

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Livingstone Shire Council Operational Certified Agreement 2021 [2026] QIRC 085*

PARTIES: **Livingstone Shire Council**

AND

Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland

The Australian Workers' Union of Employees, Queensland

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

The Electrical Trades Union of Employees Queensland

Plumbers & Gasfitters Employees' Union Queensland, Union of Employees

Transport Workers' Union of Australia, Union of Employees (Queensland Branch)

CASE NO.: CB/2026/13

PROCEEDING: Application for termination of an agreement

DELIVERED ON: 25 March 2026

HEARING DATE: 25 March 2026

MEMBER: O'Neill IC

HEARD AT: Brisbane

ORDER: ***The Livingstone Shire Council Operational Certified Agreement 2021 is terminated.***

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

LEGISLATION: *Industrial Relations Act 2016*, s 189 and s 228

APPEARANCES: Ms A. Farmer of the Local Government Association of Queensland for the Livingstone Shire Council.

Mr T. Stephens for The Australian Workers' Union of Employees, Queensland.

Ms E. Eaves for Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

Reasons for Decision

- [1] On 12 March 2026, the Livingstone Shire Council ('the Applicant') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* ('the Act'), to terminate the *Livingstone Shire Council Operational Certified Agreement 2021* ('the certified agreement').
- [2] The certified agreement had a nominal expiry date of 30 September 2025.
- [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 Alastair Dawson, Interim Chief Executive Officer of the Applicant.
- [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 12 March 2026, the Applicant made an application, pursuant to s 189 of the Act, to certify the *Livingstone Shire Council Certified Agreement 2025*.

[8] The Applicant and the following employee organisations have agreed to the terms of the *Livingstone Shire Council Certified Agreement 2025* which will replace the certified agreement:

- The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees;
- Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland;
- The Australian Workers' Union of Employees, Queensland;
- Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
- The Electrical Trades Union of Employees Queensland;
- Plumbers and Gasfitters Employees' Union of Queensland, Union of Employees;
- Queensland Services, Industrial Union of Employees; and
- Transport Workers' Union of Australia, Union of Employees.

[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 *Livingstone Shire Council Operational Certified Agreement 2021* with effect from 25 March 2026.

[12] I make the following order:

The *Livingstone Shire Council Operational Certified Agreement 2021* is terminated.