

29 November 2024

Director
Competition Exemptions
Australian Competition and Consumer Commission

By Email: exemptions@acc.gov.au

Dear Madam,

RE: RN10000456 – Notification of collective bargaining - Toowoomba City Community Airport Inc.

1. We write to you on behalf of FK Gardner & Sons Pty Ltd (**FKG**).
2. Thank you for the opportunity to provide a submission to the Commission on collective bargaining notification RN10000456 (**Notification**).

Background

3. FKG is a leaseholder at the Toowoomba City Aerodrome (**Aerodrome**).
4. FKG owns a hangar situated on its leased area at the Aerodrome and operates an aircraft from the Aerodrome.
5. FKG is a family-owned business that provides integrated construction, civil, development and support services for a wide range of sectors, with offices throughout Queensland, New South Wales and the Northern Territory.
6. The nature of FKG's business operations relies substantially on its lease at the Aerodrome for a range of purposes, including the ability to transport personnel to and from sites throughout Australia from the Aerodrome.
7. The Aerodrome is leased by a diverse range of businesses that service the Toowoomba Region and surrounding western Queensland communities, including pilot training, aircraft maintenance, and critical emergency services such as LifeFlight, Royal Flying Doctor Service, QLD Police and the QLD Fire Department.
8. Existing and prospective leaseholders have experienced considerable difficulties in negotiating new and renewal of leases at the Aerodrome with its owner, Toowoomba Regional Council (**Council**) and as a result are experiencing unnecessary uncertainty of tenure, and as an extension uncertainty of their business longevity at the Aerodrome.

Submissions

9. FKG supports the Notification and considers that the Notification will result in a range of benefits to FKG's business, the businesses of its fellow leaseholders at the Aerodrome and to the Toowoomba Region, surrounding western Queensland communities and beyond.

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Business benefits

10. The Notification will allow FKG, its fellow leaseholders and prospective leaseholders to:
- collectively engage in meaningful negotiations with Council to secure fairer lease terms, including security of tenure and appropriate rentals; and
 - preserve legal costs in these negotiations with Council.

Community Benefits

11. The Notification will benefit the wider Toowoomba Region, surrounding western Queensland communities and beyond by:
- ensuring the businesses that lease at the Aerodrome may continue operating at the Aerodrome into the future, and therefore remain viable for business owners to continue their business operations;
 - ensuring prospective businesses that wish to operate from the Aerodrome can secure a lease at the Aerodrome, thereby supporting the potential to provide new businesses and services to the Toowoomba Region and surrounding communities; and
 - ensuring the continued business operations of existing leaseholders and the introduction of new businesses as leaseholders at the Aerodrome, thereby maintaining and increasing local employment.

Competition concerns

12. The Notification is unlikely to have any detrimental effect on competition:
- in circumstances where the collective negotiations will be voluntary. The leaseholders of the Aerodrome will continue to be able to negotiate directly with Council if they prefer; and
 - due to the diverse nature of the businesses leasing at the Aerodrome.

Conclusion

13. For the avoidance of any doubt, FKG considers the Notification will have a significant benefit to businesses and community interests in the Toowoomba Region and beyond.
14. FKG supports the Commission approving the Notification.
15. Thank you, again for providing the opportunity to provide a submission.

Yours faithfully,



Gary Gardner
Director of FK Gardner & Sons Pty Ltd

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