

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Toowoomba Regional Council Field Based Staff Certified Agreement 2018 (No.3) [2022] QIRC 230*

PARTIES: **Toowoomba Regional Council**

AND

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

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

The Australian Workers' Union of Employees, Queensland

**The Electrical Trades Union of Employees
Queensland**

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

**United Voice, Industrial Union of employees,
Queensland**

CASE NO: CB/2022/44

PROCEEDING: Termination of an agreement

DELIVERED ON: 17 June 2022

HEARING DATE: 17 June 2022

MEMBER: Pidgeon IC

HEARD AT: Brisbane

ORDER:

1. The *Toowoomba Regional Council Field 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

Ms A Jack for the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland

Mr P Dunbar for the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland
Plumbers & Gasfitters Employees' Union Queensland, Union of Employees

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

Mr D Peverill for United Voice, Industrial Union of employees, Queensland

Reasons for Decision

- [1] The Toowoomba Regional Council has applied to terminate the ***Toowoomba Regional Council Field 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 Field 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 Field 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)