

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the termination of the Queensland Health Building, Engineering & Maintenance Services Certified Agreement (No. 5) 2011 [2017] QIRC 045*

PARTIES: Director-General, Queensland Health

and

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

and

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

and

The Electrical Trades Union of Employees Queensland

and

Plumbers & Gasfitters Employees' Union Queensland, Union of Employees

CASE NO: CB/2017/9

PROCEEDING: Termination of certified agreement after nominal expiry date

DELIVERED ON: 25 May 2017

HEARING DATE: 19 May 2017

HEARD AT: Brisbane

MEMBER: Deputy President Bloomfield

ORDER: **The Application to terminate the *Queensland Health Building, Engineering & Maintenance Services Certified Agreement (No. 5) 2011* is granted.**

CATCHWORDS: Industrial Law – Application for termination after nominal expiry date – Requirements for termination.

CASES: *Industrial Relations Act 2016*, s 228.

APPEARANCES: Mr E. Lynch for the State of Queensland (Queensland Health).

Ms S. Fogarty for the Plumbers & Gasfitters Employees' Union Queensland, Union of Employees.

Decision

- [1] An Application to terminate the *Queensland Health Building, Engineering & Maintenance Services Certified Agreement (No. 5) 2011* (the Agreement) has been made to the Commission by the Director-General, Queensland Health pursuant to s 228(1)(a) of the *Industrial Relations Act 2016* (the Act).
- [2] The other parties to the Agreement, which nominally expired on 31 August 2014, consent to the Application for termination being granted.
- [3] On the basis that the Agreement does not include provisions recording that any particular conditions need to be met before it may be terminated (see s 228(3)(a) of the Act) and that the Commission is satisfied:
- The Director-General has given notice of his intention to apply to terminate the Agreement in accordance with s 228(2); and
 - that the other parties to the Agreement agree to it being terminated (see s 228(3)(b)(i)); and
 - that the termination of the Agreement is not contrary to the public interest (see s 228(3)(b)(ii)),
- the *Queensland Health Building, Engineering & Maintenance Services Certified Agreement (No. 5) 2011* is terminated as from 19 May 2017, the date on which the Commission approved the Application to terminate the Agreement (see s 228(4)).
- [4] I decide accordingly.