

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Noosa Council Certified Agreement 2021 [2025] QIRC 284*

PARTIES: **Noosa Shire Council**

AND

**The Australian Workers' Union of Employees,
Queensland**

**Queensland Services, Industrial Union of
Employees**

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

**United Workers Union, Industrial Union of
Employees, Queensland**

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

**Plumbers & Gasfitters Employees' Union
Queensland, Union of Employees**

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

**The Electrical Trades Union of Employees
Queensland**

CASE NO: CB/2025/121

PROCEEDING: Termination of an agreement

DELIVERED ON: 24 October 2025

HEARING DATE: 24 October 2025

MEMBER: Caddie IC

HEARD AT: Brisbane

ORDER: **The Noosa Council Certified Agreement 2021 is terminated.**

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

LEGISLATION AND INSTRUMENTS *Industrial Relations Act 2016* (Qld) s 189, s 228

APPEARANCES: Mr C. Lowe, Local Government Association of Queensland for Noosa Shire Council.

Mr G. Taylor for The Australian Workers' Union of Employees, Queensland.

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

Mr E. Dalgleish for the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland.

Reasons for Decision

- [1] On 10 October 2025, Noosa Shire Council ('the Council') applied, pursuant to s 228(1) of the *Industrial Relations Act 2016* (Qld) ('the Act') to terminate the *Noosa Council Certified Agreement 2021* ('the Agreement').
- [2] The Agreement has a nominal expiry date of 26 February 2025.
- [3] Section 228 of the Act provides that relevant persons may apply to the Queensland Industrial Relations Commission ('the Commission') to terminate an agreement once the nominal expiry date of a certified agreement has passed.
- [4] Section 228(3) of the Act goes on to specify that:
 - (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 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.

[5] In reaching my decision, I have had regard to:

- the submissions made by the parties who appeared at the hearing today;
- the fact that all parties who sought and were granted leave not to attend the hearing support the termination of the Agreement;¹ and
- the affidavit of Larry Sengstock, Chief Executive Officer of Noosa Council, filed 10 October 2025.

[6] The Agreement does not provide that particular conditions need to be met before it may be terminated.

[7] I am satisfied the Applicant has given the requisite notice of its intention to apply to terminate the Agreement.

[8] On 10 October 2025, the Council applied under s 189 of the Act to certify the *Noosa Council Certified Agreement 2025*.

[9] All parties have agreed to the terms of the *Noosa Council Certified Agreement 2025*, which will replace the Agreement.

[10] I am satisfied that:

- all parties to the Agreement agree to the termination of the Agreement; and

¹ Correspondence dated 14 October from Mr Richard Olsen, Branch Secretary of TWU, confirmed consent to the applications for termination and certification of a new agreement and advised they were unable to attend the hearing. Correspondence dated 16 October 2025 from Mr Luke Barden, State Government and Fixed Industry Coordinator for PGEU, advised that as they had not been an active participant in bargaining, they sought leave not to attend the hearing and confirmed they did not anticipate objecting to the new agreement. Correspondence dated 15 October from Mr Alec Nash, Lead Industrial Officer, UWU, advised that UWU was unable to attend the hearing and confirmed support for the applications to terminate and certify. Correspondence dated 21 October 2025 from Mr Peter Ong, State Secretary of ETU, confirmed that ETU did not intend to sign the agreement, but supported its certification and wished to be a party. They further advised of their consent to the termination of the previous agreement and sought leave not to appear at hearing. Parties were excused from attendance at hearing by way of correspondence from my Chambers dated 20 and 23 October 2025 respectively. Mr Sean Kelly for APESMAQ by email correspondence of 24 October 2025 indicated that APESMAQ sought leave not to attend the hearing and confirmed consent to the applications for termination and certification.

- the termination of the Agreement is not contrary to the public interest.

- [11] Section 228(4) of the Act provides that the termination of the Agreement takes effect when the Commission's approval takes effect.
- [12] I approve the termination of the *Noosa Council Certified Agreement 2021* with effect from 24 October 2025.
- [13] I order accordingly.

Order

The *Noosa Council Certified Agreement 2021* is terminated.