

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Somerset Regional Council – Field Staff Certified Agreement 2023*
[2026] QIRC 309

PARTIES: **Somerset Regional Council**

AND

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

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

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

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

CASE NO: CB/2026/81

PROCEEDING: Termination of an agreement

DELIVERED ON: 29 September 2026

HEARING DATE: 29 September 2026

HEARD AT: Brisbane

MEMBER: Dwyer IC

ORDER: ***The Somerset Regional Council – Field Staff
Certified Agreement 2023 is terminated.***

CATCHWORDS: INDUSTRIAL LAW – QUEENSLAND –
AGREEMENTS – Application for termination of
agreement after nominal expiry date –
Requirements for termination – Agreement
terminated.

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

APPEARANCES: Ms A Farmer of the Local Government
Association of Queensland (LGAQ) and Ms B
March for Somerset Regional Council

Reasons for Decision

- [1] On 8 September 2026, the Somerset Regional Council ('the Applicant') applied, pursuant to s 228(1) of the *Industrial Relations Act* 2016 (Qld) ('the IR Act'), to terminate the *Somerset Regional Council – Field Staff Certified Agreement 2023* ('the certified agreement').
- [2] The certified agreement has a nominal expiry date of 30 June 2026.
- [3] Section 228 of the Act provides:

228 Termination after nominal expiry date

- (1) After the nominal expiry date of a certified agreement or arbitration determination, the following persons may apply to the commission to terminate the agreement or determination—
 - (a) the employer;
 - (b) a valid majority of the relevant employees;
 - (c) an employee organisation to which the agreement or determination applies and that has at least 1 member who is a relevant employee.
- (2) The person who intends to apply to terminate the agreement or determination must give all other persons to whom the agreement or determination applies notice of the intention.
- (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) The termination takes effect when the commission's approval takes effect.

- [4] I have had regard to:
 - (a) the submissions made by the parties who appeared today; and
 - (b) the affidavit of Mr Andrew Johnson, Chief Executive Officer for the Applicant.
- [5] The certified agreement does not provide that particular conditions need to be met before it may be terminated.

- [6] I am satisfied that the Applicant has given the requisite notice of its intention to apply to terminate the certified agreement.
- [7] On 8 September 2026, the Applicant made an application, pursuant to s 189 of the Act, to certify the *Somerset Regional Council – Field Staff Certified Agreement 2026*.
- [8] The Applicant and the following employee organisations have agreed to the terms of the *Somerset Regional Council – Field Staff Certified Agreement 2026* which will replace the certified agreement:
- (a) The Australian Workers' Union of Employees, Queensland
- [9] I am satisfied that:
- (a) all parties to the certified agreement agree to it being terminated; and
 - (b) the termination of the certified agreement is not contrary to the public interest.
- [10] Section 228(4) of the Act provides that termination takes effect when the Commission's approval takes effect.
- [11] I approve the termination of the *Somerset Regional Council – Field Staff Certified Agreement 2023* with effect from 29 September 2026.

Order

- [12] I make the following order:
- 1. The *Somerset Regional Council – Field Staff Certified Agreement 2023* is terminated.**