

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Barcoo Shire Council
Local Government Operational Employees'
Certified Agreement 2021-2024 [2025] QIRC
083*

PARTIES: **Barcoo Shire Council**

AND

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

AND

**Queensland Services, Industrial Union of
Employees**

AND

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

CASE NO: CB/2025/11

PROCEEDING: Termination of an agreement

DELIVERED ON: 24 March 2025

HEARING DATE: 24 March 2025

MEMBER: O'Neill IC

HEARD AT: Brisbane

ORDER: **1. The Barcoo Shire Council Local
Government Operational Employees'
Certified Agreement 2021 - 2024 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: C. Lowe for the Local Government Association of Queensland on behalf of Barcoo Shire Council

D. Knight for Queensland Services, Industrial Union of Employees

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

Reasons for Decision

[1] On 4 March 2025, the Barcoo Shire Council ('the Applicant') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* ('the Act'), to terminate the *Barcoo Shire Council Local Government Operational Employees' Certified 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 Edwina Marks, Chief Executive Officer, filed on 4 March 2025.

[5] On 21 March 2025, the Industrial Registry received correspondence from the Construction, Forestry, Mining & Energy Industrial Union of Employees, Queensland ('CFMEU') advising that the CFMEU were unable to attend the hearing in person however that they were in support of the termination of the certified agreement.

[6] The certified agreement does not provide that particular conditions need to be met before it may be terminated.

[7] I am satisfied that the Applicant has given the requisite notice of its intention to apply to terminate the certified agreement.

[8] On 4 March 2025, the Applicant made an application, pursuant to s 189 of the Act, to certify the *Barcoo Shire Council Certified Agreement 2024*.

[9] The Applicant and the following employee organisations have agreed to the terms of the *Barcoo Shire Council Certified Agreement 2024* which will replace the certified agreement:

- The Australian Workers' Union of Employees, Queensland
- Queensland Services, Industrial Union of Employees
- Construction, Forestry, Mining & Energy Industrial Union of Employees, Queensland

[10] 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.

[11] Section 228(4) of the Act provides that termination takes effect when the Commission's approval takes effect.

[12] I approve the termination of the *Barcoo Shire Council Local Government Operational Employees' Certified Agreement 2021-2024* with the effect from 24 March 2025.

[13] I make the following order:

The Barcoo Shire Council Local Government Operational Employees' Certified Agreement 2021-2024 is terminated.