

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Toowoomba Regional Council Office Based Staff Certified Agreement 2018 (No.3) [2022] QIRC 228*

PARTIES: **Toowoomba Regional Council**

AND

Queensland Services, Industrial Union of Employees

The Australian Workers' Union of Employees, Queensland

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

CASE NO: CB/2022/42

PROCEEDING: Termination of an agreement

DELIVERED ON: 17 June 2022

HEARING DATE: 17 June 2022

MEMBER: Pidgeon IC

HEARD AT: Brisbane

ORDER: ***The Toowoomba Regional Council Office Based Staff Certified Agreement 2018 (No.3) 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, s 228

APPEARANCES:

Ms M Martin of the Local Government Association of Queensland for the Toowoomba Regional Council

Mr D Murphy for the Queensland Services, Industrial Union of Employees

Mr D Marr for The Australian Workers' Union of Employees, Queensland

Ms A Jack for The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees

Reasons for Decision

- [1] The Toowoomba Regional Council has applied to terminate the *Toowoomba Regional Council Office Based Staff Certified Agreement 2018 (No.3)*. It does so pursuant to s 228(1) of the *Industrial Relations Act 2016*.
- [2] The Agreement nominally expired on 4 July 2021 and the parties consent to its termination.
- [3] On the basis that the agreement does not include any provisions recording that any particularly conditions need to be met before it may be terminated;¹ that the Commission is satisfied that the Toowoomba Regional Council has given notice of its intention to apply to terminate the agreement;² that the other parties to the agreement agree to it being terminated;³ and, that the termination of the agreement is not contrary to the public interest;⁴ the *Toowoomba Regional Council Office Based Staff Certified Agreement 2018 (No.3)* is terminated as from 17 June 2022.⁵
- [4] I make the following order: **The *Toowoomba Regional Council Office Based Staff Certified Agreement 2018 (No.3)* is terminated.**

¹ *Industrial Relations Act 2016* s 228(3).

² *Ibid* s 228(2).

³ *Ibid* s 228(3)(b)(i).

⁴ *Ibid* s 228(3)(b)(ii).

⁵ *Ibid* s 228(4)