees to certify the *Bulloo Shire Council Officers Certified Agreement 2021*.<sup>5</sup>
- [6] Section 228(4) of the IR Act provides that termination takes effect when the Commission's approval takes effect. I approve the termination of the certified agreement with effect from 24 March 2022.
- [7] I make the following order:

**The *Bulloo Shire Council Officers Certified Agreement 2018* 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> Matter CB/2022/24 filed on 24 February 2022.