

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Toowoomba Regional Council Field Based Staff Certified Agreement 2022 (No. 4) [2025] QIRC 037*

PARTIES: **Toowoomba Regional Council**
Applicant

v

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

Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland
Second Respondent

Plumbers & Gasfitters Employees' Union Queensland, Union of Employees
Third Respondent

The Electrical Trades Union of Employees Queensland
Fourth Respondent

The Australian Workers' Union of Employees, Queensland
Fifth Respondent

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

United Workers' Union, Industrial Union of Employees, Queensland
Seventh Respondent

CASE NO: CB/2024/105

PROCEEDING: Application to terminate an agreement

DELIVERED ON: 7 February 2025

HEARING DATE: 30 January 2025

MEMBER: Pratt IC

HEARD AT: Brisbane

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

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – AGREEMENTS – application for termination of agreement – requirements for termination – agreement terminated.

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

APPEARANCES: Mr P Spoto of the Local Government Association of Queensland, appearing on behalf of Toowoomba Regional Council.

Mr E Dalglish, appearing for the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

Mr G Taylor, appearing for the Australian Workers' Union of Employees, Queensland

Ms S Gill, appearing for the United Workers' Union, Industrial Union of Employees, Queensland

Reasons for Decision

[1] On 20 December 2025, Toowoomba Regional Council ('the Applicant') applied to terminate the *Toowoomba Regional Council Field Based Staff Certified Agreement 2022*

(No. 4) ('the Agreement') pursuant to section 228(2) of the Industrial Relations Act 2016 (Qld) ('the IR Act').

- [2] The Agreement has a nominal expiry date of 19 June 2024.
- [3] The named parties to the agreement are the Applicant and the following employee organisations:
- a. Toowoomba Regional Council;
 - b. Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland;
 - c. Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;
 - d. Plumbers & Gasfitters Employees' Union Queensland, Union of Employees;
 - e. The Electrical Trades Union of Employees Queensland;
 - f. The Australian Workers' Union of Employees, Queensland;
 - g. Transport Workers' Union of Australia, Union of Employees (Queensland Branch); and
 - h. United Workers' Union, Industrial Union of Employees, Queensland
- [4] 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.
- [5] I have had regard to the submissions made by the parties who appeared at the hearing on 30 January 2025 supporting the termination of the Agreement, correspondence in support of the termination of the Agreement from the employee organisations who were excused

from appearing at that hearing,¹ and the affidavit of Nick Hauser, the acting chief executive officer of the Applicant, filed on 20 December 2024.

- [6] The 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 Agreement.
- [8] On 20 December 2024, the Applicant made an application to certify the *Toowoomba Regional Council Field Based Staff Certified Agreement 2024 (No. 5)* pursuant to section 189 of the IR Act.
- [9] The Applicant and the same employee organisations in support of terminating the Agreement have agreed to the terms of the *Toowoomba Regional Council Field Based Staff Certified Agreement 2024 (No. 5)* that will replace the Agreement.
- [10] I am satisfied that all parties to the Agreement agree to it being terminated, and that the termination of the Agreement is not contrary to the public interest.
- [11] Section 228(4) of the IR Act provides that the termination takes effect when the Commission's approval takes effect.
- [12] I approve the termination of the Agreement from 30 January 2025.
- [13] I make the following order:

Order

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

¹ The employee organisations who were excused were the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland, the Plumbers & Gasfitters Employees' Union Queensland, Union of Employees, the Electrical Trades Union of Employees Queensland, and the Transport Workers' Union of Australia, Union of Employees (Queensland Branch).