

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Torres Strait Island Regional Council Certified Agreement 2021*
[2025] QIRC 252

PARTIES: **Torres Strait Island Regional Council**

AND

Queensland Services, Industrial Union of Employees

AND

The Australian Workers' Union of Employees, Queensland

CASE NO: CB/2025/101

PROCEEDING: Application for approval to terminate certified Agreement after nominal expiry date

DELIVERED ON: 19 September 2025

HEARING DATE: 19 September 2025

HEARD AT: Brisbane

MEMBER: McLennan IC

ORDER: ***The Torres Strait Island Regional Council Certified Agreement 2021 is terminated.***

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – application for termination after nominal expiry date – requirements for termination – determination terminated

LEGISLATION: *Industrial Relations Act 2016* (Qld) ss 189, 228

APPEARANCES:

Mr A. King and Mr F. McGrath of Miller Harris
Lawyers for the Torres Strait Island Regional
Council

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

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

Reasons for Decision

- [1] On 29 August 2025, the Torres Strait Island Regional Council ('the Council') applied to terminate the *Torres Strait Island Regional Council Certified Agreement 2021* ('the Agreement') pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the IR Act').
- [2] The Agreement has a nominal expiry date of 2 September 2024.
- [3] Section 228(3) of the IR 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] In making my decision I have had regard to s 228(3), the submissions made by the parties who appeared at the hearing today and the affidavit of Ms Susanne Andres, Executive Director of Corporate Services of the Council.
- [5] The Agreement does not provide that particular conditions need to be met before it may be terminated.
- [6] On or about 28 August 2025, the Council notified the other parties to the Agreement of its intention to terminate the Agreement. Those parties are:
- Queensland Services, Industrial Union of Employees
 - The Australian Workers' Union of Employees, Queensland

- [7] I am satisfied that the Council has provided the requisite notice of its intention to apply to terminate the Agreement.
- [8] Along with the Council, the Queensland Services, Industrial Union of Employees and The Australian Workers' Union of Employees, Queensland appeared today and consented to the present application. No other person appeared or sought to make submissions.
- [9] Having regard to the materials before me, I am satisfied that all parties to the Agreement agree to it being terminated, and the termination of the Agreement is not contrary to the public interest.
- [10] On 29 August 2025, the Council made an application under s 189 of the IR Act to certify the *Torres Strait Island Regional Council Certified Agreement 2024*.
- [11] The Council and the employee organisations listed below have agreed to the terms of the *Torres Strait Island Regional Council Certified Agreement 2024* which will replace the Agreement:
- Queensland Services, Industrial Union of Employees
 - The Australian Workers' Union of Employees, Queensland
- [12] Section 228(4) of the IR Act provides that termination takes effect when the Commission's approval takes effect.
- [13] I approve the termination of the Agreement with effect from 19 September 2025.
- [14] I make the following order:

The *Torres Strait Island Regional Council Certified Agreement 2021* is terminated.