

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Toowoomba Regional Council Office Based Staff Certified Agreement 2022 (No.4) [2025] QIRC 161*

PARTIES: **Toowoomba Regional Council**
Applicant

AND

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

Queensland Services, Industrial Union of Employees
Second Respondent

The Australian Workers' Union of Employees, Queensland
Third Respondent

CASE NO: CB/2025/36

PROCEEDING: Termination of an agreement

DELIVERED ON: 25 June 2025

HEARING DATE: 25 June 2025

MEMBER: O'Neill IC

HEARD AT: Brisbane

ORDER: **1. The Toowoomba Regional Council Office Based Staff Certified Agreement 2022 (No.4) 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:

Ms A Farmer of the Local Government Association of Queensland, appearing on behalf of Toowoomba Regional Council.

Ms T Holt appearing for Toowoomba Regional Council.

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

Mr D Skelton, appearing for Queensland Services, Industrial Union of Employees

Reasons for Decision

- [1] On 9 June 2025, the Toowoomba Regional Council ('the Applicant') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* ('the Act'), to terminate the *Toowoomba Regional Council Office Based Staff Certified Agreement 2022 (No.4)* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 19 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] By email correspondence dated 24 June 2025, a representative from The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch. Union

of Employees advised that they would be unable to attend the hearing of the application however confirmed that they consent to the application for termination of current agreement upon the certification of the proposed *Toowoomba Regional Council Office Based Staff Certified Agreement 2024 (No.5)*.

[5] I have had regard to:

- The submissions made by the parties who appeared today; and
- The affidavit of Mr Owen Heather, Program Leader Employee Relations, filed on 9 June 2025.

[6] The 2022 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 9 June 2025, the Applicant made an application, pursuant to s 189 of the Act, to certify *Toowoomba Regional Council Office Based Staff Certified Agreement 2024 (No.5)*.

[9] The Applicant and the following employee organisations have agreed to the terms of the *Toowoomba Regional Council Office Based Staff Certified Agreement 2024 (No.5)* which will replace the certified agreement:

- The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees
- Queensland Services, Industrial Union of Employees
- The Australian Workers' 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 *Toowoomba Regional Council Office Based Staff Certified Agreement 2022 (No.4)* with the effect from 25 June 2025.

[13] I make the following order:

The *Toowoomba Regional Council Office Based Staff Certified Agreement 2022 (No.4)* is terminated.