

# QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Livingstone Shire Council Officers Certified Agreement 2021 [2026] QIRC 086*

PARTIES: **Livingstone Shire Council**

AND

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

**The Association of Professional Engineers, Scientists and Managers Australia, Queensland Branch, Union of Employees**

**The Electrical Trades Union of Employees Queensland**

**Queensland Services, Industrial Union of Employees**

CASE NO.: CB/2026/14

PROCEEDING: 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 Officers 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 (Qld), ss 189 and 228*

APPEARANCES:

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

Mr J. Donaghy for Queensland Services, Industrial Union of Employees.

### 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* (Qld) ('the Act'), to terminate the *Livingstone Shire Council Officers Certified Agreement 2021* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 30 September 2025.
- [3] Section 228 of the Act provides:

#### 228 Termination after nominal expiry date

- (1) After the nominal expiry date of a certified agreement or arbitration determination, the following persons may apply to the commission to terminate the agreement or determination—
  - (a) the employer;
  - (b) a valid majority of the relevant employees;
  - (c) an employee organisation to which the agreement or determination applies and that has at least 1 member who is a relevant employee.
- (2) The person who intends to apply to terminate the agreement or determination must give all other persons to whom the agreement or determination applies notice of the intention.
- (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) The termination takes effect when the commission's approval takes effect.

[4] I have had regard to:

- the submissions made by the parties who appeared today; and
- the affidavit of Mr Alistar 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 Officers Certified Agreement 2021* with effect from 25 March 2026.

[12] I make the following order:

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